

TRUST AND PEACEBUILDING IN THE SOUTH CAUCASUS

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TOGETHER FOR TRUST IN THE SOUTH CAUCSUS

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FOREWORD

THIS BOOK PRESENTS ARTICLES ON THE BACKGROUND OF THE CONFLICTS IN SOUTH CAUCASUS. THE ARTICLES DO NOT AIM TO GIVE COMPREHENSIVE ACCOUNTS OF THE HISTORY OF THE REGION. RATHER THEY FOCUS ON THE MAIN CAUSES OF CONFLICT AND HOW TO OVERCOME THEM.

MUCH TIME WILL MOST LIKELY PASS BEFORE CONSENSUS WILL BE REACHED ON HOW TO EVALUATE THE BACKGROUND AND UNFOLDING OF THE CONFLICTS. THE PURPOSE OF THIS BOOK IS COMPLETELY DIFFERENT. IT PROVIDES RESOURCES FOR DIALOGUE AND COOPERATION. IT IS ENVISIONED TO CONTRIBUTE TO STARTING A NEW PHASE IN THE HISTORY OF SOUTH CAUCASUS: THE REBUILDING OF TRUST.

THE ARTICLES ARE THE SOLE RESPONSIBILITY OF THEIR AUTHORS. THE ORGANIZATIONS BEHIND THE PUBLICATION MIGHT PARTLY OR NOT AT ALL SHARE THEIR POSITIONS. MOREOVER, THE AUTHORS HAVE DIFFERENT VIEWS ABOUT FACTS, USE DIFFERENT TERMINOLOGY AND THEY DO NOT ALWAYS AGREE ON HOW TO EVALUATE THE FACTS.

REGARDLESS OF THESE CONTROVERSIES, THE PUBLICATION IS UNIQUE IN ITS COLLECTION OF DIFFERENT OPINIONS OF AUTHORS FROM THE SOUTH CAUCASUS COUNTRIES AND OTHER REGIONS. AT THE SAME TIME, THE AUTHORS HAVE A COMMON GOAL – TO RESTORE TRUST BETWEEN THE PEOPLES IN THE REGION AND TO PROMOTE RECONCILIATION AND PEACEBUILDING.

THE COALITION FOR REBUILDING TRUST WAS ESTABLISHED IN THE SOUTH CAUCASUS IN 2015 AND UNIFIES CIVIL SOCIETY ORGANIZATIONS FROM THREE UN MEMBER STATES – ARMENIA, AZERBAIJAN AND GEORGIA – AS WELL AS THE NON-RECOGNIZED STATELETS ABKHAZIA, SOUTH OSSETIA AND NAGORNO-KARABAKH.

THE BOOK CONTAINS VERY INTERESTING MATERIAL ON TRUST-BUILDING PROCESSES AFTER BLOODY CONFLICTS IN DIFFERENT COUNTRIES. THE HOPE IS THAT VARIOUS MECHANISMS OF TRANSITIONAL JUSTICE, PUBLIC DIALOGUE AND OTHER PEACEBUILDING MEASURES COULD HELP OVERCOME THE HERITAGE OF THE CONFLICTS IN THE SOUTH CAUCASUS.

OF COURSE DIALOGUE FIRST OF ALL MEANS TO LISTEN TO THE OTHER SIDE. VERY OFTEN OPINIONS OF THE OTHER SIDE ARE OR SEEM UNACCEPTABLE TO US. HOWEVER, EVEN IF WE DO NOT AGREE ON FACTS OR WAYS FORWARD IT IS NECESSARY TO CONTINUE THE DIALOGUE TO REACH CROSS POINTS AND DEFINE COMMON INTERESTS. THESE MAY BECOME THE BUILDING BRICKS OF TRUST AND FUTURE COOPERATION.

THE PARTNER ORGANIZATIONS FROM THE SOUTH CAUCASUS COUNTRIES TAKING PART IN THE COALITION FOR TRUST HAVE MANY COMMON GOALS AND VALUES. AMONG THEM IS PROMOTION OF HUMAN RIGHTS AND PEACE. THE READER OF THE BOOK WILL NOT ENCOUNTER HATE SPEECH OR STEREOTYPES ABOUT ENEMIES IN THE ARTICLES. THE READER WILL RATHER LEARN MORE ABOUT PEACEKEEPING AND PEACE PROMOTING INITIATIVES, WHICH THE ORGANIZATIONS PLAN TO OFFER EACH OTHER OR HAVE ALREADY OFFERED.

THE BOOK WAS PUBLISHED IN THE CONTEXT OF THE PROJECT COALITION FOR REBUILDING TRUST IMPLEMENTED BY THE NORWEGIAN HELSINKI COMMITTEE TOGETHER WITH ITS LOCAL PARTNER NON-GOVERNMENTAL ORGANIZATIONS IN SOUTH CAUCASUS.

THE EUROPEAN COMMISSION AND THE NORWEGIAN MINISTRY OF FOREIGN AFFAIRS SUPPORTED THE PROJECT OF ESTABLISHING THE COALITION THROUGHOUT THE PERIOD 2012-2015.

CHAPTER I

TRUST AND TRANSITIONAL JUSTICE

TRUST AND TRANSITIONAL JUSTICE
By Clara Sandoval

TRUST
By Enver Djuliman

THE DISSOLUTION OF YUGOSLAVIA: ROOTS OF THE CONFLICT
By Sonja Biserko

**IMAGINED SOCIETIES OR „YOU CAN GET KILLED FOR YOUR
ETHNICITY”**
By Rahman Badalov

TRUST AND TRANSITIONAL JUSTICE

BY CLARA SANDOVAL

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INTRODUCTION AND BACKGROUND

Armed conflicts and repressive regimes constitute a potential threat to the international community since they have spill-over effects, such as massive atrocities, migration of people, the expansion of terrorism, arms production and proliferation, drugs proliferation, organised crime, environmental damage, poverty, and lack of development, all of which have widespread effect. This threat makes it imperative to help states in such situations to undergo important political and social change so that they can build systems where the rule of law, democracy, and human rights protection can flourish. The achievement of these aims can also help to protect international peace and security. In such contexts, peacebuilding measures are necessary to achieve a lasting transformation, to avoid a relapse into conflict and repression. Without peacebuilding measures, states tend to relapse into conflict within five years of the signing of a peace agreement (Collier and Hoeffer, 2004). Peacebuilding encompasses peacekeeping - maintaining or enforcing peace, transitional justice, and other measures to prevent conflict and to provide security, stability, and prosperity (High-Level Panel on Threats, Challenges and Change, 2004).

KEY ISSUES AND PROBLEM AREAS

- Defining transitional justice

The term transitional justice was coined in 1995, as a result of the publication of *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, edited by Kritz. Today, almost two decades later, the concept of transitional justice has influenced the legal, social and political discourse of societies undergoing fundamental social change, and that of the international community. The key assumption in such periods of change is that any state where mass atrocities have taken place should engage in processes (judicial and non-judicial) that will achieve justice for past crimes, peace, a democratic society and an established rule of law. This assumption underpins the United Nations (UN) working definition of transitional justice. For the UN, transitional justice refers to „the full set of processes and mechanisms associated

with a society's attempts to come to terms with a legacy of large-scale past abuse, in order to secure accountability, serve justice and achieve reconciliation" (Annan, 2004, p. 4).

This definition, all-encompassing as it seems, leaves important issues unresolved, such as the relationship between international law and transitional justice; whether countries that move from authoritarian regimes towards democracy, but where gross human rights violations did not take place, should also engage with transitional justice processes; whether a transition can only take place in countries where conflict or oppression has ceased to exist; how to come to terms with large-scale past abuse; and what mechanisms should be used. Other definitions of transitional justice complement and enrich the UN one. Roht-Arriaza, for example, defines transitional justice as the „set of practices, mechanisms and concerns that arise following a period of conflict, civil strife or repression, and that are aimed directly at confronting and dealing with past violations of human rights and humanitarian law" (2006, p. 2). According to this concept, transitions can only take place when conflict or repression has ended and should include all human rights, not only civil and political rights. This concept is not broadly supported by stakeholders, some of whom prefer to limit it to serious and systematic violations of civil and political rights.

Remarkably, however, the UN has moved towards recognising that to properly deal with the root causes of conflict it is also necessary to address violations of economic, social and cultural rights (OHCHR, 2009).

There are yet other definitions that prefer to focus on the set of actors behind such processes, rather than on the substance of transitional justice. Arthur, for example, prefers to define transitional justice as a „field” constituted by „an international web of individuals and institutions, whose internal coherence is held together by common concepts, practical aims, and distinctive claims for legitimacy" (2009, p. 324), most of which are articulated as a result of the need to resist and respond to mass atrocities in contexts of significant political change. In contrast, others, like Bell, challenge the idea that transitional justice is a „field”, and prefer to think of it as a „label or cloak that aims to rationalize a set of diverse bargains in relation to the past as an integrated endeavour, so as to obscure the quite different normative, moral and political implications of the bargains" (2009, p. 6). For her,

understanding transitional justice as a field denies its very nature as a legal enterprise that began as a response by human rights law to secure accountability for past crimes.

Whether a field or not, and despite important differences among these concepts, they all highlight the fact that transitional justice implies a particular set of approaches to deal with the legacy of gross human rights violations and international crimes. Some of these approaches are driven by the international law paradigm, meaning international human rights law, international humanitarian law, international criminal law, and international refugee law, which becomes „the normative foundation” of transitional justice (OHCHR, 2009, and Annan, 2004, p. 5). Nevertheless, approaches to transitional justice do not always follow this normative basis, as Bell clearly highlights, some maintain different normative approaches to some of the most important transitional justice questions, as will be illustrated below.

- The Processes of Transitional Justice

Four processes are believed to constitute the core of transitional justice, even if there is disagreement about what each of them entails and the relationship that should exist between them. Usually, a transition encompasses a justice process, to bring perpetrators of mass atrocities to justice and to punish them for the crimes committed; a reparation process, to redress victims of atrocities for the harm suffered; a truth process, to fully investigate atrocities so that society discovers what happened during the repression/conflict, who committed the atrocities, and where the remains of the victims lie; and an institutional reform process, to ensure that such atrocities do not happen again (OHCHR, 2009). In addition to these core processes, others have become part of the transitional justice agenda: primarily, national consultations, which have been strongly recommended by the Office of the High Commissioner for Human Rights (OHCHR) and the Peacebuilding Commission, which emphasise that „meaningful public participation” is essential for the success of any transition (A/HRC/12/18, 2009, and A/63/881-S/2009/304, 2009). National consultations should take place in relation to different aspects of transitional justice. Finally, Disarmament, demobilisation and reintegration (DDR), which usually take place in parallel rather than as part of the transitional justice processes, actively interact with and

complement transitional justice mechanisms and policies. DDR focuses on helping ex-combatants to stop fighting and to reintegrate into society (Waldorf, 2009). While all these processes are important, this report focuses on the core processes of transitional justice, namely: justice, reparation, truth and institutional reform.

- The Justice Process

A key belief of transitional justice is that alleged perpetrators of genocide, crimes against humanity, and war crimes should be prosecuted, tried and, if found guilty, punished for the atrocities they committed. This approach is supported by three main arguments: a) that the international law paradigm obliges states to investigate, prosecute and punish such crimes; b) that adequate reparation under international law includes bringing perpetrators to account; and c) that accountability for past crimes is crucial to prevent such atrocities in the future.

Important developments, both at the domestic and international level, and under International law strengthen legal arguments a) and b). Indeed, domestic trials are taking place in countries such as Argentina, Colombia and Chile, both as a response to victims' demands and in order to protect and enforce their rights, but also to comply with what the justice sector in these countries considers to be binding international obligations. For example, article IV of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide and article 4 of the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment establish an international obligation in relation to genocide and torture, respectively. This obligation is claimed to have the status of customary international law in relation to such crimes.

Equally, although human rights treaties, such as the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the American Convention on Human Rights, do not expressly incorporate such an obligation, all of them do expressly include the right to a remedy, which has been understood by their respective monitoring bodies to raise an obligation in relation to human rights violations, such as disappearances, torture and arbitrary killings (Orentlicher, 1991).

The key legal precedent for this approach is the judgment in Velázquez Rodríguez v. Honduras (1988), where the Inter-American Court on Human Rights considered that „States must prevent, investigate and punish any violation of the rights recognized by the [American] Convention and, moreover, if possible attempt to restore the right violated and provide compensation as warranted for damages resulting from the violation” (para. 166). Most of the treaties mentioned are also understood to require states to investigate crimes against humanity. Besides these sources of international human rights law, international criminal law has also developed in important ways to fight impunity. Ad hoc tribunals have been established by the Security Council to deal with the atrocities committed in the former Yugoslavia and Rwanda (the International Criminal Tribunal for the Former Yugoslavia, and the International Criminal Tribunal for Rwanda). The Rome Statute establishing the International Criminal Court was agreed and entered into force in 2002. To-date, the Statute has 113 ratifications, almost twice what it had in 2002. It grants jurisdiction to the ICC over crimes against humanity, war crimes, genocide, and aggression, also making individuals accountable for such crimes at the international level. Also, Hybrid tribunals have been established, such as the Special Court for Sierra Leone, the Crime Panels of the District Court of Dili in East Timor, the War Crimes Chamber in the State Court of Bosnia and Herzegovina, and the Extraordinary Chambers in the Courts of Cambodia. These developments all show an important domestic and international trend to fight impunity. This means that if states fail to fulfill their international obligation to make the perpetrators of such crimes accountable within their own jurisdictions, the international community can take action to ensure that justice is done.

An important challenge to the justice element of transitional justice is the perception that it can be an obstacle to peace, truth and/or reconciliation in the aftermath of conflict or repression. Those who support this view often claim that in such periods of change the international law paradigm is not applicable given the exceptional circumstances faced by states, or that international law does not fully rule out amnesties for past crimes, as is often believed (Mallinder, 2008). For them, peace (or any of the other goals mentioned) has to be sought first, even at the expense of justice. Therefore, amnesties (and also statutes of limitation) are an important necessity to allow a society

to move forward, even if they potentially breach the obligation to investigate, prosecute and, if applicable, punish. For example, in the AZAPO case (1996), the Constitutional Court of South Africa maintained the constitutionality of the amnesty provision of the Promotion and National Unity and Reconciliation Act 1995, based mainly on the view that the amnesty was essential as an incentive for perpetrators to confess their crimes. More recently, the Supreme Court of Brazil (2010) maintained that the amnesty law was necessary to consolidate peace and was the result of social consensus.

At the international level, the tension between these objectives is also visible. The ICC, for example, is considered by some critics to be an obstacle to peace in countries where it is currently conducting investigations, for instance, in Uganda and Sudan. In Uganda, the ICC has initiated formal investigations of crimes committed by the Lord's Resistance Army in northern Uganda, and has issued arrest warrants. This has been strongly criticized, given the possible damage it could cause to the peace negotiations (Waddell and Clark, 2008). In Sudan, in 2009, the ICC issued an arrest warrant against President Al Bashir, which was perceived as fuelling existing tensions there.

Justice processes face other challenges that need urgent clarification and response. In relation to the existence of an international obligation to investigate, prosecute and, if applicable, punish, the following are pertinent questions in need of answers: assuming that this obligation exists, what is its scope (Mendez, 1997)?; is it sufficient to investigate and prosecute but not to punish?; should punishment be proportional to the gravity of the crimes committed?; how can the compliance of traditional justice mechanisms with international standards be measured?; and is there an international obligation to cooperate with countries undergoing a transition so that they are able to fulfill this international obligation?

In relation to the role of law and social change: should justice be limited to retributive justice, or should it also incorporate issues of distributive justice? and, if so, how can distributive justice best be achieved?

As for the fight against impunity and the delivery justice: how can evidence be secured to facilitate the course of retributive justice?; how can evidence be secured that not only explains the circumstances of the crimes but that also helps to identify the perpetrators?; how can

effective victim and witness protection mechanisms be created (OHCHR, 2009)?; how can international cooperation between states be secured, so that the perpetrators of crimes can be prosecuted and punished?; how can the evidence of crimes be preserved and shared? and how can the required expertise and capacity to conduct complex investigations and prosecutions be ensured in fragile countries with fragile institutions?

The majority of these questions are in the process of being addressed, but more comparative, multidisciplinary and interdisciplinary studies are needed to highlight both the problems and the achievements of the domestic and international justice processes that have already been put into motion worldwide.

Lastly, but not less importantly, the causal connection claimed to exist between justice and prevention is still to be proven, despite the way this connection (and, specifically, any deterrence effect of justice mechanisms) is asserted by international law in treaties such as the Genocide Convention or the Torture Convention, and by international organisations like the UN. To date, the most prominent quantitative work in this area has been that of Kim and Sikkink (2007), who suggest that, overall, such trials help to improve human rights protection in countries undergoing transitions and even in neighbouring countries. Their research stands in clear contrast with that of others like Snyder and Vinjamuri (2003 and 2004), who maintained that, rather than preventing future violations, such trials can cause further atrocities. Clearly, since transitional justice processes take time, even more than one generation, it is not easy to measure the impact that domestic or international trials can have on prevention. Nevertheless, it is important to conduct further research in this area to better ground any justification for retributive justice as a means of preventing further atrocities.

TRUST

BY ENVER DJULIMAN

Interest in studying concepts of trust and distrust has grown in a number of intellectual disciplines and a number of writers have addressed the subject. One of the reasons behind this growing interest is the decline in the institutional trust in the Western democracies, as well as the uneasiness regarding what this trend may engender as a result. The other reason is related to the fall of Communism and the Eastern Block, which left the authorities in those countries struggling to build institutional trust. The third reason is that the development of technology and communication channels continues to challenge individuals to find new ways of managing and practicing interpersonal relationships in their everyday dealings with others.

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ON TRUST

Let us begin with the supposition that trust refers to my expectation that an individual or a group do not wish me any harm. This supposition implies that an individual/a group are well-intentioned and that they even wish me well! (Distrust would, in turn, represent my fear and my actions aimed at defending myself from those who are not well-intentioned.) What underpin my trust are my previous positive experience and my expectation that an individual or a group will act within the framework of shared values. It describes the relationship in which I can be confident that I can rely on an individual (or a group) in my life. Life itself requires trust, considering that as soon as we are brought into the world we begin depending on others, and it is the mutual trust that makes our lives and, ultimately, our survival possible. We need trust in order to be able to negotiate the complexities of life, reduce risks and function within the context of our own life and the society in general. This is a feeling that we convey, it is an expression of the good in human beings. And as an expression of the good it constitutes the basis for coexistence and solidarity between the individuals or groups. However, at once, trust is a knowledge-based rational choice. The lack of knowledge about others, or the knowledge based on prejudice and stereotypes, may lead to absence of trust or irrational distrust of others.

Trust often implies transferring of our rights, and frequently our personal security, to an individual or an institution. We, therefore, differentiate between personal and social trust. The personal trust is established between individuals and it is based on the principle of merit. On the other hand, the social trust pertains to institutions such as the parliament (trust in the political representatives), police force, health and education institutions etc. This is why the social trust is often termed institutional trust or structural trust. It is established in between the individuals and the social system (therefore it is abstract and intangible). This form of trust is often of passive nature and inherited. It reflects entire historical heritage of a given people including political, religious, economic and other factors. Citizens' trust in the institutions of the system is one of the most powerful society-building forces, and it is conducive to peace, stability, efficiency of the rule of law, social integration, fair distribution of public goods, economic development, as well as personal health and health of nations, optimism, education of citizens and their participation in civil society organisations and initiatives.

There are two distinct theoretical approaches to examining the notion of trust. An individualist¹ approach which understands trust as a personality trait, including sociological determinants such as gender, age, education level, income and class. And the social² approach which understands trust as a social category which comprises individuals building a culture of trust. In this case, moral norms and customs provide basis for interpersonal trust within a community. Higher goals supersede the egotistical interests of the individuals, thus the mutual trust within each community becomes an end in itself. Social trust generates attitudes, behaviours and social relations that serve as the basis for cooperation and security. This form of trust represents social capital which serves as the measure of the readiness of the society and its members for the stable political, cultural and economic development. Considering that any given society spans across the history (through many generations), undergoing various forms of organisation, the trust entails relationships to the past and to the

¹See: G. W. Allport, Pattern and Growth in Personality, Holt, Rhinehart and Winston, New York, 1961.

²R. Inglehart, »Trust, well-being and democracy«, u: M. E. Warren (ur.), Democracy and Trust, Cambridge University Press, Cambridge, 1999., p. 88–120.

future. It measures success in inheriting and transmitting the common goods. The absence of this form of trust precludes social responsibility, recognition of individual and social dignity or rule of law.

However, we may also consider the trust which exists between different groups within a single society, or the trust between the groups belonging to different societies. Whilst in the realm of personal relations the starting point is the question what it is the other individuals want, this often does not apply to group relations. In the time leading up to the wars in former Yugoslavia, and during those wars, (often to this day) our individual identities were assimilated/sucked into the collective identity. We then relied on the collective identities in order to project our own desires and needs (without willingness to understand those of others), express ideas and to act in a certain way (without listening to others), as well as to demonstrate membership and trust in our own ethnic group. More often than not, we did what was expected of us as members of the group³.

Recently a colleague here in Norway told me how, on a night out, his son and a group of his friends got into a physical altercation with young men who identified themselves as Bosnians. Now, when I told my Bosnian acquaintances about this incident, some of them responded that the young men may have actually been Serbs who wanted to damage the reputation of us Bosnians. Twenty years have passed since the war and yet we continue to believe that the others are out to spite us. We continue to adjust what we see and hear to fit the framework of

³ There are three primary determinants characterising a nation: the shared lie about the past, shared intolerance towards other nations, and, ultimately, shared illusions about the future. Mario Vargas Llosa, the Peruvian writer and Nobel Laureate, wrote about the „nation“: "All nationalist doctrine is based on an act of faith [...]. Nationalism is collectivist act of faith that imbues a mythical entity – the nation – with a fictive coherence, homogeneity, and unity preserved over time, untouched by historical change. Along with this sense of timeless community, nationalism demands a belief in metaphysical essentialism – the doctrine that individuals do not exist separately from the national womb that gave them their being and identity (a crucial term of nationalist rhetoric)." For Llosa „nation“ is a fabrication based on collectivism and metaphysical essentialism. „[...] the nation is manifested in the language its people speak, the way they behave, the history they share, and often the common religion, ethnicity or race – even the cranial shape and blood type – which God or chance has bestowed upon them.“ Nationalismus als neue Bedrohung. Suhrkamp. Frankfurt am Main. 2000.

what we „know“, and we only accept to learn/know the information that matches our preconceived notions about the others. We accept only what confirms our expectations while we reject anything that challenges our ideas. We simply continue to trust our truth more than the truth of the others. Thus we remain hostages to the past.

In the absence of trust and without putting into practice positive customs and good will (*bona fide*) any agreement will not amount to much. This is particularly apparent in the transition countries (societies) where the rule of law is yet to be consolidated! Such societies experience lack of trust in individuals and social institutions alike, leading to fear, suspiciousness and passivity. In such „entrapped“ societies, great amount of energy is spent on planning, adopting and implementing decisions due to distrust which pervades the interpersonal and intergroup relations. Distrust becomes a social contagion causing the society to develop its own understanding of reality (in which trust does not extend beyond the members of the in-group)⁴. Distrust generates social distance, which denotes varying degrees of understanding and intimacy characterising different social situations and relations between groups in a society. Although the social distance does not always indicate hostility or a negative attitude, it often reveals to what extent the out-group is unknown and alien to the members of the in-group.

However, we should not allow ourselves to be fall into the trap of equating trust with what is good and distrust with what is evil, which might be the case, if I understand well, with Knud E. Løgstrup⁵. Notions of trust and distrust should not be the subject of moralising for at least four reasons:

- no person is by any means bound to trust any other person if the other person is known to be untrustworthy;
- distrust may serve as the moral response to the circumstances that call for criticism;
- under certain circumstances, distrust may serve as precondition for trust;
- trust (for example between criminals) may lead to morally unacceptable conduct.

⁴ Gambetta, D. Mafia, The Price of Distrust. 1988. P. 234

⁵ K. E. Løgstrup. Den etiske fordring. 1991.

TRUST AND SOCIAL CAPITAL

In addition to economic capital, any given society has a certain amount of human capital (educated individuals), moral capital (ethical norms), emotional capital (empathy) and social capital. The concept of social capital, underpinned by the norms and values which enable the existence of democracy, follows from the literature on political culture. Social capital is most commonly understood as the citizens' relationship with the society they live in. It is reflected in:

- Norms and values;
- Interconnected networks;
- Benefits derived from the voluntarily generated individual or collective opportunities and resources⁶;
- Individuals' expectation to be treated equally regardless of the person or organisation they encounter⁷.

Social capital is expressed through the organisation of society underpinned by social trust and interconnected networks. This is a relatively recent concept which shows that, in addition to physical and financial capital, interpersonal relationships within a society also constitute a form of capital. Like any other form of capital it enables achievement of objectives that would otherwise be unachievable. Yet, unlike other forms of capital, social capital comes in the form of relationships among social actors⁸. Figuratively speaking, economic capital refers to the money the individuals keep in the bank; human capital is what they have in their brains, while the social capital is found in the structures of interpersonal relationships. Social capital facilitates social relations, information exchange and social integration.

The notion of social capital is rather broad; hence, we are going to narrow the focus to the norms and values it entails, with reciprocity and trust as the key values in the context of peace and cooperation. Reciprocity is the expectation that my appropriate conduct or the conduct of the group I belong to (of my own choosing or not) will be

⁶Putman, R. D. *Making Democracy Work: Civik Traditions in Modern Italy*. Princeton University Press. 1993. See also Newton, K. (1997). "Social capital and democracy", *The American Behavioral Scientist*, Vol. 40, 10

⁷Mungiu - Pippindi, A. *Deconstructing Balkan Particulism*. 2005. Southeast European and Black Sea Studies. P 52.

⁸Berto Šalaj. *Radionica: Socijalno povjerenje i socijalni kapital u Bosni i Hercegovini*. Friedrich Ebert Stiftung. Tuzla 2010.

responded to by similarly appropriate conduct of an individual/group in my environment. In the everyday life reciprocity requires taking a conscious risk which is impossible in the absence of trust between citizens. Political or institutional trust, as previously established, pertains to the social or political institutions and it implies active participation of citizens. In addition to political participation, and voting, it includes membership in civil society organisations and volunteering in nongovernmental organisations. Robert Putnam's research shows that higher levels of social capital are associated with stronger likelihood of participation in political processes. This is how they are able to exert pressure on the institutions and influence efficacy of their work.

The idea of social capital is that the social relations in a healthy and peaceful society are characterised by high level of quality and harmony. The quality of relationships will be better if the individuals within the society are interconnected. Networks of interconnectedness have proven to be an important factor in functioning of the society. If members of a society are involved in various civil society organisations and they enjoy mutual trust, then such societies function much better than those where there is distrust and social distance. This dimension of social capital is well defined by Pierre Bourdieu⁹ as „the actual and potential resources which are linked to possession of durable or more or less institutionalised relationships of membership and belonging“. In order for the individuals to be able to benefit from social capital, they must be connected to other people. Evidently, the core idea behind the concept is fairly straightforward: social networks are important; they are a valuable asset for those people who participate in them.

However, it should be noted that social capital is not invariably positive. The possessors of social capital enjoy certain opportunities and advantages, thus this form of capital becomes instrumental in generating social inequality and exclusion.

There are two types of social capital: bonding and bridging social capital. Bonding social capital holds together people who see themselves as similar in terms of ethnicity, religion, social class etc (members of the same group), whilst bridging social capital links people who are dissimilar (members of different groups). It is these features of

⁹Pierre Bourdieu. The Forms of Capital. In J. Richardson (Ed.) Handbook of Theory and Research for the Sociology of Education (New York, Greenwood). 1986. P 248.

social capital that provide tools for democracy and peace-building. Social capital may help people build trust between different conflicted groups producing what may be described as „inclusive social capital“. Seen from this vantage point, social capital performs functions of binding and bridging. It generates social trust towards members of other groups which are unknown to us.

Social capital is expressed as we engage in interpersonal relationships, and when interaction and networks are being established. It refers to social trust and connections that facilitates coordination for the purpose of mutual benefit. It enables connections between individuals and groups based on shared interest. In other words, it drives the development of civil society organisations and social networks that operate in the realm which is positioned in between the private and social sphere in a given country.

Why is it so important to strengthen social capital? The primary reason is that social capital contributes to trust building which in turn underlies peace, stability and development. Furthermore, social capital influences political participation since it strengthens trust in democratic institutions, and it fosters the process of translating inter-personal trust into institutional trust. Other reasons include: democratic values such as tolerance, acceptance, equality, solidarity, independence, freedom and voluntary community engagement. In his work Trust, Francis Fukuyama¹⁰ correlates social capital with economic development showing that countries with stronger social capital experience higher degree of economic development.

Social capital indicators include:

- Membership in clubs and civic organisations;
- Active community engagement;
- Volunteering and social trust as the standard of behaviour.

Standing in direct contrast to social capital is the phenomenon of cunning¹¹, conspiratory and fraudulent behaviour which engenders culture of distrust that pervades both the inter-personal relationships and the relationship towards the state. This may be due to shared legacy of distrust, negative social capital and social divisions.

¹⁰Social Capital and Civil Society. Standford University. 2000. See Also Francis Fukuyama, Trust: The Social Virtues and The Creation of Prosperity. 1995. Free Press.

¹¹ In the countries of the former Yugoslavia there is a saying: „We play fair, but one of us will get fucked over“ (Pošteno, pa ko koga zajebe)

What happens when social capital is insufficiently developed? At the societal level this may engender crime, tax avoidance, protests etc. At the political level this may lead to the rise of nationalism and false patriotism, poor election turnouts, inefficiency of the government and its bureaucracy, political instability, violence and discrimination.

Insufficient reliance on the community, lack of social capital and the inability to engage in mutual cooperation constitute the key problems which hinder establishment of trust. However, as stated earlier, social capital is not invariably positive or productive. Mutually hostile ethnic groups with sizable stock of binding social capital may serve as an example to illustrate this statement. Such groups tend to provide short term differential access to resources to the in-group members with the exclusion of the out-group.

In democratic countries there is generally higher degree of social trust as compared to the former socialist states¹². There are several reasons why this is the case:

- transition process did not take into account the need to develop social capital;
- low level of education (people with higher levels of education are considered more likely to build social capital);
- civil society which should be the „producer“ of social capital is underdeveloped;
- low degree of institutional trust.

In such societies, social capital does not feature often enough in the public discussions, and the politicians (as well as political parties) are often wary of such an „institution“ and its likely „consequences“. For example, in the Balkans, notions of social capital and social trust are interpreted as „brotherhood and unity“, a far cry from the desires of the nationalist politicians. This form of trust is often unwanted in post-

¹²Research shows that Scandinavian societies enjoy the highest level of trust between the citizens. People do believe that the police will protect them, that public administration is not managed based on personal connections and that politicians are not corrupt. According to World Values Survey for the period 1981-2008 Norway topped the list of countries ranked according to the degree of trust. Sweden, Denmark and Finland were ranked next, followed by other Western European countries. 74% of people in Norway agrees that „on the whole most people can be trusted“. In Italy the percentage is 29, in Russia 27, in Spain 20 – while in Turkey only 5% of respondents agrees with the statement.

conflict societies as it tends to jeopardise the interests of those in power.

SOCIAL CAPITAL AND CIVIL SOCIETY

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The main components of social capital include trust, norms and relationships within social networks; they also include the capacity to positively influence democracy by increasing the degree of political participation; as well as collective actions. Thus, social capital serves to generate civil society by promoting and emphasising relationships between citizens.

According to G. Bežovan¹³ civil society may be defined „(...) as the realm of institutions, organisations, networks and individuals (and their values), which occupies the space in between family, state and market, interconnected by a number of shared civic rules, where individuals form voluntary associations for the purpose of advocating common interests“. Civil society is the key promoter of activities aimed at exercising and protecting human rights and maintaining democracy. It plays a special role in post-conflict societies¹⁴. Civil society organisations enable citizens to be actively involved in peace-building and to influence political processes. This influences the quality of democratic institutions and efficiency of government. The key issue is to create a positive interrelation between solidarity, trust and participation.

Positive attitudes regarding trust building, establishing networks and developing solidarity are prerequisite to participation in civil society building either at the level of local community or at the higher levels. In this context, solidarity is understood as a form of social relations based on a feeling of unity. It is a social phenomenon which follows

¹³G. Bežovan, »Zakonski, politički i kulturni okvir za razvoj civilnog društva u Hrvatskoj«, Revija za socijalnu politiku, 10 (2003.), br. 1.

¹⁴In the post-war period, once peace agreements are signed, the role of civil society organisations is to monitor the implementation of the agreements. It is these organisations that create the space for trust-building and reconciliation. However, the organisations must earn the trust of citizens. They are expected to act in a credible manner and a) demand that the process of bringing the war criminals to justice is implemented, b) demand and participate in the activities of researching, fact finding and informing the public about the events that took place during the conflict, c) take part in rehabilitation and resocialisation of victims and perpetrators alike, d) undertake activities aimed at trust-building and reconciliation.

from the idea that human beings are responsible and relational social beings who are willing to act within the community and to act in the interest of other people. Hence, an individual act of standing up for others (or the society) is reciprocated by the society (or the others) siding with the individual.

A robust civil society which links the citizens and the institutions of democratic society or political power has a crucial role to play in legitimising the system itself. Institutions are unable to address social problems without participation of citizens and the civil society¹⁵.

Establishment of civil society networks is particularly important as it is an activity which facilitates trust building. Through such consolidated effort, civil society is able to enhance its capacities and achieve much better results compared to those would be attainable by individual efforts or efforts of individual organisations¹⁶.

Networking reinforces the position of member organisations in the society, improves participation in formulation of decisions and decision-making, and it builds capacity for advocacy. Government and public perceive such network as an interest group and they have high regard for it.

Objectives of establishing civil society networks may include:

- reducing social distance and building trust as social capital;
- connecting people, ideas and activities¹⁷,
- facilitating exchange of services, participating in joint activities and conducting campaigns;
- opening communication channels, producing information and facilitating information exchange,
- swift response in the event of crisis as the objectives are agreed in advance and communication network is established,
- developing solidarity, providing protection to the network members and building „collective courage“,

¹⁵Gambetta, D. Mafia, The Price of Distrust. 1988. P 234

¹⁶It is useful to remember that the institutions find it easier to cooperate with one single network than with a number of fragmented small organisations.

¹⁷ The key problem facing civil society in post-conflict societies is the lack of democratic political culture, i.e. a radical form of distrust of civil society, the kind of distrust which is often an expression of the totalitarian mindset of citizens as well as their belief that the sole purpose of public engagement is a pursuit of a political interest.

- shaping and defining the civil sector as a single community and not as a sum of individual organisations.

The positive efforts of civil society to develop social capital may be hampered due to:

- indifference of citizens regarding promotion of group or common interests unless they correspond to their personal interests;
- absence of responsibility for the public good and for the developments in the public arena;;
- the fact that organisation, incentives or direction for actions have to come from the outside in the absence of the basic driving forces that would motivate the citizens;
- the fact that the employees of institutions do not identify with organisational or group goals which leads to inability to understand challenges as well as to passivity.
- corrupt public servants.
- In post-conflict societies it is often the case that regardless of large number of nongovernmental organisations, civil society networks are not established¹⁸.

THREE FORMS OF TRUST

In post-conflict societies the issue of restoring social relations, and often restoring trust, is considered to be an issue of central importance. The consensus between the conflicted parties regarding their shared future and the agenda for ensuring peace and development plays an important role. However, one may propose that it is the development of emotional infrastructure which is the skeleton key which unlocks all the aspects of post-war recovery, community development and establishment of the lasting peace. Naturally, in the face of trauma, which is in one way or the other experienced by the entire society, it is an exceptionally difficult task to establish points of „encounter“ and develop mechanisms in order to help people regain trust in humanity, themselves and the others. Great expectations (most often of the

¹⁸Just how many times I have been told the same thing in any of the countries where I worked: We have thousands upon thousands of nongovernmental organisations and yet we still do not have civil society. I wonder if the issue is indeed the poor communication between the nongovernmental organisations and absence of networking?

others) are often cited as one of the obstacles to trust-building – the expectations of others to admit their guilt, to tell the truth, and to assume responsibility. Under such conditions, the following questions arise: how to advance the social reality by means of transforming the potential trust into the actual trust and what do we need to do in order to build such trust? I would submit that the key perquisites to building this form of trust include the following:

- Willingness to build trust and future coexistence;
- Willingness to understand and explain the conflict;
- Transforming the social beliefs about ourselves, the group we belong to and the others (transforming the beliefs that had led to the conflict into those that would lead to peace)
- Dealing with the negative legacy of the past;
- Shedding light on the positive memories of the former coexistence and the examples of „the good” that was done by members of the different groups towards the others during the conflict;
- Rehumanising and decollectivising of „the others” and signs of their acceptance
- Establishing the culture of memory which teaches us how to remember the past so that it serves the purposes of peace instead of lending themselves as the basis of future conflicts;
- Different language and the new and different knowledge.

In the following chapters, I intend to briefly reflect on the three main forms of trust: institutional trust, interpersonal trust, and collective trust/trust at the group level.

- Institutional trust

Institutional trust is the connective tissue of a society, enabling its functioning and development. In post-conflict societies this form of trust tends to be either rather scarce or unrealistically high (in the case of long-awaited change of government). Therefore, one of the key tasks facing the governments is gaining/regaining trust in the government itself and its institutions. (The institutions include: education system, media, police, social protection and justice systems, parliament and civil service.)

States have the obligation to protect the rights and safety of the citizens and to undertake all the necessary measures to address the negative legacy of the past (investigation of crimes, identification of victims and perpetrators, conducting fair trials of those responsible for the crimes, providing reparation for the victims and implementing structural reforms). In order to undertake such comprehensive tasks it is necessary to implement institutional reforms. Such reforms need to start with raising awareness of the employees in the public institutions in order to ensure that they are aware of personal and institutional responsibility for any action which is taken and that they understand that there is a need to be open to the demands of citizens. It is particularly important to focus on the judiciary, law enforcement and correctional institutions, considering that these institutions tend to be linked to the past violations of rights. Let us not forget that it is the present functioning of these institutions which serves as the basis for the assessments of legal certainty for the citizens, functioning of the system, and institutional trust of the citizens.

In the processes of institution-building, restoration of society and maintaining of peace, many post-conflict societies use transitional justice mechanisms in order to develop the various strategies that correspond to their own circumstances. These strategies should be aimed at: a) developing an acceptable platform for efficient and realistic activities to redress injustice and heal the traumas resulting from armed conflict, and b) restoring the trust in institutions and prevention of repetition of human rights violation. This entails launching of the process of dealing with legacy of human rights violation and war crimes, the outcome of which should be political, social, cultural and economic transformation of the society. The aim is to establish such an institutional and social framework which will ensure that democratic values and human rights are nurtured and protected. The prerequisite for this is that there is, within the society itself, political consensus which is in line with the constitutional order and international standards of human rights protection.

In order to build the trust of citizens in themselves and their respective institutions (efficient, professional, representative and credible), the authorities should ensure the following:

- social protection and justice systems which rest on equality of citizens and are perceived as such by the majority of citizens;

- legal framework¹⁹ for implementation of vetting for employees in public institutions at all levels and adherence of institutions with the principles of professionalism, transparency, and accountability towards citizens;
- improvement and strengthening of institutional and non-judicial mechanisms and initiatives of civil society for open, functional and productive dialogue on the past, and truth-seeking and truth-telling about the violation of human rights in the past;
- criminal prosecutions, since there is a view that no other transitional justice mechanism has such a persuasive impact on individuals, victim movements, and society in general, in terms of providing proof that justice is attainable and system is functional, which are some of the prerequisites to restore the trust in the institutions/system.
- development of legally defined, harmonised and protected system of collection of data on all victims of violation of human rights, victims of breaches of international humanitarian law, and reparation for the victims.
- communication of victim associations and civil society with the government institutions, primarily through consultation process and other forms of public dialogue, in order to achieve agreement with regard to systemic solutions,
- building and preservation of collective memory through memorialisation process and initiation of dialogue on the past, to prevent repetition of crimes.

In all societies, particularly in the post-conflict ones, stereotypes and prejudice often lead to institutionalisation of racism. This means that certain groups in a society are perceived through the lens of prejudice and stereotypes and these result in institutions exhibiting distrust towards members of such groups. In turn, the members of such groups reciprocate the distrust by perceiving such institutions as untrustworthy. This form of institutionalised racism is often so deeply rooted and so difficult to discern that both the authorities and institutions tend to be unaware of its existence.

¹⁹In post-conflict societies, the rule of law is most often replaced by the rule of people i.e. the rule of individuals.

In the light of all of the above, the government should ensure that institutions act responsibly (primarily by means of introducing mechanisms of external and internal control), that they are independent and representative, and that they are accountable to the citizens. Only once the institutions are reconstructed and active are they capable of working on restoring trust between groups and between individuals.

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For the absence of institutional trust generates interpersonal distrust. We should not forget that distrust may also be „institutionalised“ if the conduct of the individuals within the institutions is permeated by distrust. In that case, those who work in the institutions are only able to cooperate within a strict framework of formal rules and regulations which have to be negotiated and which are more often than not imposed by coercive means. In contrast, if there is trust between co-workers, as they conduct themselves according to the shared democratic, civilisation and ethical norms, cooperation „incurs much lower costs“ and it brings much better results, while the societies with such institutions are more conducive to change.

Reality, however, tends to be different. The institutions are not interested in recognising the needs of citizens (it is often believed that the citizens are there for the institutions and that the institutions „bestow“ rights upon them, instead of it being the other way around). Institutions are susceptible to political influence and there is widespread belief among citizens that institutions promote interests of certain categories/groups of population or political parties. (In the former Yugoslavia citizens identify political parties with the institutions. Declining levels of trust in political parties coincide with the decline in institutional trust. In addition, popular opinion is that political parties do not work for the common benefit, but only for the benefit of their membership and sympathizers).

One of the frequent challenges is that the institutions are perceived by the public as unrepresentative, as they do not include representatives of certain groups – e.g. an ethnic group or returnees. Such institutions are not interested in taking the symbolic measures to provide reparations for the victims of war, ensure their devictimisation and resocialisation, and the feeling that the justice is done. The inefficient and untrustworthy institutions are not capable of assuming responsibility and fulfilling the role they should perform in a modern

democratic society. Instead of giving impetus and fostering belief in the positive growth and better future, they generate distrust, indifference and passivity of citizens.

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Namely, the efficiency of democratic institutions is directly correlated with the active participation of citizens in social and political processes, ensuring that their political representatives make adequate decisions. Even if there is not a single country in the world where all the citizens have complete awareness and all of them are willing to take active part in social and political processes – nor it is realistic to expect that this would ever be achievable – civil political culture is necessary for establishment and development of democracy. The citizens, whose institutions make arbitrary decisions favouring individuals on account of their group membership, realize that such institutions are unjust and cannot be perceived as the protectors of the interests of the citizens. Public trust in the institutions of power is based on the perception that the government

If the institutions are inefficient (if they do not do their job), the citizens will not feel compelled to respect the existing rules, which leads to chaotic social relations and contributes to the overall instability in the country.²⁰ In such countries political climate of distrust is pervasive, resulting in low degree of political participation²¹ which is prerequisite to peace-building and democratic consolidation.

²⁰Transition processes in the Balkans often, according to Romanian scientist Alina Mungiu-Pippidi, ended up as „simulated changes“ against the backdrop of structural, informal continuities. Governments pretend to govern, citizens pretend to follow, but, in practice, informal economies thrive, taxes are only partially collected, policies, whether good or bad, are seldom implemented and an informal order balances the formal one. [...] Such countries seem to [...] not develop modern bureaucracies. Their peasants do not turn into citizens but remain dependent on local power holders. Their politics remain confined to networks of clients and do not open to the entire society. Predators control their economies, not only taking the lion's share of resources, but also, in the process of enriching themselves, generating massive poverty for the rest of society. There are appearances of democracy and market, but they are deceptive, remaining, for the most part forms without content. Common people are the biggest losers in this „form without content“, which was proven to be true once again when economic reforms were being implemented during the period of democratic transition. Mungiu-Pippidi, A. (2005). “Deconstructing Balkan Particularism”. Pp 49-50.

²¹Gallup Balkan Monitor (2010) survey showed that less than one half of the population in Bosnia and Herzegovina has trust in the judiciary, while more than two thirds of

International institutions also play an important role in the trust building process (and citizens often have higher expectations of them than of their own institutions. However, they tend to suffer from the same „maladies“ as the country institutions.) For example, the International Criminal Tribunal for the Former Yugoslavia for years allocated considerable funds in order to try and build positive image of the tribunal in the countries of Western Balkans and gain public trust. Yet, the results cannot be „bought“. Let us take the case of Biljana Plavšić (Biljana Plavšić was sentenced to 11 years imprisonment, taking into account her admission of guilt based on which she received such a mild sentence. While in prison she wrote a book in which she denied everything. Eventually she was granted clemency. Thus, a number of Serbs were reassured that there were some, even if not a great deal of, justice after all, and that they could have a certain degree of trust in the Hague Tribunal; whilst the Bosniaks perceived this as yet another case of injustice causing them to lose their trust in the Tribunal. (This begs the question – is it only the victims who decide what is just or not, or is it the perpetrators as well? Does this apply to all or only to the weak?)

- Interpersonal Trust - Trust at the Individual Level

Danish philosopher Knud Eilert Løgstrup (1905-81) in his work *Den etiske fordring* (1956) wrote the following:

"We do not essentially question the honesty of each other's words, and we ultimately trust each other. This might seem odd, yet it stems from our very humanness. If it were any other way it would be in contradiction with the life itself. We simply would not be able to live our lives any other way; we would undercut our lives which would wither should we meet each other with distrust, suspecting each other to be liars or thieves."

We never engage in relationships with other people without holding a part of their lives in our own hands. And vice versa. The part may be

respondents practically lacks any trust in the executive branch of government or political parties. One of the consequences of such a low degree of institutional trust is significantly low political participation of citizens. Namely, less than one fifth of the total population holds membership in the civic associations, while less than one tenth of the total population is actively involved in the work of the associations, most commonly in the religious and sport and recreation associations or trade unions.

very small or it may be terrifyingly large. This does give us power, but it also imparts responsibility.

Distrust is burdensome, harmful and even dangerous for both him and me! What both of us need is a future which is predictable. The kind of future in which it would be possible for us to trust each other. Does this mean that we simply have to take the risk and dare to trust: if we want to live like decent human beings. Does it mean that we have no other choice, as the alternative is far worse – it is the life of fear, distrust and self-imposed imprisonment? It appears to be much easier said than done. Because trusting a person after having survived the war means allowing oneself to become vulnerable again. And not only yourself, but putting placing your family in a position of vulnerability.

Trust is an individual feeling derived from positive experience in relations with the others. It is developed on the basis of the traditional patterns of the group we belong to, our personal experiences and validation of the interpersonal relations founded on the universal values. Trust rests at the heart of all human relations. It enables people to connect with each other, thus making the coexistence possible.

Naturally, it is hard to talk about trust in post-conflict societies. And about how to restore it. How to rebuild something that was destroyed? The war left people robbed of trust in other people, society, their own future and justice.

I would submit that the individual trust may be rebuilt only once we are ready to recognise/tell our own story in/through the story of the others, and once we are ready to allow somebody else to tell our own story. (When we would hear a news report during the war about our army having liberated such and such town we thought OK, good, that was a good thing. What we did not think about was what had happened to the people who lived in those towns. And unless we engage in a dialogue with them we will never learn what had happened. Why would the people who were victimised on side during the war have negative feelings and distrust for those who were the victims on the other side?)

The precondition is to perceive others as individuals and not necessarily as members of a group. After all, I would submit that under normal circumstances it is indeed the individuals, not the groups, which

encounter each other²². And when this is not the case, we need to learn how to do it. For the experience teaches us that when the individuals encounter one other as groups then there is generalising, ignorance, lack of understanding and distrust. We then reduce the identity of an individual to the imaginary identity of a group. This is when we draw borders. This is when we experience strong emotions, justify discrimination and this is when people are ruled by fear. This is why I, as an individual, express my disagreement with everything which is collective.

I often recall a scene in Monty Python - Life of Brian. This is how the exchange goes;

Brian: Please, please, please listen! I've got one or two things to say.

Crowd: Tell us! Tell us both of them!

Brian: Look, you've got it all wrong! You don't NEED to follow ME, You don't NEED to follow ANYBODY! You've got to think for your selves!

You're ALL individuals!

Crowd: Yes! We're all individuals!

Brian: You're all different!

Crowd: Yes! We ARE all different!

Man in crowd: I'M not.

The Crowd: Shhhh²³.

We can agree that it was the individuals who turned against us during the war on account of the fact that we belonged to a certain group, and that we were targeted for the sole reason of belonging to that group; however, we could also agree that the group membership does not determine who we are as individuals. Experience teaches us that we always meet both good and bad people in a group, people we can trust and those we cannot trust. If this is the case, how can we then claim „we do not trust them“?

I would wager that the first thing we need to do is to deliver ourselves from the groups. (Many hide behind groups in order to avoid the sheer responsibility of being a human being). To be free from the group means to be independent. For only the person who is free is able to

²²In real life, we do not meet a nation we meet an individual. Considering this, I would submit that in the former Yugoslavia there is essentially no distrust and hostility between individuals – rather it always exists at the level of different groups. The distrust at the level of groups was one of the contributing factors that lead to the wars.

²³<http://www.youtube.com/watch?v=QereROCViMY>

give trust. Free from prejudice and their own ego. And then I have to learn not to predefine the other but to let them do that themselves.

- Collective Trust - Trust at the Group Level

Naturally, trust does not exist solely at the interpersonal level. In the context of trust and distrust, the groups, even if imaginary - as understood by Llosa, may behave no different than individuals. This is simply the case when individuals base their choices on the group membership. Two or three days before the hell broke loose in my hometown of Mostar, large majority of Serbs had simply not showed up at work. Some said they were „away on business“, some called in sick, while some had to „stay home to care for their kids who caught flu“. However, once the first bombshells had been fired at the city from the surrounding mountains, and then a few weeks into the bombardment, I begun to realize that they had in fact left the city – taking refuge in the nearby Serb majority villages and towns. I later learned that they had been told in advance that it would take only a few days to „liberate“ Mostar and they would shortly return to their homes. They had left to join their own people – this is what they said later. AS IF I HAD NOT BEEN their people.

Hence, many of those who I had considered to be my friends did not in fact care for my safety or the safety of my children.

They had left without ever having said a word about the imminent attack of their army on the city and the civilian population in it. Today, after all these years, I ask myself whether I should try and answer the question, do I owe it to my family and myself to do so - would I be able to trust them again? Would they do the same again? Do I dare take the risk once again? And even if my ratio tells me that yes, I should indeed have the trust, it is not in the least an easy task to transform such affirmative answer into an actual feeling (inasmuch as trust is a matter of both mind and heart), to restore the trust that have been lost and, in doing so, rebuilding my own self to some extent.

Once the Old Bridge in Mostar was reconstructed, /enthusiastic statements were made claiming that rebuilding of the bridge would help restore trust between the ethnic groups in the city divided along the ethnic lines. A student of mine discussed this topic in the interviews he conducted with the citizens of Mostar, and one of the responses he was given was: „How to expect the stone to make us trust each other

when our own ratio fails at the task?" And, indeed, it often appears that we are capable of applying ourselves in order to rebuild many a thing (such as the Old Bridge); however, the greatest challenge to master remains the task of reconstructing our own selves and restoring the fundamental social values, including trust.

How to reconstruct ourselves? How to rebuild groups in such a way as to achieve the degree of trust we need for the peaceful development and our shared future?

In multiethnic communities one of the primary objectives should be to reduce the fear of „the others“. On February 7th 2014, protests erupted in Bosnia and Herzegovina. The reason was an extremely poor economic situation which had brought majority of people at the verge of poverty. During the protests the degree of interethnic trust proved to be exceptionally low. This may explain why the politicians in Republic Srpska succeeded in persuading the citizens in that entity not to join the protest that began in the Bosniak majority part of the country, claiming that the protests were aimed at abolishment of Republic Srpska. Nationalist leaders in the Croat majority areas managed to do the same. The argument that they used was that the protests were directed against the interests of the Croat people²⁴. This resulted in the protests being organised only in the part of the country with the Bosniak majority, regardless of the fact that all the citizens, whatever their ethnicity, experience the effects of the poor economic situation. Bosnia and Herzegovina is a deeply divided society in which the differences are hardly reconcilable. Even if an individual believes that it would be better if they trusted the members of a different ethnic group, they continue to give their primary loyalty to their own ethnic group, their own national identity; even at the cost of defending those groups within their own group who had violated the law. This is how citizens continue to make the same choices in the present (the protests) or future crisis. (This begs the question where my neighbour and I would be should some new crisis arise).

In addition to fearing the ill-intentions of the others, yesterday's compatriots (former citizens of Yugoslavia) no longer share the idea that they all belong to a single cultural area (6% in Federation of Bosnia

²⁴ Vidi IWPR, 21 februar 2014. <http://iwpr.net/report-news/bosnias-serb-entity-immune-protests>

and Herzegovina, 2% in Montenegro and Macedonia and 1% in Croatia and Serbia)²⁵. People are not willing to admit that there exists a single cultural area. (It is questionable what the findings would be like had they been asked what music they listen to or what books they read). It is evident that people do want to share the single cultural area with those they do not trust. Namely, the same survey showed that the degree of trust in other peoples is low, ranging between 25 and 40%. In Serbia, for example, 43% of the population has trust in Slovenians, while the degree of trust in other peoples is significantly lower – 33% of population trusts Montenegrins, and 9% trusts Albanians. 7% of Albanians stated that they have trust in Serbians.

The trust discussed in the previous paragraph refers to the „cross-border“ trust. However, once we step within the borders of one country it is evident that the people are aware of the need to rebuild the trust. The findings of the one of the most comprehensive surveys²⁶ of attitudes of citizens in Bosnia and Herzegovina towards reconciliation and religion conducted in the post-war period confirmed indisputable support for the reconciliation and trust building process in the country. According to the press release sent to the media in November 2013 by the representatives of the University of Edinburgh and the Centre for Empirical Studies on Religion in Sarajevo, the some of the findings show that:

77% of respondents say they believe a reconciliation process designed to found relationships on trust and honesty in Bosnia and Herzegovina would be important. Although the respondents were far less positive about the potential role to be played by politicians (51.9% indicated they were important), they were also strongly in favour of a process in which politicians seriously engaged with the opinions of ordinary people (76.8%). In addition, there was a strong support (77.8%) for activities which promote understanding and appreciation of diversity among the citizens. The survey also confirmed exceptionally strong

²⁵Survey: 20 Years After 1991. European Fund for the Balkans, April 12th 2012. Survey covered generations of people born in 1971 and 1991 <http://www.openmontenegro.eu/2012/04/13/zapadni-balkan-nepovjerenje-medu-narodima-sfrj/>

²⁶Building Understanding, Appreciating Religious and Social Diversity. The survey was conducted in 2013 in: Sarajevo, Mostar, Banja Luka, Stolac, Jajce, Tuzla, Srebrenica, Livno, Bijeljina, Brčko, Trebinje, Bihać and Teslić.

support for reconciliation activities among religious respondents and among the former soldiers – war veterans, while pensioners proved to be one of the strongest sources of support for reconciliation activities. There was higher degree of similarity between the responses given by Bosniaks, Serbs and Croats who constitute minority in their locality, in Banja Luka, Bugojno, Mostar or Sarajevo, as compared to the responses given by the respondents who belong to their respective ethnic or national group but who live in the areas where they constitute a majority.

Similar results were obtained by Bozo Skoko²⁷. Although the vast majority of respondents (92.7%) identified themselves as members of one of the three constituent peoples, only 8% of respondents said that they take into account the national identity when deciding on issues of friendship and their personal life. (This, yet again, indicates that the problem in this country does not lie at the individual but at the group level.) However, this also indicates that citizens began to comprehend the damaging effect of the division into ideologically opposed national-religious fractions (although it is difficult to refuse to accept the invitation from a „group” and obligations towards it when such calls come from nationalist politicians who possess structural power and thereby powers of sanction). Nonetheless, these results are the remainder that the representatives of all peoples, from the most religious ones to those who are not religious at all, of all ages and professions – take very seriously the need for reconciliation and that it is therefore very important at the level of the entire country to include as many participants as possible in order for this process to be successful. Those who are sceptical about this whole process should not be excluded either.

Examining what individual peoples „blame” the others for and what burdens their relations, they came to the result that all groups have a negative opinion – image²⁸ about the others due to the war and violence. The war and war-related traumas are still very much present in all aspects of life in this country and they represent the most

²⁷Bozo Skoko, *Što Hrvati, Bošnjaci i Srbi misle jedni o drugima a što o Bosni i Hercegovini*. p. 15. Friedrich Ebert Stiftung, 2011. See <http://library.fes.de/pdf-files/bueros/sarajevo/09256.pdf>

²⁸ Our image of others is a set of beliefs, ideas, opinions, impressions, stereotypes and prejudices about an individual or a group.

significant burden on the relations among the peoples (Skoko p.17).

However, one must not forget that the old distrust still exists.²⁹

Skoko attempted to establish what would make the respondents change their opinion on individual peoples and their members.

According to the results obtained, Croats and Serbs seek from Bosniaks not to abuse the state and entity institutions (over 50% of respondents) and to be less exclusive towards the other two peoples (over 40%).

Serbs (unlike Croats) expect from Bosniaks to show awareness of their own guilt for the war and to apologize for it (58% of Serbs), while only 15% of Croats perceive that Bosniaks should apologize to Serbs for the crimes committed during the war. Both Croats (61%) and Bosniaks (82%) expect from Serbs to show awareness of their guilt for the war and to apologize for it and to show more responsibility towards the state (Bosniaks 72% and Croats 49%), as well as to stop abusing the state institutions (Bosniaks 57%, Croats 45%). Bosniaks (59%) to a larger degree than Croats (32%) perceive that Serbs should be less exclusive towards the other two peoples. Bosniaks and Serbs generally disagree regarding the expectations from Croats, except that they should be less exclusive towards the other two peoples (38% and 37%). A significantly higher percentage of Bosniaks (55%) than Serbs (38%) expect from Croats to show more responsibility towards BiH. Serbs think that Croats need to become aware of their guilt for the war and to apologize for it (50%), while the majority of Bosniaks do not share this view (only 26% of respondents chose this option). Bosniaks think that Croats need to stop abusing the state and entity institutions (44%), while only 21% of Serb respondents believe that Croats really do that (Skoko pp. 15-16).

According to this survey, one of the main obstacles to achieving the mutual trust is the lack of a common objective. The second obstacle is

²⁹Srdjan Puhalo established that approximately 67% of Croats would receive blood from Serbs and Bosniaks and slightly over 40% of them would receive blood from Roma (p. 35). If their life was in danger, 54.3% of Bosniaks would receive blood from Croats and 49% from Serbs, while 39.6% of Bosniaks would receive blood from Roma (p. 39). If their life was in danger, 37.5% Serbs would take blood from Croats, 35.2% from Bosniaks and 34.5% of Serbs would receive blood from Roma (p. 43). The degree of distance from Roma people varies depending on the offered relation. Roma person as a teacher was acceptable to 35.3% of Croats, while the marriage to a Roma person was acceptable to 6% of them (p. 35). Srdjan Puhalo, *Etnička distanca i autostereotipi građana Bosne i Hercegovine*. 2009.

the lack of a consensus over the war in Bosnia and Herzegovina and the third one is the unresolved national question. This is closely related to the absence of understanding among the majority of political leaders of the needs of other peoples. In any case, the survey showed that there is a potential for the development of mutual relations. This is further proved by the fact that the respondents recognised a larger number of positive values in other peoples, while the number of negative stereotypes significantly decreased over the past decade.

Negative opinions about each other, which frequently turn into hatred and prevent strengthening of mutual trust, obviously cannot be swept under the carpet, as the representatives of international institutions frequently attempted to do. David MacDonald (2010: 376), analysing the causes of the dissolution of Yugoslavia and bloody wars that followed, claims that it was exactly the unresolved traumas from the past (it was not our fault, hatred and distrust were given to us) that facilitated creation of heightened emotional atmosphere in the 1990s, which was a fertile ground for negative myths and inclination to believe in them. Regimes in the Balkans systematically generated distrust among different ethnic groups in the society. Accordingly, the current situation in terms of trust and distrust has its history and this distrust was not caused only by the last war.

It is very difficult to build trust without respecting the ethnic differences, knowing the nature of mutual relations between the peoples, understanding the numerous stereotypes, reasons for distrust, perceptions of each other and primarily of the reality in which numerous people live. The past traumas, present traumas and fear of the future traumas are still present. Not being able to bury killed members of their families keeps those who survived „frozen in the past” and prevents them from accepting the loss and beginning the process of „grieving”. On the other side, those whose deceased family members were found and identified are overwhelmed by a constant feeling of sadness and uncertainty of the circumstances under which their loved ones lost their lives – were they hungry, thirsty, afraid, etc. More than anything, they need the information and truth, as well as support of the community in which they live, understanding and acknowledgment of their suffering in order to regain the trust in life, justice and people, not to mention the trust in those who committed crimes. Happy occasions, such as a birth of a grandchild, are still in the

shadow of what happened during the war and accompanied by the grief that their loved ones are not with them. „At all times, I offer them life and they offer me death” is a comment by one of the therapists.

The greatest challenge currently is how to use the positive attitude when it comes to the establishment of new relations and trust. It does not necessarily have to be referred to as trust, but for example as normalisation of relations. However, achieving that will require individuals, groups and institutions which will raise awareness about what happened, primarily by condemning their own crimes.

Unfortunately, this is not happening. See only how many professors from universities in Republika Srpska brought their students to Srebrenica and those from the Federation to the places of crimes against Serbs – twenty years after the war?

In religiously and nationally heterogeneous communities, such as among others Bosnia and Herzegovina, it is necessary to build social trust and trust among the groups through, *inter alia*, establishment of the consensus, which on one side provides a possibility to build bridges between different perceptions of values (peace should become a part of the value system in the society) and norms and on the other side establish links with persons of different characteristics (religious, ethnic, etc). This ability to look for something in common with other people will however be valuable for the process of transformation only if it is simultaneously and continuously adjusted to the socio-cultural changes, changes of beliefs about us and others being a permanent element of that process. However, it should not be forgotten that this consensus should be achieved at the same time when the society should face its past and its future and this always represents a great challenge. Building trust should aim to achieve an ultimate understanding between different groups, secure peace, social progress, security, social renewal and so much needed reconciliation. This is possible only if the truth is established (valid for all groups), if guilt is admitted and if historical facts are legitimised.

If we want to build trust in multinational societies, such as Bosnia and Herzegovina, it is necessary to move from the society based on ethnic values to the society based on civic values. Certainly, there is an agreement that the citizens' trust represents an important factor for the political, cultural and economic stability and progress of each society and for the cooperation as well. It is a social capital that can

measure disposition of the society, meaning of the largest number of its individuals, to express trust as a precondition for the stable political, cultural and economic trust. Each society exists across a number of generations at different levels of its organisation and it is unambiguous that the trust includes attitudes towards the past and the future. It is a measure of success in being able to inherit and transfer the good which is the common good. If such trust is absent, there can be no social responsibility. There cannot be recognition of the individual and social dignity or rule of law. The question is however how to achieve that, particularly when trust is to be built in a post-conflict situation in which individuals, groups and the society as a whole undergo multiple transitions of identity, status, position in the society, economy, ideology, etc.

Trust is a more realistic and feasible objective than reconciliation. Reconciliation implies forgiveness and nobody has the right nor can anybody expect the victims to be ready to forgive those who committed serious crimes against them and their loved ones. What can be expected as an ideal is the trust because without trust there will be no progress or coexistence at any cultural and civilisational level. Let us reiterate the thought by Eilert Løgstrup from the beginning of this text: We simply would not be able to live, we would undercut our lives which would wither if we were to encounter each other with distrust and believe that people steal and lie. A person can never engage in a relationship with another person without holding a part of their lives in his own hands.

THE DISSOLUTION OF YUGOSLAVIA: ROOTS OF THE CONFLICT BY SONJA BISERKO

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YUGOSLAV DILEMMAS VS. EUROPEAN DILEMMAS

Yugoslavia was a complex community which tried to find the best solution for the problems that it faced and that the world faces today: those are the problems that mainly center on the peaceful and harmonious coexistence of historical, cultural, political, economic, and religious and civilization differences. In the end Yugoslavia failed to find a sustainable solution. The international community has been still searching for the right answers, the answers that would truly reflect and correspond with the spirit of the times.

Yugoslavia which fell apart, the so called second Yugoslavia (1945-1991), provided an important institutional frame for the national emancipation of all its nations as well as for the definition of the borders of its republics and provinces. Those borders are valid and internationally recognized today. The self-determination of the republics and the former Kosovo province, and their subsequent independence marked the end of the historical process inaugurated by the Berlin Congress of 1878. The second Yugoslavia was preceded by another state form in the period from 1918 to 1941. Thus, both of them covered most of the 20th century. In the history of the Balkan nations this is not a small achievement.

WHY DID YUGOSLAVIA FALL APART?

It fell apart because of the different perceptions of its very birth and different concepts of the nature of the state, the way the country should have been organized and governed. On the one hand, Serbs interpreted and perceived Yugoslavia as „the extended Serbia”, „their state”, for which they had fought and sacrificed in two world wars. On the other hand, other nations, Slovenes and Croats, Macedonians, Montenegrins and Bosnians defended their concept of an association of equal nations. They rejected to be absorbed or assimilated within the Serbian concept of Yugoslavia. This tension was evident in the country's various stages of existence throughout the whole century. At the very end of it Serbia rejected the proposal of a creation of the union of equal states or confederation. A new paradigm that should

have been based on the genuine reassessment of the achievements and failures in the history of Yugoslavia - and thus acceptable to all - was not found.

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WHY WAS IT NOT POSSIBLE FOR YUGOSLAVIA TO DISSOLVE IN A PEACEFUL WAY?

The answer is the following: the Serbian elite did not accept the evolving reality and the aspiration of other republics for a higher level of independence within a common Yugoslav state frame. The emancipation of the nations within Yugoslavia was an inevitable, natural process.

The demand for more independence was put forward by all republics and provinces, although at different levels and in different spheres. This was the time when a part of the Serbian political elite – too – preferred a level of decentralization from the federal authorities. The process was eventually temporarily stopped when all republican leaderships were swept away by conservatives in the Party and the Army, especially in Serbia, with the blessings from the Soviet Union.

THE 1974 CONSTITUTION

Still, the impact of the decentralization process could not be erased. It culminated in the 1974 Constitution which incorporated all the demands put forward by former republican political elites. Although the new Constitution was lacking in many areas, its importance was paramount. It established the basic frame for a confederal Yugoslavia and its continuation on a new constitutional basis. The 1974 Constitution was in fact the only option and the only guarantee for the survival of the Yugoslav state.

THE STRUGGLE FOR TITO'S LEGACY

Thus, the struggle for Tito's legacy began. The demand for the revision of the 1974 Constitution was put forward already in 1977. Other republics did not accept it. Tito's advanced age was a plausible enough reason for Belgrade's leadership to slow down and prevent any progressive changes so as to get more time to thoroughly prepare for the reorganization of Yugoslavia.

After Tito's death Serbia and the Army (YNA) intensified their efforts for the redesign of the country. Preparations were underway to create the necessary conditions for the homogenization of Serbs throughout Yugoslavia. The majority of leading Serbian political, cultural, intellectual, military and religious representatives participated in this endeavor and preparations for the war. At that time the situation in Kosovo began to be used as a pretext for opening the so called „Serbian question” in Yugoslavia.

MEMORANDUM BY THE SERBIAN ACADEMY OF SCIENCES AND ARTS

The widely known Memorandum by the Serbian Academy was published in 1986 as a strategic blueprint for the Greater Serbia national project. In fact, the Memorandum just followed on the Serbian national program from the end of the 19th and the beginning of the 20th centuries. The then program demanded „the liberation and unification of all Serbs and the establishment of the Serbian national and state entity/community on the whole Serbian national territory”.

The Memorandum reaffirmed all key issues relevant for the realization of the Serbian national program. It also revealed the ongoing preparations in that direction. Members of the Academy who had written the Memorandum, members of the Serbian Association of Writers and other prominent cultural and public figures became the main promoters of the Memorandum's program. Historians began to play an increasingly important role in the interpretation of all newly open issues. Their task was to create the necessary conditions for the destruction of the former neighbors through successive campaigns of demonization of other ethnic groups as alleged enemies.

DOBRICA ĆOSIĆ

One of the key issues – the issue of borders which was to surface if there was no agreement between the Yugoslav nations on the new Yugoslav formula – became the main topic of the public debate. The ideological leader of the renewed national project, the author and politician Dobrica Ćosić and his associates never recognized the republican (AVNOJ) borders, which had been defined toward the end of the anti-Nazi war. He advocated „a plebiscite on the right of self-

determination of nations”, and not on the right of self-determination of republics.

Ćosić considered the former borders, with the exception of Slovenia, as „communist and provisional”. He claimed that „they were not established along ethnical, geopolitical, economic or communication lines”. His position on the supposed Yugoslavia’s unsustainability dated back to 1970s and the 1974 Constitution. Ever since then he has insisted that the fundamental, historical reasons of the Yugoslav drama lie „in the different motives and unfavorable conditions of unification of Serbs, Croats and Slovenes into a common state at the end of the World War I”.

The Serbian Orthodox Church did not recognize the borders of Serbia in Yugoslavia either. The Church reiterated this position in 1992 and declared that the revision of the borders was an issue of supreme national interest. Together with Serbian academics, intellectuals and majority of the media the Church supported – and still does - the unification of the Serbian nation, „covering the territories of Serbia, Montenegro, eastern Herzegovina, a major part of Bosnia and Bosanska Krajina, as well as Srpska krajina in Croatia”.

Another important issue that caught the eye of the Serbian public in late 1980s and early 1990s was the alleged rise of Islamic fundamentalism in Bosnia and Herzegovina and Kosovo. The Memorandum did not dwell on this issue because it was expected that - in the case of the collapse of Yugoslavia - Bosnia and Herzegovina would remain a part of a common state with Serbia, Montenegro and Macedonia. I will return to this point later in the context of Serbia’s attitude toward Bosnia and Herzegovina.

PROCESS OF DESTRUCTION OF YUGOSLAVIA

The Memorandum became the ideological guidance of the new regime under the populist politician Slobodan Milošević who had risen from the Communist Party ranks to the leadership position. The Memorandum did not plan to abandon the socialist system. Its critique focused on the problem of decentralization which was perceived as a threat to the survival of Yugoslavia and Serbia’s claim on it. The issues of democratization and modernization of the country were sidelined and put off to the time when the Serbian national question has been resolved. The resolution of the national question – a greater,

ethnic Serbian state at any cost - became the top political priority. Milošević's regime started to propagate its exclusivist, nationalist ideology. The Serbian nation was glorified while other nations were vilified, especially Croats, Albanians and Muslims, and, partly, Slovenes. In fact, the process of destruction of Yugoslavia was executed under the pretext of the effort to save it. The prepared technology was used „institutionally and non-institutionally”, as Milošević used to say. Protests were organized and orchestrated in all the regions of Yugoslavia where indigenous Serbian population lived (Croatia, Bosnia and Herzegovina, and Kosovo). The Federal Government, led by Prime Minister Ante Marković, was pro-reformist and pro-European. In 1990 Yugoslavia was on the threshold of the association agreement with the European Community, similar to the one Cyprus had at that time. The Agreement was supposed to be concluded after the expiration of the bilateral trade agreement. However, economic reforms introduced or planned by the Federal Government had no chance of succeeding without fundamental political changes. The war blew away all reform plans.

THE YUGOSLAV PEACE CONFERENCE

The Yugoslav Peace Conference, convened in September 1991 by the European Community, with Lord Carrington as chairman, was the last chance to save the common Yugoslav state frame and find a solution to the divisions inflaming the country.

After Serbia's rejection of The Hague proposals, the Badinter Arbitration Commission brought about between late 1991 and the middle of 1993 fifteen opinions regarding legal issues arising from the fragmentation of Yugoslavia. Already in November 1991 the Commission concluded that Yugoslavia was in the process of dissolution, that the former boundaries became protected by international law and that minorities' rights should be fully respected in accordance with the international law. Eventually, the Commission would recommend that the European Community accept the requests of successor states for recognition after being given guarantees in regard to the respect of human and minority rights and international peace and security.

At that time the Yugoslav Army (YNA) already stood firmly behind Serbia. Therefore, Serbia rejected the Peace Conference proposal and

embarked, with the Army's support, on the path of the military conquest of Yugoslavia, with the aim of the recentralization of the country or the establishment of a new country that would ensure the unification of all Serbs within a single state. The rest, as they say, is history.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Dissolution of Yugoslavia ended with the independence of Montenegro in 2006 and Kosovo in 2008. The process of the dissolution of the country lasted for almost 20 years, almost as long as the preparations for its destruction.

The international community – the European Community, the United States and NATO – understood well the nature of the collapse of Yugoslavia. The United States was instrumental in ending the wars in the Balkans. In 2003 the European Union offered the prospect of membership to all newly established countries of the former Yugoslavia.

The role of the European Union in the establishment of the rule of law in devastated regional post-conflict societies has been indispensable. Many different arrangements established by the Union provided for the introduction of standards and institutions that were - and still are - essential for the democratic transformation of the countries in the region. However, the EU missed the opportunity to profoundly engage in the process integration of the Balkans. Reconstruction of the Balkans is not possible without economic recovery and the region itself did not show capacity to handle this problem.

What the European Union and the United States did not do is to persevere in their principled solutions. Instead, they allowed room for ethnic divisions and even included the latter in the Dayton Accords. They did not stop genocide in Bosnia and Herzegovina in 1992. They waited until the massacre and genocide in Srebrenica questioned their very credibility. It was only then that they intervened on the side of the innocent victims of an innocent country sucked into a mini-imperial war.

ICTY AND ICJ

International justice institutions – the International Criminal Tribunal for Yugoslavia (ICTY) and the International Court of Justice (ICJ) – also contributed greatly to the process of the establishment of the rule of law in the region. The ICTY demonstrated the immensely negative impact of the lack of a peaceful resolution of the conflict. Instead, conflicts in the region were supposed to be solved by force, by ethnic cleansing in the occupied territories, by crimes against humanity, war crimes, genocide.

Those crimes have still not been absorbed in the region although they were clearly exposed in the Hague Tribunal. There is still an enormous challenge before Serbia, an enormous moral and intellectual effort, to come to grips with its past, and to recognize and accept the historical truth about the dissolution of Yugoslavia and Serbia's role in it. The future of the relations between the nations in the region depends on this effort.

PROBLEMS OF DEMOCRATIC TRANSITION IN SUCCESSOR STATES

The difficulties Serbia encountered in its political transition and its current political regression are a cause of great concern in the region. At the same time they are also emblematic, albeit in a drastic way, of the difficulties of democratic transition in the successor states of the former Yugoslavia. These seven countries gained their independence amidst or after a period of a brutal war, countless crimes against humanity, population transfers, and immense destruction. This fact alone diminished the successor countries' individual capacities to consolidate their position and, particularly, to make a fast and successful transition to democracy and the rule of law. Democratic state-building proved to be a very difficult undertaking. The adoption and implementation of democratic values require an immense effort, and the results so far are still lacking.

SERBIA VS. BOSNIA AND HERZEGOVINA

It can be expected that Serbia will continue its destructive policies of destabilization of the region as long as the international community

does not succeed in completing the process of stabilization of the new states in the Balkans

From the very beginning of the establishment of their modern state at the end of 19th century, Serbian elites perceived Bosnia and Herzegovina as a territory which could compensate for all their frustrations and dissatisfaction with the state borders.

Serbia achieved its strategic goal after the unification of all south Slav nations into a single state – Yugoslavia. As I already noted, the Serbian elite perceived Yugoslavia as its country, an expanded Serbia. This perception lies at the root of the misunderstanding between the Serbian elite and other Yugoslav elites who had different perceptions of Yugoslavia's state system. The opposing concepts ended with the dissolution of Yugoslavia. Still, the Serbian elite did not give up on its 19th century dream. Bosnia and Herzegovina was a key to this dream. The campaign to realize that dream ended in genocide.

EPILOGUE – BOSNIA AND HERZEGOVINA

Judgments brought about by the Hague Tribunal and especially those by the International Court of Justice on genocide against Muslims in Bosnia and Herzegovina have not changed Serbia's claim that Islamic fundamentalism was - if not the main - than one of the main causes of the dissolution of Yugoslavia. This thesis has significantly influenced the interpretation of the wars in the Serbian society. The compromise between politics and justice which was evident in the judgment of the International Court of Justice as well as its rather vague definition of the wars in the former Yugoslavia contributed further to public ignorance and denial.

The state policy of Serbia vis-à-vis Bosnia and Herzegovina has not changed after the removal of Slobodan Milošević. National strategists actually believe that his contribution to the national goals was considerable because he managed – during the wars - to mark the territories which the new authorities will gradually consolidate as Serbian ethnic territories by „democratic means” and „Gandhi’s methods”. Nowadays new methods are being used. They are - to a great extent - anchored into the current political relations between the west and the world of Islam.

The co-responsibility of the international community for the current state of affairs is great. It tried to solve the problems on the political

level and through national elites while neglecting to devise a strategy for the creation of the Bosnian political identity attractive to all national communities. There is still no shared interpretation of the history and no culture of remembrance.

The best and the most poignant example of this situation is Srebrenica. Since it is not possible to deny genocide in Srebrenica, the Serbian side decided to create a symmetrical history and relativize the number of innocent victims. A memorial centre in honor of the Serbian victims was built in the vicinity of Srebrenica in Bratunac. The commemoration takes place a day after the one in Srebrenica, providing the opportunity for every political leader to agonize over the victims in Srebrenica and those among the Serbs in the same breath.

The Dayton Accords makeup of Bosnia and Herzegovina is just one of the indicators that the division of Bosnia and Herzegovina would be the lasting source of crisis because of the inevitable competition between Serbia and Croatia over the dominating role in the region. The fact that the organizers of the Dayton Peace negotiations made both leaders sign up to the agreement testifies that the American mediators were aware of the risk.

Unfortunately, at that time the international mediators either did not have a clear idea of or could not reach a consensus on the future sustainable organization of Bosnia and Herzegovina. The Dayton Accords did not envisage mechanisms to overcome the limitations of its provisions. Therefore the Agreement remains the main obstacle for the consolidation of Bosnia and Herzegovina as a functional state.

The recent German-British initiative is a new effort by the EU to mobilize Bosnian leaders for the reforms which would create conditions for Bosnia's road –map to the EU.

Serbia has not given up on its war goals in Bosnia and Herzegovina. The well known statements to the effect that Belgrade will support whatever the three constituent nations agree on (the EU representatives often use the same language) are aimed at preserving the status quo. Bosnian Serbs have not been an autonomous political actor on the political scene but a political instrument in Belgrade's hands.

HOW TO SOLVE THE PROBLEM OF BOSNIA AND HERZEGOVINA?

20 years after the Dayton Accords, it is necessary to intensify effort to solve the long-term problem of the state limbo in Bosnia and Herzegovina. Apart from the need to change the approach to the issue, it is necessary to integrate a moral dimension into all deliberations. Aggression and genocide cannot be awarded.

Regardless of the progress in the adoption and implementation of the important Copenhagen political criterion of the promotion of regional cooperation, in the Balkans history pops up every now and then and demands an explanation. The region has its own perception of the problem. The change will not be easy. The cooperation between Croatia and Serbia can contribute to Serbia's attempts to shed off its lies, its falsified Četnik movement interpretation, its neglect and negation of the merits of Yugoslavia.

Regrettably, Serbia has still not accepted the new reality in the region. Serbia's recognition of the historical truth is still awaited. Only when that happens will the country be able to make its own proper assessment of its recent and less recent history. Only then will Serbia's approach to Bosnia and Herzegovina, which is of key importance for the future of both countries, bring to both of them an overdue positive change.

Bosnia is not only Bosnian or regional problem; it is European problem as well.

EU has to decide whether it wants ethnically divided Bosnia or a modern pluralistic society. Unless it succeeds with new initiative, Bosnia is to become a paradigm for all ethnic conflict such as Ukraine. Dayton Agreement is already being mentioned as a solution.

**IMAGINED SOCIETIES OR „YOU CAN GET KILLED FOR YOUR
ETHNICITY”
BY RAHMAN BADALOV**

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IN LIEU OF EPIGRAPH

Two recollections from recent encounters with Armenian colleagues. At Tsaghkadzor I was scheduled to speak on the last day of the conference. That morning I was struck by a thought that I described as „joyful”, perhaps, still under the spell of Nietzsche’s „Joyful Science” (*Die fröhliche Wissenschaft*) I had been reading shortly before. That was the thought I decided I should finish my talk with.

The *joyful thought* was very simple: „we must realize that we are neither better nor worse than the other party”. „We” meaning us, citizens of Azerbaijan and Armenia.

Later, I reiterated the same idea at the workshop of young leaders of these two countries. And I was pleasantly surprised to accidentally hear it repeated by a young leader from Stepanakert, one initially standing out as uncompromising and radical.

Not only did I become a believer in the power of the *joyful thought*, but came to realize that we should not be afraid of the smallness of our effort. As one wise man once said, „don’t be afraid of going slowly, fear not going at all”.

THE SECOND RECOLLECTION

Under the same young leaders’ project, a meeting of the trainers and mentors with important European officials was organized in Brussels. The project’s leaders suggested each of us should choose a respective colleague from the other country and jointly present our project. I teamed up with a colleague from Vanadzor. I started our joint presentation by saying that „what we have in common is a national identity that is not an answer but, rather a question”. My Vanadzor colleague agreed.

Later on, I thought that those for whom their national identities are questions rather than answers will never go to war with each other.

MENTAL DEADLOCKS

“Mental deadlocks” is a complex philosophical problem, which we will narrow down to the issue of social interaction of people.

We all, each of us, every day participate in social interaction of various groups. There are signature attributes that people use to assign us or we use to assign other people to this or that group. Such attributes may be sex, age, social class, ethnicity, subculture, citizenship and other, more ephemeral, attributes. Our belonging with a group will determine the ways others interact with us and how we interact with them. Some attributes, such as sex or age, immediately grab your eye requiring no special comment. Other attributes will get highlighted on purpose, for example, people belonging to a youth subculture might emphasize themselves with a tattoo, a Mohawk haircut, etc. Attributes of the third kind will be revealed as you get to know the person, e.g. professional group, citizenship or ethnicity.

Belonging to a certain group in a certain society or in a certain situation may be psychologically comfortable as, for example, when a society cultivates special respect for senior people or women. Or to people of noble stock – you just have to cite your baronial title for everyone to start looking at you with admiration. In some other cases, belonging to a group may put one’s life at risk, as, say, having to admit that you were Jewish in Nazi Germany.

Generally, one might say that a society is constant interaction and constant cross-influence of various groups, where the ability to understand the role and significance of another group and to exchange essential information with it is recognized as crucial. The conflictologist Michelle LeBaron believes that, albeit we may find it difficult to discard our cultural lenses through which we observe the world, it is always a good idea to try and remove them to take a good look at the very lenses, so we could at least understand their color and intensity and what they reveal, as also what they conceal. The next step for us might be to try on some other cultures’ lenses, even if we are unable to permanently wear those as our own.

It is exactly in that sense that the sociologist Niklas Luhmann emphasizes *communication* as the existential basis of the society understood as a mobile social system capable of self-reproduction. While Jürgen Habermas called his social philosophy „the philosophy of

communicative reason". Cessation of communication means that a society is stagnating, regressing and, ultimately, falling to pieces. Let us clarify one more point here. When speaking of communication, self-reproduction, the ability of a group to understand the role and significance of another group, we should bear in mind that in developed societies social groups are mobile/flexible and a person is not rigidly attached to any particular group. The more flexible intergroup boundaries and the ability of a person to migrate from one group to another are, the more is he/she able to understand the interests of another group, the more *communicative* and, hence, developed a society is. Such a society will be capable of overcoming crises caused by disruptions in communication: whenever a need arises, required adjustments will be introduced into the social and, perhaps, the political framework so that communication between groups could be restored. In any event, one should remember that democracy is not only rule of the people but rule of the *entire people*, so communication processes have to apply to all groups within a society.

In what sense then do we have to speak of the „mental deadlocks”? Many developed societies today face a problem with immigrant groups rigidly affixed to their ethno-cultural identities, which allows them to retain cohesion in an alien country but tempts [the host society] to exclude them from communication processes.

In developing societies, as a rule, membership of the titular ethnic group is dominant and posing in sharp contrast to other ethnic groups. A person is supposed to stress his/her ethnicity in every intention, deed, word or expressed feeling and only in the second, third or tenth turn recall being also a woman, a professor, a Moslem, a Christian, a businessman(~woman). A person should forget or carefully conceal any of his/her personal feelings that ignore the group interests.

A special case is the disintegration of totalitarian-governed multiethnic nations (like USSR or Yugoslavia), where a strong center pursued policies of ethnic segregation, while ethnic elites loyal to the central government were encouraged in the regions. On the ruins of such states, a painstaking process of modern *nation building* is often substituted by an illusory notion of reviving a pre-existing nation, once discriminated against by foreigners. Important terms as „nation”, „nationalism” or „identity” are drastically simplified to patriotic

connotations seeking enemies not only among „outsiders” but also among „insiders”. A heterogeneous society is perceived as potentially weak, hence its greater uniformity should be sought, otherwise pressing militaristic problems (an enemy has to be engaged) would be impossible to solve. Normal communication is replaced with myths, which by definition must never be debated, only protected and preserved.

How to escape those „mental deadlocks”? How to break through the vicious circle of pseudo-patriotic notions? How to expose the fake romantics of speculation on the never changing „people’s spirit”, „people’s soul”, etc.? How to demonstrate that a homogeneous society is unnatural (quasi-natural)? How to bring the society back to normal communicativeness, without which it will cease to be a society? Those are tough questions requiring long discussion and consistent practical steps.

To begin with, we may follow Michelle LeBaron’s advice to try and remove and scrutinize our own *lenses*. I think art is the first instrument of choice capable of doing that. It is art that is able to laugh when it sees the „distorting lenses” people have long since forgotten to notice. ... You may be constructing a tunnel between the Balkans and the rest of the world, which will help connect different cultures, burrowing ever deeper into the earth and forgetting about reality. While up above, there is just life, always like a miracle, funny, slightly bizarre, slightly insane, someone falling in love with someone, someone running away from someone, fences and more fences, partitions all over the place, can’t quickly tell where „insiders” and „outsiders” are, we’ve taken one of the „outsiders” hostage to swap against one of the „insiders”, but the „outsider” has turned out such a beautiful woman, can’t take your eyes off her, so what if she is another religion, what does it matter, and you want to run away with her into a different life, some place with no fences, no partitions, into that same tunnel, which may help you forget about different cultures, but who can guarantee that down in the tunnel you could still keep this life being a miracle, even if slightly bizarre, even if slightly insane. So maybe it’s worth trying to change something up here...

Art has been doing its job, not only with that film, also with many others, but you can’t beat the „mental deadlocks” so quickly. You

would have to spend a long time correcting words so you could correct life afterwards.

Because you get used to your lenses and no longer realize that they have long since been showing only a distorted image of the world.

"US" AND „THEM": RELAPSES INTO THE ARCHAIC

It may seem that „us” is a simple and transparent category with nothing you would have to explain. „Us” means our own kind, kith and kin. „Them” is more challenging, the category is not very clear, for „them” may stand for friends and foes alike.

Social psychologists believe that it was all different with ancient peoples. People would first develop a notion of „them”, only then, gradually, it was followed by an understanding of „us”. The notion of „them” was lucid and clear-cut, the notion of „us” was hazy and blurred.

Says B. Porshnev, a historian:

““Them” is initially much more concrete and real, carrying certain attributes: disasters from „their” invading hordes, „their” failure to understand „human” speech (in Slavic languages „niemtsy” – the „dumb ones” – stands for Teutonic peoples). In order to vividly recall what exactly „them” are like, there is no need to personify „them” in an image of some leader, a ruling group of persons or organization.

„Them” can be visualized as quite a diverse variety, rather than a unity in a strict sense”. Therefore, one may say that the category of „them” is the first to appear, it is crisp and clear, while „us” follows later, the notion is less clear-cut, meaning that „us” are really those who are not „them”.

The ancient „us” are „people” in the straight sense of the word, the „true people”, while them are somewhat short of human, not „true people”. The names of many tribes and peoples in their own languages simply mean „humans”, „people”, „true people”. That is to say, „us”, as our folk, identify ourselves as the entire mankind.

At the archaic level, such notions may be regarded as natural and justified. My own people have their own language and their own perpetuated ways and rules, fixed in rituals. The rituals run right through all aspects of life, from birth to death, from relations with nature to social relations. Those unalterable ways could be described as the *myths* of a people, which must be preserved and transferred from

generation to generation. If „us” are the „true people”, then we have the „true myths” the other peoples lack and by protecting our people we also protect our myths.

Such perceptions are firmly set in the heroic epic lore of almost all peoples. Those are poetic descriptions of situations where our own „first people”, „heroic ancestors” triumph over not „true people” who do not have the „true” ways or the „true myths”. Please note what is important for our future reasoning: at the heroic-epoch level, any alien (outsider’s) blood spilled is easily washed off hands because it is so easily washed out of minds.

In the *Book of Dede Korkut*, an Oghuz (Oghuz being one of the ethnic ancestor peoples to modern Azerbaijanis) hero epic, a son is asking his father, the chief Oghuz epic warrior, „Why do we call those we fight our ‘enemies’?”. The father’s answer is disarmingly naïve and straightforward – because „when we chase and catch them, we kill them, and when they chase and catch us, they kill us”. So much for heroic reasoning.

One should not think that Oghuz epic are, in that sense, any different from the others. I must confess my admiration for the *Iliad*, which may be described as a great „poem about force”, about the inevitable limits of force, about defeat, which even the greatest of heroes, such as Achilles, cannot escape. But cruelty as such, including the cruelty with which Achilles deals with his enemies, is never reproached at all in the great epic. Achilles is distressed by his heel, preventing him from becoming immortal like the hero Heracles, but not by the blood he has shed.

Those may all seem to be things of the past.

All the peoples have been through their heroic age, their heroic childhood, one might say, when war was a normal condition of human societies. We can read through those heroic sagas, we may greatly appreciate their artistic value, but we also appreciate the historic distance between them and us. It never occurs to us that „outsiders” are not truly people at all, that an enemy always stays an enemy and that his blood that we shed should be easy to wash off our hands and minds.

The mankind has covered a huge development distance since then. Long millennia had passed before, at some historic moment, an idea first awoke that „us” could actually cover the whole of the existing

humanity, without any „them” in opposition. Since then, people have come to understand that there are no „true” or not-so-true nations/peoples, that there is no genetic or any other kind of predestination in the development of this or that nation. Overcoming stereotypes and prejudice, the humankind has found a „true human” in a person of a different race, confession, a member of social underclass, a slave, even a woman and a child. We will not dwell on all of those human humanity rehabilitation cases although each of those can teach many a good lesson.

The gory 20th century brought us new trials and new revelations. The Holocaust, genocide, the Soviet Gulag were horrid phenomena not only because they revived the old myths of folk blood purity, of true and not-so-true nations, but also because they staged a monstrous experiment in human corruption, where headsman and torturers destroyed humanity in their victims and, through that, in themselves. Those again may all seem to be things of the past.

Fascist and communist crimes against humanity have been condemned, war in the thermo-nuke era has become anachronistic, and in the global world the intercultural dialogue has acquired not only a humanitarian but also a communicative significance.

Still, we have to admit regretfully that *there has yet never been a peace on earth.*

We know a lot about wars. Heroes, casualties, progress in weaponry. World history, still more so national histories are in fact largely histories of military leaders and conquests.

We know the Hundred Years’ War. We know the Thirty Years’ War. We know the two World Wars of the 20th century, surpassing all the previous ones in cruelty and death toll.

Regional wars still continue, reviving relapses into archaic notions of true and not-so-true nations that justify murder on ethnicity grounds. Something of that sort happened in the Balkans and in the South Caucasus countries. Something of the sort happened in Rwanda, when the Hutu were exterminating the Tutsi.

All that happened in the late 20th century when, one would expect, people should have grown wiser and more aware of each human life’s value.

We are barely starting to get used to a peace on earth.
So, what could one say?

Firstly, we should remember Aristotle's words, „A man living outside law and justice is the worst of all”. This is no less relevant for peoples than for an individual.

Secondly, we should realize this. Neither law, nor justice, nor morals, nor any civilized forms of living can be just put on as an off-the-peg garment to flaunt in lightheartedly. There are no finite rules of right living, no ready-made „garments” for all occasions; you have to understand that the complexity of life will always pose challenges for us to tackle.

One should remember: the atavistic, the mindless, the soulless – and therefore monstrous – is always right close by, always at your doorstep. It will come back every time reason falls asleep.

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NATION AND NATIONALISM... „YOU CAN GET KILLED FOR YOUR ETHNICITY”

Once in my reading I came across this idea, spelled out sharply and categorically.

“Nationality, alias ethnicity, is one of the most unfortunate, most wretched fabrications of humankind. Albeit necessary, albeit inevitable, but, definitely, unfortunate and, definitely, ruinous...

Once invented, nationality (as a principle, as an angle at which one sees the world and oneself ...) now dictates its terms. One has to comply ... People get killed for their ethnicity”.

It is hardly possible to unconditionally agree with such an opinion. Let us not regard humankind as unwise as that. A necessary and inevitable „fabrication” cannot possibly be so „wretched”. If nation was „invented” at some historical point, if it spread just about everywhere, if it constituted a whole era in human history, if it continues to be argued over even today, then there must be some profound meaning in the notion, albeit still not fully known to us.

The wise Isaiah Berlin wrote: „A nation's claims to the interests of an individual are based on the fact that it is solely the nation's life and its history that impart meaning to everything that each of its members ever is and does”. There are many examples that could confirm Mr. Berlin's words. There are quite a number of people for whom the highest meaning of their lives is contained in the nation; literally their entire personal range of emotions is focused on his/her nation's success.

At the same time, there is no reason for us to ignore an opinion arguing that the invention of nation was „unfortunate”. If pathology can sometimes shed light upon norm, then a frank judgment, even if expressed overemotionally, with obvious exaggerations, ought to at least wake us from complacent serenity. Indeed, if they killed on ethnicity basis, continue to kill and cannot be guaranteed not to kill in the future, why do we not ask ourselves: Perhaps, what appears obvious is not so obvious after all? Perhaps, a once necessary invention is now controlling us? Perhaps, something ought to be changed both in our lives and in our heads?

It is difficult to disagree with the fact that the human world consists of nations and ethnic groups, and each of us is a representative of some ethnicity. In many cases a person's introduction will start with his/her nationality, only then followed by sex, age, country, profession, social status. Open an encyclopedia, go to Wikipedia and you will see for yourselves that nationality comes first and everything else follows. Although it might be just a familiar cliché, nothing more.

I read in Wikipedia: „Niels Bohr: a Danish physicist”. Immediately a question popped up, what will the same Wiki tell about Albert Einstein – „American” or „Jewish” physicist? No, the Wiki authors decided Albert Einstein was just a physicist; nationality in his case did not matter. But will not „Danish physicist” or „German mathematician” look just as preposterous?

It may seem to relate only to physics, chemistry, mathematics, but art, that is different, a national attribution of an artist is of important aesthetic relevance. Of course, there is a difference between science and art; still, for example, in cinema it is becoming increasingly difficult to utter things like „a French film”, „an Australian actor” or „a Spanish director of photography”. Art critics and historians could explain what French cinema is and what is special about it, but that is but a virtual image; such „French cinema” might tomorrow be made in Tunisia or Japan.

Even in music, as I see it, those things are not so obvious. I do not know about you, but I am annoyed by such a definition as „the German composer Johann Sebastian Bach” – he did not exactly compose authentic German ethnic music, did he? To say nothing about avant-garde art, which is in principle cosmopolitan.

Let us admit, things national are enigmatic in the greatest degree. Even specialists get baffled. They debate, they argue about points, they seem to be unable to agree. What do you expect from the common people who are confident that their national identity cannot possibly be questioned? Many are certain that their nation has preserved unadulterated blood for the past 500, 1000, even 2000 years. And nobody questions how it could be practically possible. Let us try, for example sake, imagine the „grandmas and grandpas of our grandmas and grandpas”. If my count is correct, each of us should have 16 of those and, allowing 30 years per generation, it is a total of some 120 years. And what if we descend a few more generations into the past? That is, provided we are certain that all of our grandmas and grandpas, as well as their grandmas and grandpas, were of immaculate character and had no other husbands or wives, nor any children out of wedlock, leave alone children with alien blood in their veins(a horrible thought!). It is so absurd, but look at the passions boiling up! It is absurd, but... people continue to get killed for their ethnicity.

There is, of course, the commonality of language, traditions, life rules, but those things will not by themselves integrate into the „national” unless you conjure up that integral. For sensible people, ethnicity is a cultural symbol, a cultural play in the sense that the philosopher Johan Huizinga (we are not going to say „Dutch philosopher”, remembering that he actually died in a concentration camp after disagreeing with the Nazi notions of Arian purity and anti-Semitism) used talking of the „playing man”, „Homo Ludens”. He qualified as „high play” such human manifestations as parliaments or courts of law. According to Huizinga, each culture can have its own view of the past and „write history” its own way. Not only each culture, but different subcultures within a culture. For example, Huizinga speaks of possible different interpretations of the Netherlands’ history from the Protestant and Socialist points of view. Does it not testify to the existence of „Homo Ludens”, who plays and cognizes, plays and learns about himself and the others?

Many scholars believe that the basis of the cultural revolution that took place in ancient Greece in the 8th-5th centuries B.C. was the advent of Hellenic *agon*, the contest that permeated all spheres of life in a *polis*, from athletic sports to law courts, theaters, philosophy, etc. An ancient Greek polis was centered on the city square (*agora*), where something

was always being discussed. *Agon* allowed ancient Greeks to learn many things, to reach agreement on many things, it was *Agon* that allowed them to call themselves Hellenes and all the others barbarians. What was that unless cultural play, lasting until some fanatic (incapable of playing?) started substantiating the difference between Hellenes and barbarians on a „pure blood” basis.

And yet – and it might be wishful thinking on my part – something is shifting in our understanding of nations and nationalism. We have come to understand that practically all the phenomena we operate with are but our own constructs, in some cases more successful, with all kinds of semantic contexts breeding around them, in other cases less appealing and quickly forgotten. We have come to understand that it is convenient for us to perceive our national history (not only „national”, but we are speaking of that so far) as a grand narrative, a story sequentially flowing from the past towards the present, which is natural, but one should not mythologize the narrative and let it dominate our minds and our actions. We have come to understand that the „nation” is as much a construct of ours as many other things, as much a „fabrication”, but not unfortunate or wretched at all if, as it turned out, it did meet a great historical need. We have come to understand that the „nation” and things „national” are but high cultural play, which allows us to construct a bridging identity (in many ways imagined, which does not have to mean erroneous) between our customs, traditions and our view of the world, between our folk lore and our professional art, but you cannot turn the rules of high play into hard and fast dogmas. We have come to understand that we are no more different from the others than we are alike and we must learn to preserve ourselves in an open, moreover, wide open world, in which so much depends on information and communication.

I confess that I am happy about the wide currency the name of Benedict Anderson's *Imagined Communities* has gained. Even though the expression „imagined communities” is now repeated by people who have never read the book. Even though the book itself has not really answered many questions of the sort: „Why was it imagined?”, „Why was it imagined in this precise way?”, „What makes people continue to imagine it?” Except for the extreme conservative diehards, who are unable to abandon the dogmas of „objectivity”, and the extreme radicals, who prefer faith in a myth to conveniently brainwash

others and themselves with, everybody has been growing accustomed to „imagined” communities.

Without going into the details of how the phenomenon of „nation” and „national” sprang to life – enough has been written about that – I can only say the following.

One should not perceive „construction” as a conspiracy by some secret forces, such as Masonic orders covertly ruling the world. There is a lot of spontaneous in such processes, with various historical interests interweaving; a project might be born in the most astute, most creative minds, but once a project or a convenient module has appeared that meets the expectations, even the anticipations, of many, an illusion arises that it has been known before, that it has been always known. And now you can no longer do without it; like a magnet attracting iron shavings, it starts pulling in many meanings, it becomes not only a political and cultural, but also a psychological reality, nor is it confined to the territory where it was „conjured up”.

In the case of „nationalism”, it also proved to be a convenient vehicle for various people to „imagine” a kinship with one another, on top of the familiar religious identity. That was in the first place.

Secondly, constructed „nations” made it possible to avoid chaos in the European political space of the time, among other things, to avoid bloody religious clashes.

Thirdly, nations became a powerful incentive for the national liberation movements, which thoroughly reshaped the world’s political map. Social and legal models of the state were perceived as alien, over-rationalistic and „cold” precisely because of their rationalism, while ethno-nationalistic slogans mobilized people who belonged (again a magnet attracting iron shavings) as our own kind, our kith and kin.

The mankind has lived through several consecutive phases: „us vs them”, „me vs the Big Other (society)”, „my culture vs another culture”, „me vs another (among insiders)”, „me vs another (within myself)”, and other modifications of similar oppositions involving „us” and „me”. As not all peoples progress synchronously, some may be tagged as „fallen behind”, others as „tardy”, still others as „catching up” (all those definitions are but conventional tag, just as the universally accepted „in transit” is); the above mentioned phases interweave, coexist, counteract; but in all of such cases one may state that, gradually, it is the human individual (“Me”), rather than the collective, that

determines the development of civilization. And not theoretically, but in practice.

But could we say, today, that the time of nations has passed? Or, at least, that the age of ethnic interpretation of the nation is over?

It would be naïve to attempt addressing such questions within the framework of this article, which is more of a journalistic nature. I will allow myself only two quotations.

First, let me remind you of B. Anderson's:

"Indeed, *nation*-ness is the most universal legitimate value in the political life of our time".

J. Habermas, reflecting on the tense relationship between the nationalistic and republican identities, wrote that „this tension can be relieved, provided that, in a row of constitutional principles upholding human rights and democracy, the cosmopolitan understanding of nationhood as a citizen nation is ranked higher than its ethnically centered interpretation as a pre-political entity”.

As of now, such expressions as „a cosmopolitan nation” still grate on people's ears, so we realize that in countries with an underdeveloped civic sentiment among the public, it is the nation and national identity that are capable of ensuring the people's legitimacy, if we continue to believe in democracy as the majority rule.

Nevertheless, in a global world, „nationalism” in its ethno-centric interpretation is increasingly becoming anachronistic. Particularly, it must not be tolerated when it brands another ethnic group as its enemy and justifies murder on the basis of ethnicity.

FIVE IDENTITIES

The issues of „nation” and „nationalism” continue to agitate the public mind, but, inconspicuously and gradually, as the colonial and post-colonial mentalities fade, those issues start receding into the background. And become increasingly supplanted, at the turn of the 20th/21st centuries, by identity issues. Theorists believe „identity” to be as much a semantic chameleon as „nation” and „nationalism”: we often say one thing but mean another; we argue over theory but, consciously or unconsciously, smuggle in politics, applied sociology or social psychology. Let us not consider that a straight misconception; it often happens that somebody insightful, or not so insightful, dropped a word,

coined a term and it turned out that everybody had been waiting for just that, the term hatched through from muteness, everybody rushed repeating it, assigning ever new meanings, so the term no longer suits its newer denotations, but is still being repeated around as a cliché. Perhaps, some researchers are right to believe that the term „identity” would have never gained such currency had it not chosen the predicate of „national” to go along with it and thus had not immediately acquired a political import. „Cultural identity” has never become as popular exactly because it has been evoking no political contexts.

Let us try and understand what that „political context” contains and why it has become so relevant in post-colonial countries and in so called „nations in transit to democracy”.

A movement towards democracy that started with the collapse of communism has provoked various forms of nationalistic awareness. That was an inevitable reaction to the „proletarians-of-all-lands-unite” ideology, to the overcoming of ethnic, religious and other differences that was proclaimed as an ultimate goal of communism, and so forth. But extremes do breed extremes, so the reaction to communism was a sort of ethnic nationalism that, without a second thought on the exact nature of „us”, utilized its atavistic formula of *them who are not us*. After certain known blood-spattering events, an understanding has started to dawn upon the post-Soviet and post-communist parts of the world that it is the civic model of national identity that prevails in mature democracies, that progress towards democracy must also mean the overcoming of the ethnic model of national identity. But how could the new model be understood and accepted, when several generations of people had lived in totalitarian states, which permeated all spheres of life and excluded any form of civic activity? So again and again we see the retrograde movement towards the habitual and psychologically comfortable ethnic nationalism. That is a model in which the emergence of a nation is not preceded by the state but rather by an [ethnic] national identity striving to establish a state. National consolidation within such a model (I do not think that labeling it „oriental”, as some writers do, would be fair) is based on the notion of the People, rather than that of Citizenship. And such a „national identity” starts calling upon the timeless, invoking things like the „eternal soul of the people”, the „mysterious Russian soul”, the „steadfast Turkic spirit”.

One should not, perhaps, over-dramatize such developments. The communist past has provoked a process of legitimization currently observed, largely in post-Soviet countries. The danger, as I see it, is in the feebleness of reflection: when the changing world is difficult to sort out, it is easier to evoke a simplistic model of an „ancient nation” that never decays or changes over historical time, and forget about the consequences.

However important may political context be for understanding identity, of no less interest are those other meanings of the term that are related to role-playing games. A human being (a man reflecting) will form himself to suit the way he is seen by the others, strives to be like all the others and strives not to be like all the others, tries to break the habitual stereotypes. Not only does he observe himself, he will also, overtly or somewhat covertly, engage in presentation of self (in his own performance), as described by Erving Goffman. He is capable of playing different social parts and freely moving from one role to another, he may even boldly fall into so called „deviant behavior”, balancing on the edge beyond which social penalties may follow. He is capable of playing various parts while staying himself, maintaining a „prolonged internal equality with self”, a „continuity of self-experience” (E. Erikson).

Obviously, such integrity may prove to be very fragile, almost on the verge of mental disorder. The same E. Erikson speaks of „confused” or „mixed” identity, testifying to a failure in forming a personality as an integral whole.

Therefore, we see that the term „identity” may be pulling us down towards base matters, initiating atavistic notions, or may provoke a more sophisticated „another myself” personality game, which may help a person to better realize his/her human potential. We live in a complicated world, but, as said earlier, its main trend is liberating the personality from the bonds of collective identity and, in continuation of the same, release of a huge range of human potential, latent in the very person.

By way of conclusion, I would like to share a self-observation, which I beg to treat not as a confession in public, but rather as an attempt at dramatic (related to „drama”, not „dramatics”) role play.

In a recent workshop, where I was involved as a mentor, we suggested the following role-playing game to the participants. They were to do some self-observation and each was to name 5 identities of his/hers,

ranging them in importance. I also had to share my identities, joining in the role play. So:

My first identity: I am an Earthman.

It meant I voluntarily involved myself in the „myself-us-the world” networking system. I am an Earthman, consequently, I try to be responsible for everything in the world.

My second identity: I am a granddad.

I told them I was a grandfather of two grandsons and two granddaughters. I believe I have made a better grandfather than I ever was a father. I even published an article entitled *The Art of Being a Granddad*.

My third identity: I am a humanitarian.

In the workshop I emphasized that the collective identity pathologies of „yesterday” were fascism and communism. The collective identity pathology of „today” is nationalism.

I shared this discovery of my own at the workshop: a team is not a collective where all members sacrifice themselves to the common goal; a team is a collective that is sensitive to the feelings of each member and is capable of dissolving itself in each member.

My fourth identity: I am an intellectual.

This is not about knowledge levels and neither it is about self-praise. I simply believe that the humankind augments itself double in thinking, without which humans are not human. In M. Heidegger’s expression, „we are present here and, unlike animals, we register our presence”. I am more comfortable in the domain of thought than in the domain of practical deeds.

My fifth identity: I am a citizen.

What I meant was the very principle of citizenship. In ancient Greek words, „I am a *politēs*, I am not an idiot”. As we know, they called an „idiot” anybody who shunned public affairs.

After my presentation everybody took notice that, unlike most of the younger people, I did not include „national identity” in my top five.

MULTICULTURALISM OR MULTICULTI ...

Who would argue? Uniformity and standardization of life, culture, or whatsoever are not only boring but also destructive. Human culture is diverse and multifaced, which is not only appealing but also a way of its self-preservation.

Then why has a discussion around „multiculturalism” started: no one is arguing that there should be „a lot of cultures” and the word „multiculturalism” means nothing but that?

Why do some senior government officials recognize multiculturalism as a public policy while the others believe multiculturalism has failed?

How could such extreme positions have emerged: some defend „multiculturalism” from anti-racist perspectives, the others on the contrary do blame „multiculturalism” of racism?

First let us try to extend the historical framework where such questions have arisen.

In the 19th century, the world seemed to be simple and clear. People believed in the Mind, believed in the limitless possibilities of Enlightenment. Science and Technology were to ensure the welfare of mankind. This is what was recognized as a civilizing mission of European culture. Therefore, „for the benefit of backward peoples” they had to be colonized. Of course this is tinged with irony but civilizing mission cannot be fully discounted.

In the twentieth century, the pendulum swung sharply in the opposite direction.

Importantly, it is this **pendulum motion** that manifests the power of Western civilization. That is why self-exposures on the one hand and mutual accusations on the other hand are so very often - a crisis in one area is followed by the crisis in another one. By the way, simpletons who cannot see beyond their own noses often fall for this permanent „crisis succession”. They perceive any crisis, any financial crash as a sign of impending Apocalypse Western culture is going to face. It remains a mystery whether they look forward to the pleasure of apocalyptic visions or are naïve to believe that a new anti-Western era without crises and social problems will begin immediately upon the Apocalypse. The twentieth century can be considered the century of the rehabilitation of „the Other”. In other words, the rehabilitation of all those who Western civilization „had rejected” before, those who had seemed incapable of becoming equal to the enlightened white man for many years (centuries, millennia). Thus, the primitive man, or „savage”, was rehabilitated, he turned out to have „different” but equally effective logic. And the woman was rehabilitated, she proved capable of becoming equal to man almost in any domain. Even subconscious was rehabilitated, it became clear that much of human behavior

depends not only on how well educated a person is. A wave of rehabilitations rolled down to colonial peoples, it became clear that many of them were bearers of high, unique culture and should not be reduced to the position of perpetual students.

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The other side of the same pendulum motion is radical skepticism with regard to the „great ideologies” (“grand narratives” as the philosophers used to call them). The slogans of these ideologies differed – „in the name of motherland”, „for the sake of a bright future”, „in the name of racial cleansing”, „for the sake of the future afterlife”, „in the name of the world absolution from the Gentiles’ sins” – but their essence was the same. The highest human destiny is to sacrifice their lives for the sake of an idea. This also applies to „communism” and „fascism” and to radical religious groups, and various mystical and occult movements, and to much more.

Almost all of the most prominent Western intellectuals of the second half of the twentieth century held leftist views. They were undermining the faith in the universal mind and universal rationality for all occasions. They warned that Western civilization in its complacency could itself become a „grand narrative” that everybody was to blindly obey. From academics, these ideas spread to large-circulation magazines and political practice. Remember how M. Foucault, a university intellectual, took the Iranian revolution, how he tried to cooperate with Banisadr, the first democratically elected president of Iran. We all know what came of it, but that is another story.

The idea of “multiculturalism” has arisen on the wave of this intellectual quest on the one hand and political practices on the other hand. First in Canada where the official Multiculturalism Act was adopted, then in Australia, later these ideas spread to the European countries. To a certain extent, these ideas turned out to be a response to the „melting pot” concept that prevailed in the United States in the twentieth century.

But the politically correct multiculturalism formula did not resolve multiple issues that became particularly pressing when large waves of emigration streamed into the Western countries one after another. The formula of „integration without assimilation” started bursting at the seams. It turned out that when there is a decent allowance you can do „without assimilation and without integration” – as if in a voluntary ghetto.

New challenges had to be addressed and new-old questions answered. First of all these related to the universal civilization development models and the ways of dealing with „the Other” if the models were unacceptable for them.

The multiculturalism issue has revealed two types of challenges. On the one hand, there are post-Soviet, post-communist countries, some developing countries, immigrant ethnic groups, and the like, let us call them post-colonial, that had to meet the challenges of civilization development. On the other hand, developed countries claiming to lead civilization had to respond to the challenges associated with constant political and cultural contact with „post-colonial” countries.

Let us phrase these challenges in the form of questions.

First round of questions:

In today's world, should the relationships between the individual and the group, parents and children, male and female be governed by national traditions or international conventions?

Is the relationship between the citizen and the state not universal for all countries and peoples in the modern world? Has „Arab spring” resulted from violation of national traditions or violation of generally accepted democratic procedures in the world?

Is it appropriate to speak of a variety of cultures if their bearers, due to a standardized education system and common system of mass communication, share the same system of knowledge?

What grounds do we have to assume the identity between ethnicity and culture? Why shall we carry over the principles of traditional society to modern industrial societies?

Should we accept such a perverse notion of „national” which justifies the claim of historical national identities for monopoly control of „their” territory?

Is it possible to have a dialogue with an ethno-cultural group for whom their identity is consecrated by the authority of sacred traditions and particularly of a sacred Book and therefore is not subject not only to any revision but even to a slightest correction?

What grounds do we have to believe that immigrants inhabiting large cities of developed countries create „the other” culture that needs to be rehabilitated because it has cultural value for all mankind? Aren't we substituting social issues, such as the fight for jobs, for affordable

housing, for access to education, and so on with differences in culture and mentality?

How to deal with immigrant communities for whom a sense of community is associated with a common language, culture, traditions and it is difficult to adapt to the society in which atomized citizens are united by the „cold” law rather than „hot” custom?

Second round of questions:

If the ruling community is not able to assimilate a particular ethno-cultural community, can this justify „ethnic cleansing” and other discriminatory measures?

Is it appropriate to assume that civil consciousness must in all cases prevail over ethnic consciousness? Is it worth sticking to the slogan „integration without assimilation” if it is not appreciated by the immigrant groups?

Is it appropriate that today political culture in developed countries should not strive for unity irrespective of the level of subcultures with their identities formed in pre-political times?

What about common people in the Western (and not only Western) countries who see the immigrants as a cause of all their troubles? How to deal with the parties that earn political capital on the common people sentiment?

If while discussing political issues in the newspapers and electronic media immigrants are always referred to as „them” (“them who are not us”), can this be considered a covert discrimination? Is it possible to assume in this situation that „them” may be a party to the dialogue? A particular range of issues is related to the United States, which was originally a country of immigrants and which has faced and is still facing the problem of interaction between different cultures.

On the one hand, the United States dominates and seems to be always dominating – the so-called „cosmocrats” as a recognition that ethnic issues, if not resolved, are relegated to the periphery of the civil consciousness as a private matter of individuals or particular ethnic groups. This just reminds how Maya Angelou recited a poem at the inauguration of Bill Clinton where she mentioned twenty-seven ethnic, religious, tribal, and kin groups who experienced suffering „forced on bloody feet”. Of course one could argue that such is the dramatic American experience. After all, Maya Angelou spoke publicly, at the inauguration (?!). However, such a serious researcher as S. Huntington

also expresses his concern „whether America was, would be, or should be a nation of individuals with equal rights and common culture and creed or an association of racial, ethnic, and cultural subnational groups held together by hopes for material gains that can be provided by a healthy economy and a compliant government”.

This has to be discussed as these issues are relevant not only for the USA but also for other countries. If not today, then perhaps tomorrow. And finally, the last question. A well-known S. Huntington's concept of the clash of civilizations became a basis for various political and cultural speculations long ago. Perhaps the point should have been changed and instead of speaking of the fight of civilizations we should rather speak of the *fight for civilization*, for it unity and diversity, for the attempts to involve *all cultures and all subcultures* in the worldwide process.

It has to be recognized that in the global world, developed democracies are facing new challenges they have to address.

On the one hand, a unified state always inherently tends to base on a unified political identity. This is what gives rise to a temptation to exclude the people who cannot or are not willing (it is as easy as that – „cannot means do not want to”) to accept the identity of the majority. On the other hand, such a solution in the contemporary world is deficient not only from the morale perspective but also from the people legitimacy perspective implying, as mentioned above, not just rule of the people but rule of the entire people.

What can be done?

First of all, recognize the problem that concerns not only developed countries unable to cope with immigration flows, but rather the whole global world which has to be responsive to everything that happens in various parts of the world.

Then. There is an opinion that if a dialogue with „the other” fails, if „the other” cannot or is not willing to hear you, procedural distance has to be established. In the political field one has to base on democratic legal procedures and consistently move towards what has been called a „procedural republic”.

Let us agree that such a „procedural republic” is a necessary precondition of overcoming political chaos, but is it sufficient? Historical identities cannot be just got rid of. But the claim for monopoly is unacceptable either, the history does not grant a right for

exclusive demands. Legal procedures are the main prerequisite for proper functioning of lawful states, but it should not be presumed that the procedure itself guarantees neutrality, that it eliminates the necessity to discuss various cultural symbols. No procedure can eliminate the necessity to share the public space of various identities with other people.

Actually, we face a philosophical question which has been actively discussed starting from the second half of the 20th century. The unity of consciousness which substitutes the diversity of life inevitably turns into a monopoly, legal consciousness. Therefore, as the philosopher M. Bakhtin believed, „the consciousnesses of other people cannot be perceived, analyzed, defined as objects or as things – one can only relate to them dialogically”.

Let us return to multiculturalism and draw the following conclusions. Multiculturalism failed when „non-European peoples” were granted the right to stay aside from the universal way of civilization development.

Multiculturalism failed when the integration goals (complex, difficult) were substituted with neutral „procedural democracy”.

Multiculturalism turns into a kind of racism when „other” culture is recognized to have the right to segregate, while in real world multiculturalism is substituted with a festival of folk groups, exotic apparel, or exotic food.

In this case multiculturalism turns into „multiculti” (ironic synonym of multiculturalism), into a kind of Christmas tree decorations (though in case of „Christmas decorations” everyone understands that the rules of the game prohibit asking what is inside – air or cotton-wool, with multiculturalism they will meaningfully assume).

“Multiculturalism” should not be seen as a „parade of cultures” and just a “dialogue of cultures” (when we repeat these words parrot-wise this just dilutes their substance), but primarily as a mutual responsibility of developed countries, on the one side, and immigrants forced to leave their own country and finding it difficult to integrate into an alien environment, on the other side. Both sides should together participate in the discussion of the existing problems within the laws of a particular country.

Multiculturalism should be understood only as a „***two-way road***”. Otherwise, multiculturalism becomes something like cultural apartheid.

The world should indeed be diverse both in the deeper sense of the word and in its external spectacular, shocking manifestations. The main thing is to be able to call white –white and black – black. It is normal when young people get tired of the standard world and choose various forms of escapism, biking, tattoos, flash mobs, fandoms, but if we try to cancel the standards, our world will collapse overnight.

There remains a very important question – Is multiculturalism applicable to Azerbaijan?

I will immediately answer „Yes” and try to briefly explain my position. Internally.

We are a multi-ethnic country, thanks God. After the industrial boom of the 19th century, Baku was developing as a cosmopolitan and Russian-speaking city – and there is nothing wrong in it. The formula of „integration without assimilation” may be acceptable for us if we do not artificially nurture everything „ethnic” and turn away in horror from everything which is not.

All these issues need to be discussed possibly in the presence of other smart people, because in my opinion there is a lot of confusion in our minds. We cherish the Utopian views on how to be „united like a fist”, uproot (how?) all potential internal „enemies”, win a clear victory in the „war”. And at the same time we are proud of being diverse due to our tolerance, we are proud that we cannot have any discrimination on racial, religious, or ethnic grounds.

So what do we want to be? And what is more important for us – to be or seem to be?

Externally.

It was a great achievement what happened in our country between the 70s of the 19th century and the 20s of 20th century. Then a final choice in favour of the European way of our country development was made. But some deadly dangers have always seemed to be in store for us on this way: there is so much obscene in these large western metropolitan areas – what if we suddenly lose our „innocence”.

How can we respond to such a „killer” argument. There is enough to discuss without pretense and mimicry. But, alas, it will not happen earlier than we move on from „multiculti” to the culture of truly civilized countries.

With democratic procedures and bold questions that upset the provincial responses.

WE, THE AZERBAIJANIS, WE, THE ARMENIANS ...

Twenty years has passed since a decision to cease fire in the Karabakh conflict zone was made. The war was stopped. Peace has never come. The parties withdrew to their positions. And kept a distance of intransigence. Neither war nor peace.

Sometimes sniper duels erupt on the line separating the two sides. People are dying. The sides will solemnly claim (speakers will read similar information with pathos) that „return fire managed to stop the enemy”. And so on until the next outbreak.

Over these twenty years, a great number of peacebuilding projects sponsored mostly by foreign foundations have been implemented. Whatever our attitude to these projects might be, in all cases when people meet it is never pointless. Some still cannot overcome their resentment, some can handle their prejudice, some continue to believe in the need for peacebuilding efforts, but at least people manage to transcend the „dead zone”. But even the most optimistic person is aware that no serious breakthrough will take place at these meetings. The convergence of people does not mean convergence of opposing sides. Especially in an environment where the entire state propaganda machine is targeted against such initiatives.

A paradoxical situation has arisen – both absurd and tragic. The sides moved away from each other... to start systematic information war. The hot war gave way to the cold war. And neither of the sides has made any serious steps to break the impasse.

In one of my articles, I have called it a „neurasthenic syndrome”. They do not have enough forces to win, not enough courage to lose, not enough wisdom to agree upon. Only a faint hope (also neurotic as reality is not taken into account) has remained for a third party – strong and powerful – that will punish your opponent. And if not, we will go on blaming each other and at the same time demonstrate our „muscles” (the same neurasthenia) or sophistication in the information warfare (the same neurasthenia).

How can you negotiate if you think all the time of how to drive the opponent into a corner in a most spectacular way? How can you negotiate when negotiation deadlocks are a continuation of mental deadlocks which in their turn are tightly boarded up with myths? The dialogue is possible there and then where and when the so-called

„dialogue space” has been created – willing to listen, willing to discuss, willing to agree. The ancient Greeks would add – even your posture is relaxed. Plastic rather than tense and implicitly aggressive.

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Nothing will change – neither mediators nor meetings of the presidents will help, which nobody seems to want except for the mediators – if the parties do not find a nerve to remove their lenses-myths from their eyes. Try to replace them. Ban (perhaps even on a legislative level) from creating an image of an „ethnic enemy”.

Paradoxically, while mythologizing an ethnic „enemy”, you mythologize your own history. Militarized patriotism targeted against the ethnic „enemy” turns into fake patriotism since it results in intransigence to dissent in your own people. Nothing will move unless you recognize that ethnic identity is an answer for you, but rather a question that is able to unite you with a counterpart across the ceasefire line. Nothing will move unless you recognize that your ethnic identity is not rigid and absolute, that it is just exhausting to depend on it all day round, that if there is no „cosmocrats” in us, we are far too provincial.

Paradoxically, only trying to understand the other is it possible to understand yourself. Even if „the other” seems alien and different. Meanwhile, a faint hope remains for the reasonable people from the two countries who are free from nationalistic myths and believe in the communicative basis of the modern world.

... Two reasonable authors from two confrontational countries have reviewed Azerbaijani and Armenian school history textbooks starting from the 5th grade and came to a sad conclusion. Negotiation makes no sense with such books designed to educate children, adolescents, and youth. They say manuscripts do not burn, but have to admit that so far these reasonable people have had few resources to influence the public consciousness.

So what have the two authors who joined their efforts in a single article found out?

Armenian textbooks date the foundation of Armenian state back to the 18th century B.C. (?!?) and emphasize the unique character and permanence of ethno-national and religious identity of the Armenian people (the so-called essential principle).

Textbooks in Azerbaijan start the history of the Azerbaijani people from Azykh cave where the bones of the prehistoric man were found. The

entire national history is interpreted as a total, continuous confrontation with their eternal enemies.

Though the textbooks present history in the chronological order starting from earlier times to nowadays, actually it is written „in the reverse order” justifying today’s „national interests”.

The textbooks mainly focus on descriptions of mass murder, interethnic military conflicts, and deportations and create the ideology of total and continuous confrontation in the light of the Karabakh conflict. The discourse of hostility is reinforced by the constant use of the so-called rhetorical clichés borrowed from the so-called „patriotic” journalism – „perfidious foreigners”, „traitors”, „they feed on blood”, „mass murder”, „robbery”, „violence”, and so forth.

The positive image of the „us” and dehumanized image of „the other” construct a world divided into hostile civilizations, which is fraught with the most unpredictable consequences for young people entering the complex adult world.

And still, we have to agree regrettfully with the authors of the article, „Due to the current textbooks, the generations of Azerbaijani and Armenian students are meant to live in a state of permanent insoluble conflict and rivalry”.

It remains for me to bring „imaginary future” into the line with „imagined community” and „imaginary reconstruction”.

Twenty years of ceasefire have stopped the „hot war”, saved a lot of lives on both sides – a necessary but not sufficient precondition to end the conflict.

“Cold war” continues and nationalism as an idea of the “insiders” who emerged once in the „ready” form like Athena from the head of Zeus continues to fuel it.

But in today’s globalized world with people migrating from one country to another, with shifting identities, multiculturalism, destruction of any restrictions and any demarcation it will become increasingly difficult to identify the „insiders” in the future (and not that distant one). So what reason do we have to believe that in such a globalized world a person of the „same blood” for any Russian, Azerbaijani, Armenian, and Englishman will always be closer than the one who is of „foreign blood” but close in terms of the level of cultural development? Should not we assume that in the modern world, the boundaries of ethnic „insiders”

are going to progressively destruct, and other „insiders” can be seamlessly changed?

Today we say by inertia, „we, the Azerbaijanis,” we, the Armenians,” as if speaking on behalf of all the „insiders”, assuming everyone's opinion coincides with that of the insiders”, sheltering behind the „insiders”. I think other times will come and we prefer to use different words, „a group of citizens of Azerbaijan”, „a group of citizens of Armenia”. The difference is visible to the naked eye. „A group of citizens” is a voluntary choice.

Not so much collective as individual.

EPILOGUE

I have started with recollections and am going to finish with them.

I told the following parable at the above mentioned training.

“A man with a huge stone is standing in the swamp.

A passer-by offers him help to get out if he throws down the stone.

“I cannot”, says the man, „this stone represents all my resentments and I have to throw them on the heads of my abusers”.

“But then you will drown in the swamp ... „.

At the same training, I proposed such a game-test.

I showed them a book with a symptomatic title „How to survive among idiots” and proposed, without examining the contents of the book, to offer their own options of how to survive among idiots.

They were all very active and provided lots of options. There were almost no aggressive options – mainly just to adapt, ignore, deceive, etc. The main option the book offers was to find an idiot in oneself.

In conclusion I will say what I often repeat when talking about the Karabakh conflict.

Physicists, or in a broader sense naturalists, guessed long ago that the most important in the world in interaction, the most important is what happens „in between”, what is constantly shifting from one to another, not to mention the fact that the objects themselves are not sealed monads, but rather a system of interactions. In the areas without interaction some sort of „black holes” will form.

The formation of „dead zones” which look like „black holes” is the most horrible outcome of the Karabakh conflict. There is nothing to add.

CHAPTER II

CONFLICTS IN THE SOUTH CAUCASUS – HISTORY AND PRESENT

PEOPLES TO NATIONS: THE MAKING AND BREAKING OF THE SOVIET SYSTEM OF ETHNO-TERRITORIALITY IN THE USSR
By Marion Kipiani

CONFlict IN THE SOUTH CAUCASUS
By Zurab Bendianishvili, Georgia

NAGORNO-KARABAKH TODAY
By Zhana Krikorova, Nagorno-Karabakh

RETHINKING NAGORNO-KARABAKH CONFLICT: DYNAMICS, PERCEPTIONS AND PROSPECTS FOR TRANSFORMATION
By Anonymous Author

PEOPLES TO NATIONS: THE MAKING AND BREAKING OF THE SOVIET SYSTEM OF ETHNO-TERRITORIALITY IN THE USSR

BY MARION KIPIANI

It is commonly perceived that one of the core tenets of Soviet ideology was centred on the eventual abolition of national distinctions and the progressive drawing together of nations under Communism. Shorthand analysis, then, often compares the ethno-political conflicts that erupted after the breakdown of the USSR along its southern rim to an explosion of primordialist sentiments akin to forces that blow off the lid of a pressure cooker: once the repression of nationalist emotions eased, the claims of the nation to exclusive rights and predominance in the homelands irresistibly burst out into the open. When looking more closely at the discourse and practice of Soviet nationality policy, however, this metaphor is hard to sustain. We argue, quite to the contrary, that this policy, combined with regional particularities prevalent in certain constituent states of the USSR, did not permanently temper nationalist feelings. It rather seems to have prepared the ground for the national chauvinism which made the fall of the Soviet Union so violent in some areas, including in the South Caucasus.

THE RATIONALE OF ETHNO-FEDERALISM IN THE FIRST DECADES OF THE SOVIET UNION

Before the October Revolution, Soviet leaders and Lenin in particular treated nationalism with unconcealed disdain and criticised federalism as a force that would undermine political and economic centralism. It would thus destroy the unity of the state deemed necessary for the future success of socialism. In line with the doctrines of Marx and Engels, Lenin viewed nations and nationalism as particularist derivatives of bourgeois capitalism that contributed to human alienations. At the same time, Lenin never doubted the reality of nations and nationalism, and he considered inequality between peoples as a causal factor for continued ethno-nationalism in modernised states. In this sense, a socialist revolution to provide nations with legal equality would not be enough to guarantee

international integration: what was needed was actual equalisation in all socio-cultural, economic, and political spheres of life.

The political reality of the geographical space that was to become the Union of Socialist Soviet Republics also mandated a pragmatic approach to territorial administration. Large parts of the Tsarist Empire had declared themselves independent from the Russian state after the October Revolution, among them Belarus and Ukraine as well as the three states of the South Caucasus Armenia, Azerbaijan, and Georgia. These developments were clearly not in the interest of the proletariat of those nations, in the eyes of the Russian Communist leaders, and particularly not in the interest of socialism more generally. However, the political elites of these newly independent countries were committed to the sovereignty of their nations and firmly opposed to domination from the former imperial centre. Faced with a tenuous political and military position in the early 1920s, Lenin and Stalin were in no position to alienate local leaders whose allegiance to the Bolsheviks was contingent on Soviet support for a sort of sovereign national-territorial status of their states.

Nevertheless, the early lenient nationality policy of Lenin was undoubtedly viewed as transitional. It considered nationalism a necessary but transient phase on the road toward a more universalistic identity. Apart from its more immediate objective to promote economic equalisation across the USSR, the ultimate goal of this policy was to speed its peoples through the imagined stages on the Marxist-historical timeline from feudalism and capitalism to socialism, and on to communism. The Soviet leaders saw the nation as a modern – i.e., post-feudal – form of social order, albeit one based on backward-looking communities that the bourgeoisie were able to consolidate and mobilise under capitalism. As workers would recognise during the development of socialism that their needs were fulfilled by class rather than national affiliation, the nationalism born of early capitalism would give way to proletarian internationalism and nations would ultimately disappear. Eliminating the last vestiges of feudalism across the USSR and reorganising people into nationalities was thus viewed as progressive.

- National territorialism

Stalin defined the nation as „a historically evolved, stable community of language, territory, economic life, and psychological make-up manifested in a community of culture.” The loss of one of these attributes, such as native language or custom, would precipitate the loss of national self-consciousness. The national territory, in turn, was for Stalin merely an empty container within which nations could be created or destroyed through the development or disappearance of their objective cultural features. It is important to consider these views in order to understand why the Bolsheviks opted for the development of the USSR as a federation based on ethno-territorial units.

In summary, Soviet ethno-federalism provided a solution to the three main tasks confronting the early Bolshevik state that had inherited the legacy of the multi-ethnic Russian Empire: First, to organise territorial authority; second, to bind the nations stirred by war, revolution and state collapse into a common state; and third, to win internal and external legitimacy for the new Soviet Union by granting at least *de jure* substantial rights to the nations it claimed to have freed from Tsarist oppression.

Thus, on 30 December 1922 the Russian, Ukrainian, Belorussian Soviet Socialist Republics, together with the Transcaucasian Soviet Federative Socialist Republics (TSFSR, made up of Armenia, Azerbaijan, and Georgia) entered a new Union of Soviet Socialist Republics. The USSR was declared a confederation, although the allocation of powers in the Union Treaty was strongly skewed toward Moscow, with the centre retaining control over interstate relations, the military and the economy. This set-up was retained in the first Constitution of the USSR, promulgated in 1924.

The territorial units that made up the USSR were all based on distinct national profiles, which led to the fact that over 90 percent of the population in the Soviet Union had ethnically defined territorial homelands. The structure of the system was divided into four levels of regional administrative-political units, with institutions established almost identically at each level that replicated party and state apparatuses as well as cultural, scientific and educational facilities. The highest level of administrative-political unit within the USSR was the Union Republic (Soviet Socialist Republic, SSR), which was considered sovereign and had its own constitution, parliament and virtually all state structures characteristic of independent states. Next came the

Autonomous Soviet Socialist Republics (ASSR), defined not as sovereign but as „national” states that were directly accountable and within the jurisdiction of the SSRs but had their own constitutions and a supposedly high level of autonomy. Under these we find the Autonomous Regions (or Autonomous Oblasts) that had no constitution and more limited forms of autonomy. Finally, in certain cases Autonomous Okrugs were established – mainly in Siberia – that had even less powers.

Ethnic groups within the Soviet Union were assigned homelands at different levels of autonomy according to their classification of development as either *natsiia* (nation) at the bourgeois stage the Marxist timeline or as pre-bourgeois *narodnost* (people), even though these distinctions were often spurious. The supranational structure of the USSR, together with the lower-level administrative units, were supposed to safeguard the rights of minorities in each union republic. According to both the original 1922 Constitution, as well as the subsequent Constitutions of the USSR, the union republics were voluntary participants in a confederation of sovereign states. They retained a number of rights, up to and including the right of secession. However, while these rights had symbolic importance both for the republics and the centre, in everyday political life they were of limited utility due to the concentration of power in the party apparatus and at the federal centre. What is more, these rights eroded over time, turning the USSR into a strongly centralised, unitary system.

Nevertheless, the political-administrative units provided the territorial framework for a process that Hirsch (2005) dubbed „double assimilation”: the assimilation of diverse peoples into a set of nationality categories, and at the same time the assimilation of these nationally categorised groups into Soviet society. The Soviet leaders, in accordance with Marxist theory, aimed to speed up the development of the „feudal” and „colonial” peoples of the Tsarist Empire into nationalities that would participate in the local soviets (councils) created on administrative-territorial basis – of course keeping in mind the ultimate goal of the elimination of bourgeois nationalism.

- Nativisation policies

This was not simply a top-down process. The Bolshevik leadership deliberately used border-making and census-taking to create processes

that transformed the identity of peoples through the categories they used to describe themselves. New vocabularies and structures were introduced, and new practices developed to make sure that people found them meaningful. Party commissions relied on the input of ethnographic experts and local leaders in these activities, and gave consideration to the petitions and appeals from ordinary people.

However, one should not be mistaken to idealise this approach. Though the party state claimed to extend a beneficial, affirmative-action type of support to the „backward” peoples of the Union, it at the same time attacked traditional cultures and particularly religion, destroyed local communities, and wiped out the languages and identities of hundreds of clans and tribes in order to help them „evolve.”

The backbone of the Bolshevik efforts to „sovietise” the peoples of the USSR was a policy called *korenizatsiya* (“nativisation”) that included mainly the indigenisation of cadres in the political, economic and cultural institutions of each national territory. The rationale was to create indigenous elites that would be loyal to communism and to increase international equality within the Soviet Union. The nativisation policy had a number of dimensions which notably comprised the promotion of indigenous cultural forms, especially language. In this process, alphabets and systematic grammars were introduced for a number of languages throughout the USSR. Nativisation also foresaw affirmative-action type programmes to provide increased access to higher education and elite positions for people in their own home (“titular”) republics or regions.

These policies proved spectacularly successful during the 1920s, so much so that during the early 1930s the Soviet leadership began to undertake efforts to scale back nativisation and sovietise the population through increased Russification. Indigenous elites who had implemented *korenizatsiya* too enthusiastically were purged and the Russian language was more strongly promoted as the state lingua franca and the language of upward social mobility. But despite the increasingly coercive anti-nationalist programmes and Russification of the 1930s, *korenizatsiya* never fully came to an end even during the height of the Stalinist repression. On a lower level, and particularly in the cultural sphere, policies of nativisation still continued.

By the time World War II ended and Stalin died in 1953, membership in one of the official nationalities had become linked for the peoples of

the Soviet Union to land, national rights as well as economic and cultural resources. The consolidation of ethnic groups had been achieved through the creation of standardised literary languages coupled with the rapid expansion of education and increased social mobility. The federalisation of the state along ethno-national lines encouraged the population to think in terms of homelands that provided them – through the nativisation policies – competitive advantages in cultural rights as well as access to elite positions and education. In the words of Cheterian (2008), the Soviet Union, while it repressed nationalism as a political expression, was the instigator of nationhood for many of its citizens.

ETHNO-FEDERALISM AND ELITE INTERESTS AFTER 1950

With the end of World War II and the death of Stalin politics in the Soviet Union began to normalise and stabilise. The mass terror of the Stalinist purges subsided but Moscow continued to repress contention in the union republics over issues of cultural and linguistic expression, religious freedom, the territorial boundaries of political-administrative units and the representation of the different nationalities within elite positions. Nevertheless, the nativisation process set in motion by the *korenizatsiya* policies of the 1920s continued and was increasingly promoted by republican elites. In the union republics, and to a more limited extend in the ASSRs as well, a two-tiered system of stratification developed that saw Russians in a dominant position in the USSR overall but each nationality in a privileged position in their home republics. Official positions about the Soviet Union's nationality policy were articulated only rarely in the first decade after Stalin's death. Only at the Twenty-second Party Congress of 1961, Nikita Khrushchev elaborated the theory of national development in the Communist party programme: Soviet nationalities were to continue to evolve through the flourishing of their ethnic culture, but this process would lead dialectically to a drawing together of the nations – until their complete merger would be achieved with the creation of a new „Soviet people“ (*Sovietskii narod*). The party leadership apparently aimed to make this theory materialise through benign neglect of the nationality question. Soon, however, two trends started to emerge: the national leaderships in the republics acquired more independent attitudes with nationalist

implications, and a new „unorthodox” nationalism with oppositional overtones appeared in the federal sub-units.

During the first decades of the USSR’s existence the central leadership had occasionally used repressive mechanisms (terror, job insecurity etc) together with ideological incentives to control local elites in the federal sub-units. By the mid-1950s, the system of terror was ended, and during the era of Leonid Brezhnev as General-Secretary of the CPSU (1964-1982) local leaders were virtually guaranteed security of tenure. This policy – dubbed „stability in cadres” – led to diminishing control of the centre over the political apparatus in the periphery and to increasingly entrenched elites in the republics. The local leaderships, whose upward mobility in all-Union institutions was now more limited, consequently had incentives to build a local economic and power base. These processes were facilitated by the density of institutions at the local level and by the Communist system’s fusion of politics and economy at the local level.

Due to the peculiarly ethno-territorial system of administrative division and the legacy and continued effects of nativisation policies, local elites were largely composed of socially mobilised members of the titular nationality. In many cases, they were chosen through selection procedures dominated by what Beissinger and Hajda (1990) have termed a mixture of nationalism and „localism” – the identification of the interests of an administrative unit with the interest of a particular national group. These developments resulted in increased conflict between the centre and the republics and, ultimately, to a republicanisation of sovereignty and the rise of local ethno-political machines.

- The power of the constituents

During the 1960s and 1970s, local elites had to better take into consideration the interests of the population in their republics. Even though the Soviet system continued to repress spontaneous protest activities and dissidents, the masses throughout the USSR gained new social power. The end of Stalinist terror and the relative economic prosperity of the 1960s led to what Derluguian (1995) has described as „stopping power, the power of everyday resistance.” Ever more powerful workers and professional, educated cadres held the Communist party to its commitment to full employment and,

increasingly, demanded consumer goods that had previously been considered a luxury only available to the highest echelons of the *nomenklatura*.

In addition, a consumerist ethos within the ruling elites had replaced by the 1960s the original Bolshevik morality based on anti-capitalist developmentalism. In its efforts to come up with alternative moralities to fill this ideological void, the USSR's population turned to national culture and pride in national traditions. This phenomenon was particularly pronounced in some peripheral areas of the Soviet Union, including the South Caucasus, and was facilitated by the fact that over the period 1959 to 1989, the three Caucasian SSRs became more ethnically homogenous. In Georgia for instance, the percentage of the titular nationality in the republic's total population increased over this time span from 64 to 70. Simultaneously, the 1970 share of the titular nationality in Communist Party membership (76 per cent) and in the overall number of university students in the republic (almost 83 per cent) was even higher than its share in the population.

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- Ethno-territorialism in the South Caucasus

After the Khrushchev liberalisation and the loosening of central control, regional political elites everywhere acquired greater autonomy. In the South Caucasus particularly, local elites translated this autonomy into the establishment of patron-client networks that depended more on local ties than on bureaucratic lines of authority. The population largely accepted these corrupted and clannish structures in return for the leaderships' relatively more relaxed attitude toward local nationalism and underground economic activity. Derluguian (1995) has termed this economic system the „welfare society”, as opposed to the welfare state: in his understanding, the Soviet southern tier remained an area with considerable sectors of non-wage labour and patrimonial relations of power and clientelism, which reproduced ethnically-formulated social relations.

At the same time, the real economy of the USSR's southern rim entered a sustained boom beginning with the 1950s, due to an improving economic climate in the Soviet Union and the subsequent increase in private consumer demand for southern cash crops like quality fruit and vegetables but also for tourism services, especially at the Black Sea coast. The expansion of transportation infrastructure and ambitious

agricultural development campaigns also revolutionised the southern economy. Lacking the Soviet landmark giant flagship industries, southern production structures were oriented rather toward a shadow quasi-market economy composed of small-scale corporations intertwined with extensive networks of personal loyalties. Corporatist bargaining over plan quotas and the allocation of resources in such circumstances often led to seriously uneven outcomes and a spread of benefits jagged along both geographical and ethnic lines, thereby creating a swath of „nationally-relevant conflicts.”

In the 1970s, Moscow got increasingly frustrated by the lack of responsiveness to centrally-mandated reforms in the South Caucasus union republics and by the perceptible and chronic slowdown in official economic figures caused by corruption and the continuous struggle between local status groups. The extraordinary longevity of some local leaders like Vasili Mshavanadze, who was First Secretary of the Georgian Communist Party from 1953 to 1972, and the consequent elite entrenchment, clientelism and economic permissiveness were no longer tolerated. The central leadership decided to break through the complex networks based on personal affiliations and to install new republic leaders from outside the locally dominant apparatus.

Thus, new figures – such as Heydar Aliyev in Azerbaijan and Eduard Shevardnadze in Georgia – were chosen to lead the local party structures. However, the new men quickly proceeded to create their own personal networks, which included segments of the existing bureaucratic elite. As such, the rotation of top personnel was rather a mechanism of redistribution of power and wealth between elite clans than a clean break with corrupt and clientelist practices. Nevertheless, leaders like Aliev and Shevardnadze were personally skilful in keeping up perceptions about an uncompromising struggle against lawlessness and keeping down the most egregious outbreaks of local nationalism, while at the same time pandering to the demands of the republics' population.

In summary, despite Brezhnev's declaration in the course of debates leading up to the preparation of the new Soviet Constitution of 1977 that the national problem had been solved in the USSR, the political and social reality was an increasing indigenisation and growing nationalism of the federal sub-units. Even minor attempts to remove articles favouring the titular nationalities resulted in large-scale

protests, such as the 1978 demonstrations in Georgia over the purported cancellation of a clause in the Georgian SSR's constitution that stipulated Georgian as the official language of the republic. Simultaneously, the ethnicised bureaucracy could not provide an institutional framework for popular political participation, and the penetration of the party-state into all realms of society prevented the existence of any associational life that could serve as the basis for a balanced civil society. The Soviet Union thus entered its last decade unprepared for democratic reforms but with a public already mobilised for politics animated by ethnic concerns.

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PERESTROIKA, GLASNOST', DEMOCRATISATION AND THE UNRAVELLING OF THE ETHNO-FEDERAL SYSTEM

By the time Mikhail Gorbachev became the First Secretary of the CPSU in 1985, the Soviet Union was facing serious political and economic calamities. Prolonged economic decline, the catastrophic war in Afghanistan and a legitimacy crisis of the Soviet system all prompted Gorbachev to assume that only the introduction of significant changes to the political, economic and social structure could help preserve the USSR. The basic theme of the reform package was the deregulation of political and economic institutions through *demokratizatsiya* (democratisation) and *perestroika* (restructuring, in the sense of economic reform). These measures were to be accompanied by what was termed *glasnost'*, or openness.

Glasnost' was a term first used during the Alexandrine reforms of the XIX century. It was meant then and during the 1980s as a mechanism that would help the regime preserve control while channelling public discontent into feedback useful for limited reform. As Gorbachev himself later admitted, the primary purpose of the regime's new permissiveness to public political expression was not liberalization – with a concomitant loss of control for the CPSU – as such but the mobilisation of the public for the new political course.

However, in seeking to tap the sources of dynamism and innovation outside the framework of official institutions, the reforms progressively expanded the boundaries of legitimate political activity, thereby creating novel opportunities and new social actors. In the process, the relationship between society and the state was fundamentally altered, and politicians, instead of appealing to those higher up on the echelons

of power, increasingly had to appeal to their citizens to win legitimacy and keep public order. At the same time, the public – and particularly those more radical actors opposed to the contemporary authorities – started to re-evaluate their calculus of costs and benefits associated with dissident activities.

At first, *glasnost'* manifested itself primarily in the changed functioning of official institutions. But by spring 1987 small groups of Baltic dissidents, Russian nationalists, ecologists, hippies and Jewish refuseniks started to engage in limited street protests. The muted reaction of the police encouraged a variety of group in diverse locations to publicly voice their protests. By the end of the year, larger-scale demonstrations with nationalist overtones were engulfing the Baltic states, Armenia, Tajikistan, and Georgia. In order to mobilise popular support a certain liberalisation of the system had been necessary, most practically translating into reduced police and secret police presence. These modified parameters of official control inevitably led to the emergence of political opposition: the regime's attempt to stimulate original thought, critical scrutiny, and personal initiative could have its effects only if tolerance was universal in scope. Popular energy could not possibly be channelled only in those directions desired by the leadership.

By 1990, demonstrations had grown regularised in many parts of the Soviet Union to an extent that Beissinger (2002) terms a tidal wave of protest. He describes a clustering of contentious events in time and their linkage across time and space, leading to a period of „thickened” history. The pace of challenges to the regime quickened to a point that led to an intensified sense of contingency and uncertainty and to growing incoherence and inability in the state's relevant policies and reactions. History, Beissinger says, moved „onto tracks otherwise unimaginable, affecting the prisms through which individuals relate to authority, consolidating conviction around new norms, and forcing individuals to make choices among competing categories of identity.” The interconnectedness produced by the shared institutional characteristics of the union republics, their common ideology and mode of domination offered opportunities for contention to spread transnationally across cultural and state boundaries.

- Narrative frames of contention

A secessionist, „anti-colonial” and „anti-imperialist” frame directed against the perceived Russian domination of the Soviet space proved particularly successful in mobilising large parts of the public. This mobilisation emerged not as an isolated collection of movements but as a transnational tidal force, spreading from the Baltic states to the South Caucasus, Moldova, Ukraine, and eventually to Russia itself.

Glasnost' challenged the bases of the Soviet system by legitimising new forms of public participation. It tested traditional patterns of ethnic stratification by providing opportunities for the formation of alternative, unofficial organisations – of which there were some sixty thousand by 1989, most of which had emerged since 1987.

A large number of these groups were in fact organised around questions of national autonomy and cultural rights. In many cases, the dominant narrative of contention was not directly targeted on protest against Soviet rule, but on the relationship with neighbouring national groups, so that the national movements were interactive with the complex Soviet structure of ethno-nationalism and ethno-territorialism. Even those nationalities labelled as titular in their home regions were not all equal with regard to their supposed autonomy rights: Bremmer (1997) speaks in this regard of „first-order” titular nationalities – those in the union republics – and those of a „second-order”, whose homelands had been designated autonomous republics or regions.

While the union republic titular protest groups were framing contentious actions mostly in terms of liberation from the Soviet centre, lower-order titular nationalists denounced attempts of union republic domination over their homelands. This contention at times had the appearance of collusion with Moscow’s interests against the federal sub-unit most directly above them in the ethno-territorial hierarchy.

Thus, even if the Soviet central authorities declared that the „nationalities question” had been solved through equalisation, the view in the union republics was frequently quite different. Though, when considering the USSR as a whole, a massive upsurge of social mobility, urbanisation and educational achievement among all ethnicities did occur, within the national homelands there was increasing inequality between titular and non-titular groups. Titular nationalities enjoyed a privileged status in education and the allocation of elite positions, and they institutionalised these privileges through a system of national

territorial discrimination. Ultimately this practice resulted in the further indigenisation of elites in each of the nationally defined homelands of the Soviet Union.

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With the onset of the Gorbachev reforms in the middle of the 1980s, nationality emerged as *the* major base of popular mobilisation. The Soviet philosopher Grigori Pomerants explained the phenomenon thus: „Nationality, the only officially recognized distinction between Soviet citizens, has become a leading principle of political organization [...] Nationalities have turned into political parties.” Indeed, in many cases the so-called Popular Fronts were in the vanguard of political contention. The original goal for the establishment of the Popular Fronts was to create nationwide public movements in support of the reformers within the CPSU. However, what emerged were in many cases quasi-political organisations based on ethnic affiliation. In the beginning, they usually focused on environmental and economic issues but soon began to challenge the central leadership on even the most sensitive questions of political autonomy and language rights. Progressively, their rhetoric – initially espousing democratisation, human rights and pluralism of opinion – gave precedence to nationally-defined interests over universalistic civic rights.

- Effects of contention on state and party structures

Due to the lack of established democratic institutions and practice, public contention could not be channelled properly and gave rise to new divisions that reached far into the local power structures. The increasingly audible voice of the street, in combination with the democratisation reforms mandated by Gorbachev (competitive elections, the relative disempowerment of the party apparatus vis-à-vis the elected legislatures etc) put growing strains on the local leaderships. Electoral competition created confusion within the local *apparat*, eroded party discipline and in many cases led to defection, cooptation and collaboration between segments of the leadership and the new, nationalist opposition. Local authorities were often simply too overwhelmed by the scale and intensity of street demonstrations to enforce legislation regulating protest activities.

Riding the wave of secessionist, „anti-colonial” public sentiments, the republican leaderships more and more challenged the central authorities: over economic sovereignty, the control over natural

resources, and even over inter-republican migration flows. We encounter here the phenomenon of „national communism”, which holds that communism can best be pursued by following a national path and pursuing the nation’s interest even to the detriment of all-Union concerns. These ambitions culminated in calls for real sovereignty of the union republics through a confederalisation of the Soviet Union. However, those federal sub-units with a status lower than union republic were largely fearful of increased powers of the SSRs and diminished control of the centre. Their populations, in a mirror image of earlier contention within the SSRs, started to mobilise in turn to protest union republic discrimination, economic neglect and exploitation of their home regions.

With Gorbachev’s desperate attempts to regulate the situation through a new draft of the Union Treaty in 1990, the stage was thus set for demands, claims and counter-claims over the status of the federal sub-units, the exact location of inter-republican borders, economic sovereignty and investment decisions. These conflicts erupted between the centre and the union republics as well as between SSRs and lower-ranking administrative units but also, in some cases, between individual union republics. Soviet ethno-federalism, far from a transitory mechanism to resolve nationalist conflict, had become a means through which local elites attempted to fulfil their own agendas. The structures that had helped build the Soviet Union ultimately contributed to its demise, and, in some areas, to the violence of this collapse.

CONFLICT IN THE SOUTH CAUCASUS

ZURAB BENDIANISHVILI, GEORGIA

INTRODUCTION

The Caucasus is a multi-faceted region largely due to its geographic layout, ethnic make up, religious confessions and cultures. It is located at the historical crossroad between Europe and Asia. It unifies a significant portion of cultural and religious civilizations.

The Caucasus has always played a key role in Europe and Asian relations. For a long time, the region was either a buffer zone or host to armed conflict. Due to its strategic location, the region was always involved in general international processes. After the rise of the Russian empire and then during the Soviet Union, the Caucasus became part of the Russian political sphere and lost its independent regional significance.

After the collapse of the Soviet Union, the South Caucasus became a strategic region for various large-scale projects which required the cooperation of the world's leading and regional stakeholders. Its significant trade and transportation corridors, huge energy resources, and the possibility of transporting these resources to Europe through Russia, provide great strategic importance to the region. These aspects create high interest of the West in the South Caucasus.

Because of its strategic regional functions, the South Caucasus became one of the most attractive regions for controversy between leading states of the world in the post-Cold War era. After the collapse of the Soviet Union, the unstable political situation in the South Caucasus created many problems in Georgia, Armenia and Azerbaijan. The majority of these problems originated from the attempted transformation of the Russian Empire. Conflicts in Abkhazia, South Ossetia and Nagorno Karabakh are the heaviest inheritance from the Soviet past.

These conflicts might be viewed as the most difficult dilemmas in the history of the region. They possess a political, ethnic, economic, ideological and territorial character. At the same time, these conflicts represent the main obstacles for security, stability and regional cooperation in the South Caucasus.

SHORT SUMMARY OF CONFLICTS

- Conflict in Nagorno Karabakh

Throughout the twentieth century, Nagorno Karabakh became a location of bloody controversy between Armenia and Azerbaijan – first from 1905-1907, and then again from 1918-1920. As a result of the 1918 revolution, the Russian Empire collapsed and three states of the South Caucasus – Armenia, Azerbaijan and Georgia – declared independence. The Armenian population of Karabakh refused to obey the government of the Azerbaijan Democratic Republic and on July 22, 1918, the first assembly of Armenians from Karabakh in Shusha declared Karabakh as an independent administrative-political entity. Controversy between Armenians and Azerbaijans continued after the Soviet regime was established in both republics. Finally, on July 5, 1921, and based on the decision of the Central Committee of the Communist Party, Karabakh remained within the territory of Azerbaijan and with it, extended autonomous rights.

During the late 1980s, during Perestroika, the conflict again was revived in the form of public demonstrations and political conflicts which escalated into violence. The territory, where Armenian and Azerbaijan people lived together, became an area of ethnic cleansing for both nations. In February of 1988, local councils requested that the supreme councils of Azerbaijan, Armenia, and the Soviet Council, place Nagorno Karabakh under the jurisdiction of the Soviet Republic of Armenia. The government of Azerbaijan and the Soviet Union annulled the request, which caused violence between the Karabakh communities. This was followed by the Sumgaiti tragedy where Armenians became victims of ethnic violence. According to different data, Azerbaijan people, evicted from Armenia in the past, led the pogrom of Armenian people. On December 1, 1989, the Supreme Council of the Armenian Soviet Socialist Republic passed a resolution on adjoining the Nagorno Karabakh autonomous oblast to Armenia. This was followed by intensive protests and armed clashes in Azerbaijan and Armenia. From 1990-1991, unorganized guerilla military operations were going on both in Karabakh and in the surrounding areas, as well as alongside the whole border between Azerbaijan and Armenia. Both sides, particularly Armenia, started intensive armament and soon heavy weapons were obtained. Significant worsening of the situation and the

collapse of the Soviet Union coincided with the 1991 August putch in Moscow, which meant that the central authority of the Soviet state in Azerbaijan and Armenia was getting weaker. This resulted in the internationalization of the conflict alongside the country's independence. The situation was leading towards large-scale war. Over the next two years, Armenia's military fought an armed battle over Nagorno Karabakh, and also over the western and northern territories of Azerbaijan. This resulted in a wave of 800, 000 refugees in the region.

As a result of the conflict, the casualties on both sides reached 25, 000 including civilians.

In 1994, a ceasefire agreement was signed, which is still in force. It is noteworthy that peacekeepers are not deployed between the conflicting parties. Local military operations periodically occur alongside the border, which very often end with casualties.

International negotiations led by the OSCE Minsk Group, have led to no tangible results so far. The OSCE Minsk Group has been functioning for over 20 years and it is co-chaired by the United States, France and Russia.

- Conflict in Abkhazia

In March 1918, Abkhaz Bolsheviks requested to establish soviet governance in Abkhazia and integration with Russia. The red troops of Kazaks arrived in Abkhazia from Soviet Russia. They defeated the Georgian army and occupied Sokhumi. In May 1918, Georgia's Public Guardia attacked Sokhumi from Ochamchire district and defeated the Abkhaz Bolsheviks and Turkish dessants who had arrived to support Abkhazians. After state independence was restored, the government of the Georgian Democratic Republic tried to resolve the Abkhazian issue without bloodshed. In June of 1918, the Georgian Democratic Republic and the Public Council of Abkhazia signed an agreement, which authorized the public council to govern the Autonomous Republic of Abkhazia. The Public Assembly determined the statehood status of Abkhazia. The 1918 June agreement was unacceptable for Abkhaz side. Leaders of the public council decided to obtain complete independence of Abkhazia. Thus it was impossible to resolve the Abkhazian issue peacefully. Military operations renewed. The Georgian Army and Public Guardia defeated the Red Troops of Kazaks and Abkhaz separatists in

June-July 1918, and occupied Sokhumi and Gagra. In 1919, the Public Council of Abkhazia was elected and in March of 1919, the same council passed the decree on Abkhazian Autonomy within Georgia that was resolute by the founding assembly of Georgia. The 1921 Constitution of Georgia granted rights to the autonomous governance of local issues to Abkhazia.

In March of 1921, Abkhazia became a Soviet republic and was called the Soviet Socialist Republic of Abkhazia, as it voluntarily signed a treaty with the Soviet Union. The Revolution Committee of Georgia acknowledges this status of Abkhazia. The Abkhazian Soviet Republic passed the so-called status of treaty republic and in fact it became part of Georgia. In 1931, based on the decision of the assemblies of the Georgian and Abkhazian Councils, Abkhazia became an autonomous region within the Georgian Soviet Socialist Republic.

The legal status of Abkhazia as an autonomous republic was upheld in the 1936 constitution of the Soviet Union; in the 1937 Constitution of the Georgian Soviet Socialist Republic, and in the 1937 Constitution of the Soviet Socialist Autonomous Republic of Abkhazia. Later on, it was re-affirmed in the 1977 Constitution of the Soviet Union, in the 1978 Constitution of Soviet Socialist Republic of Georgia and in the 1978 Constitution of the Soviet Socialist Autonomous Republic of Abkhazia. At the end of the 1980s, the national-liberation movement started in Georgia, which aimed to obtain independence for the country. It resulted in the enhancement of the separatist movement in Abkhazia. In March of 1989, the Forum of Abkhazians elaborated a petition which requested the reinstitutionalization of the Abkhazian Republic as a republic of Soviet Union. This would mean leaving the Georgian jurisdiction. Armed conflict between the Georgian and Abkhaz populations happened on July 16-17 of 1989 in Sokhumi. According to information, the trigger of the clash was the violent incidents that occurred during the entrance exams at Sokhumi University. This public tension rapidly turned into armed conflict, which resulted in 16 killed and about 140 wounded citizens – mostly ethnic Georgians.

In August of 1990, the Supreme Council in the region declared Abkhazia as a plenipotentiary republic of the union and separated from Georgia. The key catalizer of the conflict was the referendum in the Soviet Union in March of 1991. The government of Georgia prohibited to conduct the referendum in its territory. Nevertheless, Abkhazia

participated in the referendum and voted for the maintenance of the Soviet Union. On July 23, 1992, Abkhazians restored 1925 Constitution, which determined it as an independent republic, but „associated with the Soviet Socialist Republic of Georgia based on a special agreement”. Thus, they declared independence but left the door open for federal unification with Georgia. The situation eventually deteriorated.

On August 14, 1992, the Georgia army entered Abkhazian territory. Officially, this operation aimed to defend transport communications. However, it was clear that the government of Georgia was trying to neutralize separatism in the autonomic republic. Georgian soldiers were deployed on the border with Russia too. Military operations started between the Georgian army and Abkhazian armed groups. Fighters from the North Caucasus, mostly Cherkezs and Chechens fought on the side of Abkhazia, who arrived on the territory without any Russian resistance.

On September 3, 1992, in Moscow, a cease-fire agreement was signed between the presidents of Georgia and Russia with participation of the leader of Abkhazia, Vladislav Ardzinba. Through mediation and guarantees made by the Russian Federation, a new peace agreement between the Georgian government and the Abkhazian side was signed in Sochi on July 27, 1993.

However, the agreement was soon breached by the inspiration of Russia and intensive military operations were renewed as a result of which, Abkhazian formations with the support of North Caucasus militias and the Russian regulary army managed to occupy Sokhumi, Abkhazia's capital, and gained control over the entire territory of Abkhazia. About 250, 000 ethnic Georgians fled from Abkhazia and the rest took refuge in Georgia. There were 10, 000 civilians casualties, and hundreds of missing people from both sides.

On August 22, 1994, the Council of the Heads of CIS States passed a resolution on using collective force to support peace in the Georgian-Abkhazian conflict zone. As a result, Russian soldiers received the status of „peacekeepers” in Abkhazia.

- Conflict in the former autonomous oblast of South Ossetia

In 1917, after the Russian Revolution, Russian communists managed to establish organizations – revolutionary committees in the Ossetian

population of Georgia, and organized protest that eventually turned into the rebellion of 1920.

On June 8, 1920, the rebels occupied Tskhinvali and declared Soviet governance. The Meshchevic authority of Georgia sent troops to Tskhinvali and subdued the rebels by force. As a result, many Ossetian families had to flee from Georgia and take shelter in North Ossetia. Because of poor roads and a bad climate, many old people, women and children died on the road.

After Soviet governance was established in Georgia on April 20, 1922, the autonomous oblast of South Ossetia was created within the territory of Georgia.

With regard to the formation of South Ossetia's status, in 1925-1927, the idea of unifying South and North Ossetias was discussed and their unification within the territory of Georgia was one of the options.

Parallel to the enhanced national movement in Georgia, in November of 1988, the Adamon Nikhasi movement was established in Tskhinvali, which aimed at the self-determination of South Ossetia. The Georgian-Ossetian conflict became worse after the Soviet Socialist Republic of Georgia adopted the law in November of 1988, which reinforced the position of the Georgian language throughout the entire territory of Georgia. This was largely protested in Tskhinvali. On November 23, 1989, several thousand Georgian demonstrators travelled from Tbilisi and other cities of Georgia to hold a demonstration in Tskhinvali, but were blocked by the S. Ossetian population and the Russian army at the entrance to Tskhinvali.

On November 10, 1989, a session of the Councils of Public Deputies of South Ossetia passed a decision to change the status of the Autonomous Oblast of South Ossetia to the Soviet Socialist Autonomous Republic of South Ossetia. The session called on the supreme council of Georgia and the Supreme Council of the Soviet Union to consider granting autonomous republic status to South Ossetia's autonomous oblast. The session also made the decision to develop a state program on the development of the Ossetian language, which declared it as the official state language.

On November 16, 1989, the presidium of the Supreme Council of the Soviet Socialist Republic of Georgia annulled the decisions made at the session of the Public Deputy Council of South Ossetia's autonomous oblast.

On November 28, 1990, as a result of multiparty elections by the Supreme Council in Georgia, the national powers came in the authority in Georgia with Zviad Gamsakhurdia as a leader. The newly selected supreme council on November 22, 1990, annulled the September 20, 1990, decision of the Public Deputies Council of South Ossetia on transforming the autonomous oblast into the Soviet Democratic Republic of South Ossetia, and consequently, all other decisions made by the council.

On December 11, 1990, the Supreme Council of Georgia annulled the autonomous oblast of South Ossetia, as well as the council of public deputies, its executive and resolution body, committee, and other state bodies of the oblast. In addition, the December 9, 1990 elections of the supreme council of South Ossetia's Soviet Republic were annulled and declared invalid. The law stated that separatist forces of South Ossetia tried to break historical part of Georgia from it. The reasons behind abolishing the autonomy of South Ossetia were verified by the following arguments:

In 1992, the autonomy of South Ossetia was created against the will of its native Georgian population and the interests of Georgia

The S. Ossetian people have its statehood in the territory of the Soviet Union

Only a small portion of ethnic Ossetians living in Georgia reside in South Ossetia

On the same day, the Supreme Council of Georgia declared an emergency situation in the former autonomous oblast and passed the Law on Emergency Regulations. The relevant amendment was made within the Constitution of Georgia.

The so-called legislative war eventually turned into an armed conflict between Tbilisi and Tskhinvali. Early in January of 1991, the first president of Georgia Zviad Gamsakhurdia sent police forces to establish order in Tskhinvali, but they faced armed resistance from the Ossetian side. During the same period, over 10 000 Georgian IDPs left Tskhinvali and thousands of ethnic Ossetian people were expelled from other regions of Georgia. Most of them migrated to the North Caucasus.

On May 29, 1992, the Act on the Independence of South Ossetia was signed in Tskhinvali.

On June 10, 1992, Chairman of the State Council of the Republic of Georgia Eduard Shevardnadze, and Chairman of the Supreme Council of

the North Ossetian Soviet Socialist Republic Akhsarbek Galazov signed a cease-fire agreement in Kazbegi.

On June 24, 1992, President of Russia Boris Eltsin and Eduard Shevardnadze signed an agreement on resolving the Georgian-Ossetian conflict in Dagomis (Sochi). Based on this agreement, in the zone of Georgian-Ossetian war three-sided – Russian, North Ossetian and Georgian peacekeepers were deployed and a four-sided control commission was established, which unified the representatives of Tbilisi, Tskhinvali, Vladikavkaz and Moscow.

Since March of 1993, the OSCE officially became involved in the conflict regulation process.

As a result of the Rose Revolution 2003 Mikheil Saakashvili came to power. At his initiative, a mixed Georgian-Ossetian administration was established in the Georgian village of Kurta, adjacent to the Tskhinvali region. The administration was headed by Dmitry Sanakoev, the former prime-minister of the self-proclaimed Republic of South Ossetia. A new phase of the conflict followed the establishment of Sanakoev's administration, and the Georgian and S. Ossetian populations in the region became isolated from one another. Local military conflicts were revived. The situation got particularly tense in August of 2008, and eventually resulted in a five-day war fought between Russian and Georgia. As a result of this war, Russian armed forces occupied the former territories of the autonomous Republics of Abkhazia and South Ossetia. On August 26, Russia declared the independence of Abkhazia and South Ossetia.

- 2008 August War

On August 7, 2008, the tension that built-up between Russia-Georgia over the years turned into a full-fledged military confrontation.

Russia began the military confrontation with Georgia in the spring of 2008. The situation in Kodori Gorge became complicated beginning in April of 2008. Moscow introduced additional military forces and heavy military equipment into the territory. Russian avia-bombarders dropped pilot-less Georgian patrolling flying apparatus. It was followed by the introduction of railway armies, which began intensive work to repair the railway from Sokhumi to Ochamchire.

The situation became increasingly tense in Tskhinvali at the end of July. On August 2, a Georgian police vehicle was destroyed. Afterwards, both sides renewed shooting. Georgian villages were regularly bombed from

Tskhinvali. Many people were injured. On August 6, two Georgian peacekeepers died near the village of Avnevi.

At that time, Russia began concentrating their military units close to the Georgian border. It was evident that the war machine had been dispatched. It was now impossible to avoid a military confrontation. In response to that, on August 7, Georgian military units entered Tskhinvali. Russia had to openly participate in the process. The Russian airforce started bombing Georgian positions and residential areas, Russian ground forces moved into Tskhinvali. On August 11, the Georgian army was forced to retreat towards Tbilisi.

The conflict finished with the Sarkozy –Medvedev Agreement, according to which, Russia had to withdraw its armed forces and return them to their initial position. However, on August 26, Russia recognized the independence of Abkhazia and South Ossetia, and its army remained in both regions.

More than 300 civilians were killed during the August War. About 150, 000 people were forced to leave their homes; 30 000 of them are now IDPs. Georgian villages in the Tskhinvali region were completely devastated³⁰.

FORMATS OF CONFLICTS REGULATION

Formally, before August of 2008, the conflicts in the Abkhazian and Tskhinvali regions were inner state conflicts, where the central authority of Georgia and the de-facto authorities of the separatist regions confronted each other.

In August of 2008, after Russia openly participated in the military conflict with Georgia, the conflicts were somehow transformed into a Georgian-Russian conflict.

As for the Armenian-Azerbaijani military confrontation, clearly it was a conflict between states, and it still remains as such. Nagorno Karabakh however, is considered to be a disputed territory between Armenia and Azerbaijan.

³⁰ It is impossible to indicate exact number of victims because various data on the casualties from South Ossetia is reported soon after the completion of the war and afterwards. Russian prosecutor's office and de-facto authority of South Ossetia disseminated different figures.

Officially Baku does not view Nagorno Karabakh as a separate party in this conflict. They view only the Republic of Armenia as a separate side, whilst before August of 2008, the Abkhazian and South Ossetian parties were officially declared to be parts of the conflicts by the Georgian government and the international community (the negotiation formats that were conducted before August 2008 prove the same, as well as the UN, OSCE and CIS resolutions).

The de-facto authority of Nagorno Karabakh insists on recognizing Nagorno Karabakh as an official party to the conflict, and also their full participation in the negotiations.

The negotiation processes ongoing for the purpose of peaceful regulation of all three conflicts in the South Caucasus have been undertaken in completely different international formats.

In the case of the Nagorno Karabakh conflict, the negotiations are undertaken within the OSCE Minsk Group format. Parallel to this, since 2003, the presidents and foreign ministers of Armenia and Azerbaijan have arranged two-sided meetings in the framework of the Prague Process.

As for the conflicts in Abkhazia and Tskhinvali regions, before 2008 August the negotiation were conducted in the following international formats:

Conflict in Tskhinvali region - mixed control commission (CKK/JCC) which before the August War of 2008, was the only permanent format for conflict resolution, and the OSCE was process facilitator;

Conflict in Abkhazia – before August 2008, the UN Geneva Process was the key format for peaceful negotiations. Russia (as a promoter), UN Special Representative in Georgia and friends' group (as observers) and OSCE (as observer) participated in this format aside from the Georgian and Abkhazian parties.

In October 2008, a new format for peace negotiations „Geneva Talks” was established, which included Georgia, Russia, the United States, and the EU. The talks are facilitated by the UN and the OSCE; representatives of Abkhazian and Ossetian parties also participate, as well as the displaced authorities of Abkhazia and South Ossetia.

PEACE OPERATIONS

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Before August of 2008, CIS collective peacekeeping forces were deployed in Abkhazia. Only Russian-staffed peacekeeper forces under the mandate of UN and CIS were there.

Mixed peacekeeping forces (Georgian, Russian and S. Ossetian battalions) were deployed in the region of the Georgian-S. Ossetian conflict. Their mandate was in force, based upon the Russian-Georgian agreement. Commandership of the united peacekeeping forces was subordinated to the mixed control commission.

Since October 2008, about 200 EUMM observers began patrolling alongside the ABL. EU observers, because of the refusal of the de-facto authorities of Abkhazia and South Ossetia, cannot enter the occupied territories.

As for the Armenian-Azerbaijan conflict, an international peacekeepers component does not and has never played any role in conflict resolution.

In the case of all three states of the South Caucasus, the main basis for the conflicts was the desire to control the territory based on ethnic belonging. However, there are significant differences in this direction too.

The conflicts of the Nagorno Karabakh and South Ossetia/Tskhinvali region have clearly an irredentist character. Namely, Nagorno Karabakh strives for the integration with Armenia, and one part of the present population of South Ossetia has a desire to join with North Ossetia, Russia.

We have not observed similar feelings in Abkhazia, although Russia is a key actor in this region with its military contingent and financial interventions. Abkhazia's de-facto authority does not consider to giving-up its independence, even through the association membership of Russia, has been discussed.

IN SEARCH OF CRISIS RESOLUTION

After the collapse of the Soviet Union, the West tried to view the South Caucasus as a united geo-strategic region where security problems

were to be resolved by using a systemic approach. It created the opportunity to regulate the political processes in the region and the region in general. Attempts at establishing these approaches were ongoing, but neither the EU nor the US managed to lead the South Caucasus to a „common situation.”

This is not a surprise, as these are three completely different nations, with three completely different languages and religions, in quite a small region of the South Caucasus. Due to these different identities, it is very difficult to achieve a high level of integration in the region.

Additionally, the political cultures of Georgia, Armenia and Azerbaijan are completely different. Development level and level of democracy also differ greatly in these three countries.

The South Caucasus states have embraced different foreign policies that make the establishment of a common and stable system of regional security almost impossible.

Armenia, which is member of the CIS Collective Security Agreement, supports the maintenance of Russia's influence in the region. Armenia views the Russian military base on its territory as the main guarantor of its security in the case of Azerbaijani aggression.

Turkey is the key political and military ally for Baku, which has long term interests in the region, and is considered to be a strategic partner for Georgia. Azerbaijan views military operations as the only way to resolve the Karabakh conflict. As such, Azerbaijan increases its military budget each year. At the same time, Azerbaijan tries to maintain normal relations with Russia.

Georgia strives to Europe and NATO membership, and halted diplomatic relations with Russia after the 2008 war. The declared policy of Tbilisi is that the only way to resolve the conflicts is to establish a democratic country to secure membership in Euro-Atlantic structures. The West created „ownership” in the South Caucasus through building strategic energy corridors via Azerbaijan and Georgia, and their encroachment by Russia will mean direct confrontation with the West. Having alternative ways of energy resources in the South Caucasus beyond the territory of Russia is the strategic interest of the West in the region.

The Caucasus remains the main stage for the controversy of the key political stakeholders of the world and in similar situation it is very

doubtful to speak about any successful attempt to form strong system of regional security.

The new reality after the August 2008 Georgian-Russian war made significant changes necessary both in the states of South Caucasus but also in the policy of international community with regard to the region. The developments after the war showed that similar changes from the international community are expected with regard to separate Caucasus states, but also with regard to the South Caucasus region as a whole.

But the reality is that if there is no break-through in the conflict-resolution process, the creation of a common security system and real guarantees for security will be impossible. Additionally, any break-through is impossible without fundamental changes in Russia policy.

RESOURCES FOR TRUST-BUILDING

Two sided and multi-sided formats for the regulation of conflicts in the South Caucasus, ongoing negotiations with the support of international community cannot give real result. Peace talks in all three conflicts are deadlocked. In the near future, we do not see any prospects to politically resolve the conflicts. Antagonism between conflict-isolated societies is deepening, and it further complicates the multi-stage process of conflict resolution.

In similar conditions, civil society and grass-roots diplomacy play a key role.

Of course civil society cannot resolve political issues, but they can create the groundwork for political processes, and promote their effective development. Public diplomacy acquires particular significance when the conflict is frozen, and contacts between official parties are destroyed, when there are no official channels for the exchange of information.

Although official parties bear the main responsibilities in the conflicts, public diplomacy is viewed as one of the main solution mechanism in the conflicts. With the support of informal dialogue, many social and humanitarian issues can be discussed and solved, conditions of conflict-affected population can be improved, and trust-building processes can be promoted among divided societies.

At the same time, during informal relations, it is possible to consider the decisions which might finally lead to a final resolution of the conflict.

It is noteworthy that the civil sector cannot be considered as a separate group from general society. The success of civil dialogue and public diplomacy depends on the general feelings within society, and their readiness to build contacts with the conflicting parties. The stronger the antagonism between conflicting parties, the less chance there is of public diplomacy being effective. In the case of the South Caucasus, antagonism is particularly strong between Azerbaijan and Armenian societies.

The development of horizontal relations between conflict divided societies depends first of all on the political leaderships of the parties. Without the political will, it is impossible for public diplomacy to have a positive outcome. This is because with the deficiency of democratic systems, a political leader can easily have a negative impact on the process of civil dialogue or can completely fail at it. That's why the international community should convince the political leadership that if they themselves cannot play positive role in the conflict resolution process, promote or at least not hinder civil dialogue. It is crucial that civil society is protected from political oppression. Very often, participation in the public diplomacy processes is too risky. Abkhaz and S. Ossetian civil activists under the influence of Russian policy, belong to the high-risk group. A good analogy can be found in Azerbaijan, where for the past several years there has been a tendency for oppression and persecution of civil society to increase. On an official level, only the Georgian government has declared a strategy for the peaceful resolution of the conflict – „engagement through cooperation,” where civil society plays a key role.

Despite the aforementioned circumstances, several hundred civil activists are involved in different formats of peace dialogue in the South Caucasus, and they significantly contribute to the maintenance of peace in the region.

In general, civil society in the South Caucasus has significant resources available to build trust and promote the creation of an environment that will foster full the political regulation of the conflicts. Strong international support is important to effectively use these resources.

NAGORNO-KARABAKH TODAY

BY ZHANA KRIKOROVA, NAGORNO-KARABAKH

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Twenty one years passed since the signature of the cease-fire agreement between Armenia and Nagorno Karabakh on the one hand and Azerbaijan - on the other. Independence proclaimed by Karabakh in 1991 is not recognized by the international community and, therefore, assumes some political and economic isolation. However, the unrecognized republic lives and develops, overcoming the objective difficulties in the conditions of a permanent military tension along the line of contact.

ECONOMIC SITUATION

These are the most rapidly developing sectors of the economy in Nagorno-Karabakh:

Mining: extraction of gold and copper (Drmbonsky Combine provides for 20-25% of an annual budget of the NK). The land of the republic is rich in deposits of various metals - iron, zinc, lead, copper, gold, pyrite, and others. A certain decline in production in the industry during the past was caused primarily by shrinking of volumes of gold extraction at Drmbonsky mines. However, it is expected that the share of the mining industry in the economy of NK will begin to grow in 2016. Kashensky (Tsahkashensky) copper-molybdenum mine in Martakert region, with its reserves that, according to experts, will lead to the long-term large-scale production for many years, is the most promising of the industry. A new copper-porphyry deposit in Khachen was discovered not so long ago.

Energy: the biggest, Sarsang hydropower plant on the Terter River together with nine small hydropower plants put into operation in the last five years, have the capacity to produce up to 700 million kWh of electricity a year- twice the needs of the Nagorno Karabakh population. Energy is the priority and strategic industry. According to experts, an efficient use of the ample water resources of Nagorno-Karabakh, of its mountain rivers in particular, will help it to become an important exporter of electricity.

Food industry: fruit and vegetable processing, dairy and meat products. A strategic program of development of agriculture is implemented; the

State offers concessional loans to farmers. Modern technologies are procured: hundreds of combine grain harvesters and tractors, different agricultural equipment were imported; the state-owned agricultural machinery and tractor stations were created.

Against the background of a general increase of food prices, the prices of some essential goods, and particularly of bread and flour, have not increased, thanks to the sufficient volumes of stock produced of local raw materials. Moreover, some part of the harvested grain is exported to Armenia.

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SOCIAL PROGRAMS:

In many countries financial crisis is accompanied by some decline in social programs. Not only that such has not happened in Nagorno-Karabakh but on the contrary, the state budget has allocated additional funds to compliment current social programs. In particular, the program for facilitation of acquisition, construction or repair of property by certain social categories of citizens - refugees, persons with disabilities, family members of fallen servicemen, and families with many children- was developed. There are many benefits and new subsidy schemes for this category of the population. The state is providing financial assistance in the form of preferential mortgage lending, in particular. State support will be expressed in covering the down payment on a mortgage loan from the budgetary funds, as well as in subsidizing the interest rates.

As of January 1, 2015, monthly payments to the Great Patriotic War veterans were increased by 40%. Welfare payments to the families of soldiers fallen defending the NKR were increased as well.

Tourism: the number of tourists visiting the NK in the last 5 years has increased tenfold. Accordingly, tourist infrastructure is developing too: hotels, roads, recreation places are built, historical and cultural monuments are rehabilitated.

GDP growth in 2014 reached 9%. The NK Budget is still formed from own revenues and the interstate loan provided by the RA. The share of own investments in the budget of the republic in 2014 increased by almost 10% and constitutes about 45% of the total budget.

INTERNAL POLITICAL SITUATION:

Martial law in NK is still in force today. Any other country under such circumstances would refrain from democratic forms of government, but in NK, immediately after the signature of the ceasefire agreement in 1994 they began the process of overcoming and neutralizing the military dictatorship. The decision with regards to the implementation of the electoral system was made. Over the twenty year period, NK had its third elected president, and in May this year, the fifth parliament was elected (the National Assembly).

ELECTIONS

It should be noted at the first onset that official international institutions recognize neither presidential nor parliamentary elections in NK. However, for Karabakh, elections are the primary mechanism of building the state with a democratic form of government.

Unlike many post-Soviet states NK strictly follows the law on the change of power. In a sense, continuity is preserved, but only in the political and not in the hereditary or clan sense. Since proclamation of the independence in Karabakh, the third president and the sixth parliament have been elected (the National Assembly).

The last parliamentary elections (May 3, 2015) made another fundamental contribution to the development of democracy. Firstly, they demonstrated a high turnout (72%), and secondly, for the first time ever, the candidates of the opposition parties became parliament members, and thirdly, there was a solid international composition of observers, including countries such as Russia, France, Germany, Austria, Estonia Israel and the international group of experts, the European Parliament.

A total of 110 international observers monitored the elections. According to them, „the elections were held in a democratic competition and complied with the basic principles and requirements of international law." So, MEP from Luxembourg Frank Engel expressed concern that the international community does not recognize elections in Nagorno Karabakh. He also said: „We believe that, on the contrary, the desire of people to live up to the principles of democracy and the rule of law should be encouraged."

CIVIL SOCIETY

Like in many other countries, only 15-20% of legally registered non-governmental organizations actually function. Youth organizations are the most active; their activity is aimed at the revival of national traditions, raising the educational level of young people, involvement in the political and public processes of the Republic.

Peacemaking organizations play a significant role in the third sector too, however recently there has been a decline in activity of peacekeeping programs, caused by the general geopolitical situation (vector of activity turning to Ukraine and Crimea) and a categorical position of the official Baku.

Activity of human rights organizations is very low. Probably because the Ombudsman's institution is working actively. But it is also undeniable that the population has got no legal knowledge; there is very low level of awareness of how to protect their rights.

Some NGOs are positioning themselves as an opposition to the present government. They implement active internal public and political activities. For example, one of the leaders of the NGO „European Values" got actively involved in the activities of the newly established party „National Revival", and was elected to Parliament.

In general, it is too early to say that the civil field is formed and is in a position to influence the political and economic processes in Karabakh. Also, a crucial role is played by the fact that the people of Karabakh are focused more on the government rather than on the public, knowing that the civil society has virtually no leverage. Thus, the recent elections to the National Assembly showed that people do trust the authorities. 47% of people voted for the party „Free Homeland", which is led by the chairman of the government.

FOREIGN POLICY AND SECURITY ISSUES

The settlement of Karabakh-Azerbaijan conflict is at the core of the foreign policy, of course. Negotiation process within the OSCE Minsk Group runs for 21 years now. During this time, several different models of settlement were suggested, which did not suit either all or one of the parties. Currently, a document known as „the Madrid principles" is on the negotiation table. According to the open sources of information, Armenia is ready to discuss a settlement plan based on these principles,

but Azerbaijan rejects them. Nagorno-Karabakh has an internationally recognized status of the party to the conflict since 1997 but does not participate in direct negotiations. However, meetings with the OSCE Minsk Group co-chairman are held regularly at the highest level in Stepanakert, where statements regarding unacceptability of „the Madrid principles" for the NC were repeatedly made.

During the years of ceasefire, breaches of the agreement took place regularly. We can say that armed clashes with a different degree of intensity and activity along the line of contact still continue. Over the years there were hundreds of victims of the sniper war and sabotage on both sides. All attempts and initiatives of the Armenian side on withdrawal of snipers and tightening the ceasefire mode are rejected by Azerbaijan.

However, according to the official Stepanakert, talks should continue, as today it is the only opportunity for non-renewal of a large-scale war. At the same time, Ministry of Foreign Affairs of NK continues to address the return of NK to the negotiation table, since no settlement plan can be realized without the consent of the Karabakh side.

Returning now to the security issues, it should be noted that the population of NK, according to a study of 2010 (in the framework of a project of a British NGO „International Alert"), does not consider the military security as a security priority because they give high credence to the armed forces of Nagorno Karabakh. Health and education issues are the most important for people. Reforms of the education sector have destroyed the old system while the formation of a new one is still in process, significantly bringing the overall level of secondary and higher education down. Post-war situation and devastation, the departure of many qualified doctors, resulted in vulnerability of the health care system. But recent governmental programs aimed at improving the quality of services in these areas have resulted in some positive dynamics. A new modern hospital was built; specialist doctors from Armenia and Diaspora are offered permanent and temporary work contracts.

CULTURE

Perhaps culture is one of the few spheres in the life of NC with the constant activity, a high level of involvement of the population and

international format of events. There are several professional music, dance and theater groups that often tour in other countries. There are dozens of children's art houses, an arts college, amateur ensembles and theater troupes. Museums and art galleries are rehabilitated and open. Prominent figures of culture and art come to Karabakh not only from Armenia but also from other countries of the world with concerts, workshops of sculptors, art exhibitions, and theater festivals.

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A FEW WORDS ABOUT DEMOGRAPHY

Of course, life in the unrecognized state has its negative sides; development in the state of isolation is practically impossible. But today the world is an information space with no boarders or blockades. This fact allows Karabakh to keep up with the times. Professional sociologists would be able to tell us whether the demographics reflect on the well-being of the region, however, for the last ten years NK shows a positive dynamic of birth rate. Ten years ago the birth rate in NK was a little more than two thousand children a year, while today it is almost 3000 births a year. In terms of the ratio to the population number, this is one of the highest indexes in the Post-Soviet states.

RETHINKING NAGORNO-KARABAKH CONFLICT: DYNAMICS, PERCEPTIONS AND PROSPECTS FOR TRANSFORMATION

BY ANONYMOUS AUTHOR

INTRODUCTION

The recent phase of the conflict over Nagorno-Karabakh, a small region of 4,4 sq km with a population of almost 140,000, began in 1987. It started as a land dispute between the Soviet Republics of Azerbaijan and Armenia over the largely Armenian-populated autonomous region of Nagorno-Karabakh within Azerbaijani SSR. After the collapse of the Soviet Union the dispute was transformed into a full-scale war between two neighboring countries. The death toll is estimated at approximately 25,000 to 30,000 people. For Azerbaijan, the conflict keeps up to 250,000 ethnic Azerbaijani refugees evicted from Armenia, 14 percent

of its territory occupied and 778, 500³¹ Azerbaijanis displaced from the NK (roughly 40, 000)³² and the surrounding regions. The vast majority of these are from lands around Nagorno-Karabakh that have been seized by that territory in the course of the conflict.

The conflict over Nagorno Karabakh, opposing Armenia and Azerbaijan, is the longest conflict in the OSCE area and a fundamental security threat to the South Caucasus and surrounding regions, preventing full and inclusive economic development and constraining regional relations. External powers acting in the region have managed the existing cease-fire, but have been unable to gather the necessary will and resources to bring about a sustainable and mutually acceptable peace agreement.

Conflict Dynamics

The conflict over the Nagorno Karabakh territory, while sharing most of the characteristics of other protracted conflicts in Eurasia, displays an increased level of complexity. Being populated by majority of Armenians, the Nagorno Karabakh enclave inside Azerbaijan has relied on military, political and financial assistance from the Armenian Republic, making it a part to the conflict. Although several United Nations (UN) resolutions recognize Karabakh as part of the Azerbaijani Republic, and no state (including Armenia) has recognized the Nagorno Karabakh Republic's (NKR) declaration of independence, the isolation of the separatist region and the international politics of non-recognition have left Karabakh highly dependent on Armenia and have severed all direct channels with Azerbaijan, over the last twenty years. Thus, the conflict over Nagorno Karabakh is best portrayed as an interstate conflict, with visible impact on the domestic constituencies of both Armenia and Azerbaijan, making any analysis of civil society engagement in conflict resolution highly incomplete if this interstate dimension is not reflected.

While Armenia's military occupation of the region precludes the much-desired participation of Nagorno-Karabakh's ethnic Armenian

³¹ Arif Yunusov, Asylum Seekers, Refugees, and IDPs in Azerbaijan: Issues and Perspectives, CARIM East – Consortium For Applied Research On International Migration, September, 2013

³² Tackling Azerbaijan's IDP Burden, PB, Europe Briefing N°67

Baku/Tbilisi/Istanbul//Brussels, 27 February 2012, International Crisis Group

community in the peace process, because the region's ethnic Azerbaijanis were stripped of this right, the official Azerbaijan often use an increased war rhetoric that both make the resources for confidence-building between the parties blocked. Lasting peace in Nagorno-Karabakh cannot be achieved without a return of the region's ethnic Azeri population and their harmonious coexistence with the ethnic Armenian community. Furthermore, to reestablish the much-needed trust between the two nations, it is important for both Armenians and Azerbaijanis to refrain from any hostile, disparaging, or instigative rhetoric.

Russia still has a military presence in Armenia, and Azerbaijan knows it cannot win a direct military confrontation with Russia, even considering Moscow's current political and economic constraints.

Instead, Baku has been testing the waters with a more limited engagement along the line of contact and with diplomatic maneuvering in concert with key players such as the European Union, the United States and Turkey. This strategy demonstrates Azerbaijan's leverage to all parties involved and shows its ability to avoid making a commitment to any single country in what is still a very dynamic environment.

„...Turkish economic and security interests would best be served by lasting peace and stability in the region. As a large neighboring country, Turkey is in the position to pressure Armenia and Azerbaijan to reach a compromise, and also to provide economic and security incentives to foster regional cooperation. If devoted to peace, Turkey could make the Nagorno-Karabakh peace process meaningful and could become the pillar supporting stability and economic development of the region”³³.

Twenty years ago the withdrawal of Armenian troops from the occupied Azerbaijani territories, return of IDPs, and deployment of peacekeepers in Nagorno-Karabakh looked like the logical next steps after the ceasefire's signature. None of this occurred. The sides have shown little willingness to take advantage of the opportunities or make the political decisions necessary for progress in the peace process. Now the prospect of renewed fighting, which this time could have a regional dimension and pull in Russia and Turkey, and even Iran seems more

³³ Intractability of the Nagorno-Karabakh Conflict: a myth or a reality? Philip Gamaghelyan

likely than ever since 1994. Like other former Soviet republics, Azerbaijan, with one eye on the Karabakh flare-up and another on the Ukrainian war, is trying to find new ways to protect itself from Russian pressure. Azerbaijan increasingly feels that Moscow's interests in resolving the 26-year-long Karabakh conflict are more closely aligned with those of Armenia, where Russia already has troops stationed. The Kremlin's support for pro-Russian separatists in the eastern Ukraine and intervention in the conflict after it annexed the Crimea there does further to reassure Baku to lose any hope that Moscow is going to play a positive role in the Karabakh conflict's resolution. Recent reports from Azerbaijani newspaper Yeni Musavat referring to the Baku-based Atlas Research Center suggest that Azerbaijan could be preparing a limited incursion into the selected occupied by Armenia districts after the European Games, a high-profile multisport event, are hosted in Baku in June 2015. In this development, Azerbaijan could carry out strikes on Karabakh forces in the towns of Aghdam and Fuzuli without attacking Nagorno-Karabakh's main city of Stepanakert/Khankendi. The purpose of this would be to improve Azerbaijan's leverage in the Organization for Security and Co-operation in Europe's Minsk Group talks and force Armenia to gradually cede territory³⁴.

SOLID MUTUAL PERCEPTIONS AND HUMAN DYNAMICS

Historical accounts of the Armenian and Azerbaijani presence in Karabakh have been used to justify each side's claim to the land³⁵. From an early time, children are taught in school and by their families all the important dates in the development of their nation-states and the significance of Karabakh on both accounts is a crucial factor³⁶. This shapes their ideas of the past and of the future in radically opposed and mutually excluding ways. Moreover, claims to the land have been

³⁴ In Nagorno-Karabakh, the Possibility of Escalation Lingers, Analysis, Stratfor, April 2, 2015

³⁵ Tom de Waal, 2003, 145-158 and ICG 2005, 3-6.

³⁶ Veselý, B. (ed.) (2008) *Contemporary History Textbooks in the South Caucasus*, Pague: Association for International Affairs.

advanced in historical terms more than political or economic³⁷, leaving little room for innovative assessments of interests.

Armenians and Azerbaijanis live in total isolation of each other. Except for sporadic meetings by a small elite in third countries, societies in Armenia, Nagorno Karabakh and Azerbaijan have no regular contacts³⁸. During the conflict Armenians and Azerbaijanis returned to their nations, abandoning the multi-ethnic societies they had formed and today it is virtually impossible to travel to the other side. Inside Nagorno Karabakh there are no Azerbaijanis left, making it a mono-ethnic society. Civil society initiatives figure prominently among the most important activities aimed at maintaining dialogue and exchange between Armenians (both in Armenia and Nagorno Karabakh) and Azerbaijanis. They range across several thematic areas, such as women's issues, youth meetings and media, but also track-two mediation, seminars, conferences, visits and fact-finding missions. Although their impact on the achievement of a final solution has been very reduced and limited by the secret and top-down nature of the peace process, these activities remain crucial and illustrate a possibility of normality in relations with the other side, which can set out an example to the wider societies.

POLITICAL DYNAMICS

The current 'no-war no-peace' situation has been appropriated by local and external actors, looking to derive benefits from it. As Özkan argues, „instead of dealing with the situation, elites have avoided the issue of concessions and compromises to maximize their hold on power, while external actors have come to see the conflict as „frozen” and therefore representing minimal danger to their interests”³⁹.

³⁷ Milanova, N. (2008) "The Territory-Identity Nexus in the Conflict over Nagorno Karabakh: Implications for OSCE Peace Efforts" *Journal of Ethnopolitics and Minority Issues in Europe* (2). <http://www.ecmi.de> [02.11.2009]

³⁸ Broers, L. (2006) 'The resources for Peace: comparing the Karabakh, Abkhazia and South Ossetia Peace processes', Conciliation Resources. <http://www.c-r.org/resources/occasional-papers/resources-for-peace.php> [02.11.2009]

³⁹ Özkan, B. (2008) "Who Gains from the 'No War No Peace' Situation? A Critical Analysis of the Nagorno-Karabakh Conflict", *Geopolitics* (13), 572 - 599.

By portraying conflict dynamics and the incentive structure as „frozen”, all parts to the conflict and the international mediators have preserved the current status quo and have downplayed the fragility of the current cease-fire, as well as the dynamic nature of the conflict structure. At best, the only „frozen” aspect of this conflict is the peace process, and even that is radically changing⁴⁰.

Part of the problem is that they fear the public backlash that would arise if they are viewed by their societies as making any compromises. Confidence is in short supply in the region. Divisions between the two societies keep growing, as the generations that remember easy co-existence during the Soviet period get older and are replaced by ones that have been schooled in an atmosphere of hate and distrust of the other.⁴¹

THE PERCEPTIONS AND THE KNOT OF STATUS QUO

When is a war not a war? While it may seem commonsensical that a country cannot simultaneously be at war and at peace, the prevalence of several ‘frozen conflicts’ in the post-Soviet space defies simple categorization. If we take the conflict between Georgia and Abkhazia or South Ossetia as an example, a quick internet search shows that there was a five-day war in 2008 that ended on the 12th of August with a preliminary ceasefire agreement. Nevertheless, according to CRRC’s most recent Caucasus Barometer (CB) survey in 2013, almost no Georgians think that the conflict in Abkhazia had been resolved.

Alternatively, Armenians and Azerbaijanis tend to support the idea that resolution has been achieved in Abkhazia (with 27% and 13%, respectively selecting this option), while differing significantly on their opinions about the status of their own territorial dispute over Nagorno-Karabakh with 38% of the Azerbaijani population placing this as their highest national concern.⁴² This raises the possibility that conflict is as much about perceptions as it is about actual military confrontation, and

⁴⁰ Engaging Civil Society in the Nagorno Karabakh Conflict: What Role for the EU and its Neighbourhood Policy? MICROCON Policy Working Paper 11, Licínia Simão, June 2010

⁴¹ Sabine Freizer, A Twenty-Year Truce Has Brought No Peace in Nagorno-Karabakh, One of Europe’s Most Persistent Conflicts Simmers on in Ukraine’s Shadow, Atlantic Council, May 12, 2014

⁴² CRRC blog, July 14, 2014

that national, regional and international conflict narratives can disband significantly.

To the best of long observations, for the majority of Armenians, various confidence-building measures are primarily about preventing a new conflict and legitimizing the status quo, while the majority of Azerbaijanis, on the other hand, view dialogue and confidence-building with Armenians with suspicion. They fear that in the absence of a political settlement, such measures may weaken the Azerbaijani position by creating an impression of 'normality' and thus, strengthen and legitimize the status quo.

But the status quo is not in the interest of the conflict sides' leaders either. The status quo, as well as any possible quick solution - peaceful or violent - that would decide the final status of Nagorno-Karabakh, is not satisfactory to at least one party, but more likely both parties. The status quo or a hasty solution will aggravate the insecurity and economic deprivation and will decrease the popularity of current political leaders. Therefore, for political reasons, for economic and security purposes it is in the best interest of Azerbaijani and Armenian leaders, if not to cooperate officially, then at least to remove the obstacles for intellectuals, civil society, artists and others to cooperate. It is also crucial for them not to hinder the progress of the civil societies that are ready to work toward the breaking of stereotypes and the seeking for a mutually beneficial solution to the conflict. Cooperation would increase the level of mutual trust, allow ties between the media and intellectuals, would deconstruct negative stereotypes of each other, and would decrease the level of insecurity. As a result, governments would get credit for the improvement of the situation and negotiations between them addressing the structural issues, issues of the return of occupied territories around Nagorno-Karabakh to Azerbaijan and the return of IDPs would cease the continuous failure in the official negotiation process.⁴³

How Ukraine's Crisis Intricate Nagorno-Karabakh

The Ukraine conflict deepens the sense of hopelessness. Russia's annexation of Crimea undermined principles that Azerbaijan and

⁴³ Philip Gamaghelyan, Intractability of the Nagorno-Karabakh Conflict: a myth or a reality?

Armenia agreed would underpin any deal: *non-use of force* and territorial integrity. It suggests to Azerbaijan that it, too, might attempt a quick offensive to regain lost territory with only limited international opposition.⁴⁴

As Azerbaijan heard the EU and US voice strong support for Ukraine's territorial integrity, it voted against Russia in the UN General Assembly over the Kremlin's seizure of Crimea. Azerbaijan hoped to use that vote to remind the West that four UN Security Council resolutions on Nagorno-Karabakh from 1993 still require implementation. But now many in Azerbaijan are disappointed with the inadequate effect of EU/US sanctions and consider it another example of the West's inability to guarantee the territorial integrity principle its governments say they uphold.

Russia's seizure of Crimea also weakens the *right to self-determination*, which Azerbaijan and Armenia have agreed should be the third basis of any settlement. Russia's obvious and profound manipulation of the March 16 referendum in Crimea to support its forceful overthrow has challenged the whole idea that such elections can be used as acts of self-determination, for example as part of an effort to settle the Nagorno-Karabakh dispute⁴⁵. Despite the other crises in the region, governments in Washington and the major EU capitals, should not ignore Nagorno-Karabakh if they hope to have at least as much capability to effect regional peace and stability there as they do today in Ukraine.

EXPECTATION FOR A MORE EU INVOLVEMENT IN THE PEACE PROCESS: AN AZERBAIJANI PERSPECTIVE

Although the role and capacity of the EU in the South Caucasus has evolved and strengthened over the past years, the institution remains to face serious challenges, especially with regard to unresolved regional conflicts. The EU has enhanced its role in both the South Ossetia and Abkhazia conflicts in Georgia, the EU's role in Nagorno-Karabakh remains negligible. It is largely focused on track-two diplomacy, including confidence and peace-building initiatives as well as financial

⁴⁴ Sabine Freizer , In Nagorno-Karabakh, An Old Caucasus War Flares Anew: Deadliest Fighting In 20 Years Is Encouraged By Crisis In Ukraine, Atlantic Council, August 19, 2014

⁴⁵ Sabine Freizer , In Nagorno-Karabakh, An Old Caucasus War Flares Anew: Deadliest Fighting In 20 Years Is Encouraged By Crisis In Ukraine, Atlantic Council, August 19, 2014

support for internally-displaced people (IDPs). The neutrality of the EU has been considerably broken down, first through the precedent of its clear support for the territorial integrity of Moldova and Georgia along with more tangible engagement on the ground there, and also through its ambiguous position on Azerbaijan's territorial integrity.

Presently, track-two diplomacy doesn't present a priority to official Baku and the position of significant part of the society doesn't differ much from that view. Cross-border initiatives are widely viewed with suspicion, mainly as a consequence of government control on the media in both countries and the suppression of independent civic activism. And this augments the problem by not allowing for a proper discussion about the role and importance of Track II initiatives in supporting the overall peace efforts. Due to the failure of the peace talks so far, the dominant and officially supported discourses in both Armenia and Azerbaijan stimulate ethnic confrontation, and not peace-building. The divergence between the negotiating parties on Track I is so huge and many, that no Track II can presumably achieve any surprising results. There is almost not agreement on any of the belligerent issues: status of Karabakh, the return of territories, IDPs and refugees and security guarantees. Official Baku wants and needs track-one diplomacy, where EU involvement in negotiations could help with conflict resolution. This involvement would also serve EU interests in several ways. Firstly, the EU is keen to diversify sources of natural gas and reduce reliance on Russia, which supplies roughly a quarter of the EU's gas. Any active conflict in the region could endanger EU energy interests. Secondly, the EU has already acknowledged Russia as an active threat to the wider regional peace and not reliable partner in peace talks. From November 2008, Russia encouraged trilateral meetings between Moscow, Baku and Yerevan, but since January 2012 these have stopped. The EU could take advantage of this to prevent these countries from falling back into Russia's influence through some of Moscow's proposed regional initiatives (the Eurasian Union and Customs Union). Given that since 2008 the US has also been reducing its involvement in resolving the conflict, the EU is the best placed for Western engagement.⁴⁶

⁴⁶ Zaur Shiriyev, Challenges for the EU in the resolution of the Nagorno-Karabakh conflict: An Azerbaijani perspective, Policy Brief, EPC, 17 June 2013

Thirdly, the EaP seeks to promote multilateral relations with partner countries. The Nagorno-Karabakh conflict involves two partner countries, and the continuation of the status quo will damage the integrity and credibility of this aim. More EU involvement will increase the effectiveness of multilateral cooperation and improve the EU's public image, enabling it to push firmer for democratic development. The signing of Association Agreements with the eastern partner countries will be the basis of EU policy, and the means through which it can ask more from Azerbaijan and Armenia in exchange for increased commitment on conflict resolution.

Although this window of opportunity is available, the EU's low level of involvement in Nagorno-Karabakh is due to it being de facto represented by France, in that country's role as Minsk Group Co-chair since 1997.

MORE ENGAGEMENT FOR EU SPECIAL REPRESENTATIVE AND LEVERAGES WITHIN THE ASSOCIATION AGREEMENTS

Although France is the unofficial EU representative within the Minsk Group, the EUSR has never worked visibly with Paris to establish a strong EU position on the resolution process. Therefore, in order to increase the functionality of the Minsk Group, it is not necessary to find a new format, but rather to re-work the current options. On the one hand, the EUSR and the French Co-Chair, with the participation of the heads of the EU delegations in Azerbaijan and Armenia, could find a working framework to improve the EU's role in Nagorno-Karabakh resolution. The delegation heads, member-state ambassadors and the EUSR could meet every month, and then present the results to the EU institutions. Secondly, the EUSR could informally attend, or attend with 'observer status', the meetings of the Minsk Group Co-Chairs. This would mean slightly changing the format: 3 Co-Chairs + 1 EUSR. This requires both expanding and extending the EUSR mandate⁴⁷. Regrettably discussions over the EUSR's engagement in the Nagorno-Karabakh conflict often end with criticism of Azerbaijan following the 2007 incident, when the Azerbaijani Foreign Minister recalled the then-EUSR from his unauthorised visit to Nagorno-Karabakh. This incident

⁴⁷ Zaur Shiriyev, Challenges for the EU in the resolution of the Nagorno-Karabakh conflict: An Azerbaijani perspective, Policy Brief, EPC, 17 June 2013

has since been cited by EU officials as evidence that Azerbaijan opposes increased EUSR involvement. Azerbaijan's demand is that the EUSR promotes inter-community dialogue in Nagorno-Karabakh; otherwise the de facto Nagorno-Karabakh authorities will cite these visits as a sign of recognition, or international support. The realisation of these inter-community negotiations is characteristic of an end-stage peace process, but they are crucial at this current stage given the decreasing tensions and trust-building. However, Nagorno-Karabakh Armenians are monopolising the right to speak on behalf of the territory, and are refusing to accept the Azerbaijani community as part of Nagorno-Karabakh. Therefore, if the EUSR wants to contribute to the resolution process, it should start by further promoting contact between Azerbaijanis and Armenians.

The EU, beyond this, can alternatively stimulate dialogue through EURONEST, to increase bilateral contacts between Azerbaijanis and Armenians in the parliamentary dimension. The European Commission, through the EaP and other mechanisms, can increase its role. The EP has adopted resolutions on the conflict, suggesting increased engagement. Its resolution 'On the need for an EU strategy for the South Caucasus' (20 May 2010) said „frozen conflicts are an impediment to the economic and social development and hinder the improvement of the standard of living of the South Caucasus region, as well as the full development of the EaP of the ENP; whereas a peaceful resolution of the conflict is essential for stability in the EU Neighbourhood"⁴⁸. The same resolution calls for the withdrawal of Armenian forces from occupied Azerbaijani regions surrounding Nagorno-Karabakh.

The EU can facilitate better engagement in the Nagorno-Karabakh conflict by deploying its instruments – both carrots and sticks – more effectively. Thus the EU can deliver benefits in response to the performance of the targeted country, and/or suspend or terminate benefits. Also of importance is how the EU uses its influence in conflict resolution, either directly or indirectly. A direct impact stems from deliberate EU actions as a foreign policy actor, i.e. diplomatic activism. Indirectly, for the prospective member countries affected by secessionist conflicts, the EU offers a single currency and visa-free

⁴⁸ European Parliament resolution of 20 May 2010 on the need for an EU strategy for the South Caucasus

regimes, making territorial disputes less relevant to the daily life of the affected population. Until now, the EU has acted indirectly in conflict resolution; in this regard, despite the fact that both Azerbaijan and Armenia may sign Association Agreements and thereby get more benefits from the EU, until the conflict is resolved, neither country will really benefit in concrete terms. The Association Agreements and more generally the EaP support multilateral and regional cooperation – which is currently unworkable in the South Caucasus. A further argument is that in the Balkans, for example, the offer of prospective membership was more compelling, given that the region is geographically surrounded by EU members, meaning that the visa and trade regimes would have an immediate impact. But the South Caucasus is surrounded by non-EU members, and the opportunities for non-energy sector trade with the European market are limited. Therefore, for the EaP and Association Agreements to provide real benefits, the EU must boost the effectiveness of its policy on Nagorno-Karabakh by creating a new vocabulary for conflict resolution through the Association Agreements.

Discussions on the Association Agreements with both Azerbaijan and Armenia were launched in July 2010, and so far 24 of the 28 negotiations have been successfully completed with Armenia, and 13 with Azerbaijan⁴⁹. For the Association Agreements to come into force, they must be ratified by the EP as well as by EU countries' national parliaments.

The adopted EP resolutions at the end of March 2013, containing recommendations for the Council, the European Commission and European External Action Service regarding the negotiation of Association Agreements with Azerbaijan and Armenia, are encouraging. The text includes links to confidence-building measures, taking into account the recommendation that EUSRs can and must engineer inter-community meetings. The language echoes the 'Madrid Principles' in calling to end occupation and all activity in the occupied territories, urging Armenia to put an end to any kind of settlement-building initiative designed to increase the Armenian population in the occupied territories, to provide accurate data on ethnic representation in Nagorno-Karabakh's population, and to take immediate steps toward

⁴⁹ Zaur Shiriyev, Challenges for the EU in the resolution of the Nagorno-Karabakh conflict: An Azerbaijani perspective, Policy Brief, EPC, 17 June 2013

peaceful resolution. The 'Madrid Principles' are the most recent iteration of the 'Basic Principles', which were initially proposed by the OSCE Minsk Group to the presidents of Armenia and Azerbaijan in 2007 and then revised in 2009. Only 6 of the 14 principles have been agreed and made public. These are: the return of the occupied territories surrounding Nagorno-Karabakh to Azerbaijani control; granting interim status to Nagorno-Karabakh and guaranteeing security and self-governance; the right of all internally-displaced persons and refugees to return to their places of origin; opening a corridor between Armenia and Nagorno-Karabakh; defining the future status of Nagorno-Karabakh through a legally-binding expression of will; and international security guarantees, including a peacekeeping operation.

The EU missed an earlier opportunity for similar progress while in 2006, both countries signed ENP Action Plans, which focused primarily on political and economic transformation rather than resolving the Nagorno-Karabakh issue. While Azerbaijan's Action Plan includes „the respect of and support for the sovereignty, territorial integrity and inviolability and internationally-recognized borders of each other," representing the first priority area, in Armenia's Action Plan conflict resolution is only seventh in the priority list, and entails the competing principle of 'self-determination of peoples'. In terms of EU leverage, the ENP Action Plans did not include clear statements or demands from the conflict parties⁵⁰.

The Association Agreements with Azerbaijan and Armenia should be conditional on a serious commitment by both parties to resolve the conflict. The principle of territorial integrity should be included in the texts of both agreements, as well as the Madrid Principles, tied to expectations of results. By doing this, the EU can avoid future criticism from Azerbaijan that EU member countries have double standards with respect to Azerbaijan's territorial integrity. Furthermore, the Agreements should include a commitment from the EU that it will take a guarantor position for the second phrase (Nagorno-Karabakh status negotiations) if the parties reach a political solution. Hence, the EU Foreign Affairs Council asked the EU institutions, in close consultation with the OSCE, to provide post-conflict scenarios for Nagorno-Karabakh as a basis for future EU engagement. The Agreements, by adding both

⁵⁰ Zaur Shiriyev, Challenges for the EU in the resolution of the Nagorno-Karabakh conflict: An Azerbaijani perspective, Policy Brief, EPC, 17 June 2013

commitments for conflict resolution and post-conflict resolution, will make both countries dependent on a „more results, financial support” system of conflict resolution. The guarantees will also be helpful, especially regarding the security of Nagorno-Karabakh's Armenian population, which Armenia has repeatedly questioned.

The EU has in the past effectively used the 'conditionality principle' to gain results, specifically in relation to the conflict between Macedonian security forces and the ethnic Albanian National Liberation Army. The implementation of the Ohrid peace agreement has been used as a precondition for Macedonia's EU membership aspirations.

The EU, based on this success, could also commit to involvement in the post-conflict zone civilian mission in Nagorno-Karabakh, once a political solution is reached. The EU's current lack of involvement has become an impediment to discussion of other commitments, namely human rights issues. The effectiveness of a 'carrot and stick' policy will be better grounded, and the 'more for more' approach will be applied not only to the integration process but also to conflict resolution. From Yerevan's point of view, the financial resources of the EU could help to reduce the country's dependence on Moscow. From Baku's point of view, Yerevan is using this as a means of pressuring the EU.

VISIONS AND RECOMMENDATIONS FOR TRANSFORMATION

In the months leading up to the Riga Summit, the main debate was around the Association Agreement negotiations of Azerbaijan and Armenia, although neither agreement is expected to be signed at the May EaP Riga Summit. The EU's immediate dilemma is how seriously to take the threat of Russian influence over Armenia as Armenia has become a member of the Customs Union and Moscow would like to see Armenia in ultimately its Eurasian Union project. Thus the EU will be reluctant to make Armenia feel frustrated, which essentially means that Yerevan will not be asked to make clear commitments on resolving the Nagorno-Karabakh conflict. On the other hand, if Baku's concerns are realized, EU-Azerbaijan relations will stagnate, and the Association Agreement negotiations will be tougher and less fruitful. The Agreements will include commitments on human rights, freedom of speech, and democratic development – all of which will be affected by a lack of progress on the Karabakh question. To the best of the experts'

analyses there are a number of preferences for increasing the EU's visibility in resolution of the Nagorno-Karabakh conflict:

- Institutionalizing the EU's role in the OSCE Minsk Group Process by defining its role of extended beyond France's engagement; and enhancing the mandate of the European Union Special Representative (EUSR), underlining Nagorno-Karabakh conflict resolution, building up closer collaboration with EU bodies, and extending the term of the EUSR mission.
- Comprising a conflict resolution commitment with a reasonable timeline for the present and post-conflict periods in the Association Agreement, along with acknowledgement of the principle of territorial integrity and the Madrid Principles as core parts of both texts. Through the Agreements, using the 'more for more' principle, the EU can establish a single and consistent conflict resolution mechanism framework using both track-one and track-two diplomacy.⁵¹

The EU should take seriously the option of adding more tools to the Association Agreements, and urging partner countries to make good their existing commitments on conflict resolution. By doing this, the EU will smooth the way for a more engaged approach, which in turn will lead to increased institutional visibility in the resolution of regional problems including addressing the challenges of security and sustainable peace.

Optimism for an imminent solution to the legal status of Nagorno-Karabakh has to be put on hold. There is no short-term solution to this conflict. Long-term measures such as democratization, Turkish-Armenian reconciliation, regional economic, security and perhaps political integration, and reinforcement of the central Caucasian identity are the necessary preconditions for a lasting peace⁵². After the Turkish-Armenian Reconciliation Commission as an initiative has contributed to the reconciliation process the Armenian and Turkish governments have started to understand, gradually, the benefits of cooperation and reconciliation. If not yet ready to support the move

⁵¹ Zaur Shiriyev, Challenges for the EU in the resolution of the Nagorno-Karabakh conflict: An Azerbaijani perspective, Policy Brief, EPC, 17 June 2013

⁵² Philip Gamaghelyan, Intractability of the Nagorno-Karabakh Conflict: a myth or a reality?

openly, they privately agree not to hamper civil dialogue.⁵³ If Azerbaijan and Armenia become partners from enemies, the Russian threat will be greatly reduced; a land link will be established with Turkey and with Nakhchivan, the autonomous part of Azerbaijan separated from it by Armenia; Azerbaijan will become the bridge between Turkey and Central Asia and its regional role will increase; the prospects of NATO and the EU integration will become more realistic. Everyone until now, even those who understand the necessity of regional integration, had considered the resolution of the conflict as a prerequisite for peace and cooperation in the Caucasus. It is necessary reversing the approach and looking at regional integration as a mean for resolution. If a high level of regional integration is achieved, the question of the status of Nagorno-Karabakh should become by and large insignificant. To reach a sustainable solution to the Nagorno-Karabakh conflict the formal diplomatic channels need to be complemented by strategic efforts from civil society to transform the conflict discourse and move away from nationalism, hatred and divisive stereotypes.

In contrast to the favourable international environment, the domestic circumstances in both Armenian and Azerbaijani societies remain the biggest obstacle to a resolution. Contrary to some arguments, the source of the problem is not the general public and their alleged „unpreparedness” for peace. Rather, the problem lies with the political elites, both within the government and the political opposition, which have increased public fears and concerns in order to gain political power and also to advance more trump cards at the negotiation table by using segments of their power base as political pawns. By perpetuating maximalist expectations within their populations, the elites push themselves further into a corner. They are becoming hostage to their own maximalist rhetoric and are increasingly unable to reconcile domestic and international pressures.⁵⁴

Most importantly in the immediate future, the leadership both in Armenia and Azerbaijan need to gain public support for this phase of the peace process – agreeing on a document on basic principles – by explaining to their publics that the principles in themselves do not

⁵³ Phillips, David. 2005. In Silencing the Past: Track Two Diplomacy and Turkish-Armenia Reconciliation. New York: Berghahn Books.

⁵⁴ Tabib Huseynov, A moment of truth in the Nagorno-Karabakh talks?, Caucasus Edition | 12 Apr 2010

represent a final peace deal, but are rather a first step in a negotiation process with no predetermined decision on the final status of Nagorno-Karabakh.

Because of deliberate misrepresentation and a lack of public discussion, the basic principles have been largely viewed as a plot to legitimize Nagorno-Karabakh's secession in Azerbaijan, while many Armenians believe the principles would lead to Nagorno-Karabakh's reintegration with Azerbaijan against the will of the people who live in the region. As a result of these perceptions, the dynamism in the peace process and talk of an imminent agreement on the basic principles do not echo well with the wider population. On the contrary, they are regarded with suspicion and increase the sense of insecurity. Without bridging this gap between the international and domestic perceptions of the peace process, it will be impossible for the Armenian and Azerbaijani governments to sign the basic principles agreement⁵⁵.

It is of extreme importance that the international mediators keep up their intensive efforts to encourage the Armenian and Azerbaijani governments to agree on the framework document on basic principles that would form a basis for an eventual peace agreement. Most importantly, the Armenian and Azerbaijani governments should engage their populations in a candid debate about the existing options on the negotiation table and make a honest effort to encourage them that the gains to be achieved from a peaceful and gradual change in the status quo far prevail over any perceived advantages of the status quo. Larger public awareness on the issues and options and their implications would lessen feelings of uncertainty of the sides which, in turn, would unfasten the hands of the diplomats and encourage them to effective discussions and steps.

⁵⁵ Tabib Huseynov, A moment of truth in the Nagorno-Karabakh talks?, Caucasus Edition | 12 Apr 2010

CHAPTER III

HUMAN RIGHTS – AS AN ELEMENT FOR PEACE AND TRUST BUILDING

HUMAN RIGHTS AS AN ELEMENT AND RESOURCE FOR PEACE BUILDING – THE GEORGIAN EXAMPLE
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HUMAN RIGHTS AS AN ELEMENT AND RESOURCE FOR PEACE BUILDING – THE GEORGIAN EXAMPLE

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The collapse of the Soviet Union and the Warsaw Bloc has led to ethnic conflict and armed controversy for the past 25 years. Most of the post-Soviet independent republics were ruled by the former nomenclature of the Communist Party. On the one hand, it maintained link with the former metropolis – Russia, but on the other hand, could not cope with the problems inspired by Russian Special Forces, among them ethnic conflicts. So, when speaking about the mass violation of human rights in the post-Soviet republics (e.g. ethnic-conflict, ethnic cleansing, xenophobia, and so on), we should necessarily consider geopolitical and historical context when impartially analyzing the recent history, to correctly orient the time and space.

After the ethnic-conflicts of the early 1990s, when Georgia lost jurisdiction over Abkhazia and South Ossetia, armed conflicts were repeatedly renewed in these non-recognized territories – sometimes the hostilities possessed a local character, and sometimes a large-scale character. Parallel to this, the government of Georgia frequently used militaristic rhetoric, preferring to „gain lost territories through military operations” that further deepened the gap between the nations. No positive steps were taken towards peace-building and confidence-building.

The armed conflict of 2008 significantly damaged relations between Russia and Georgia, when Russia unilaterally recognized the independence of Abkhazia and South Ossetia. Healed wounds were re-opened; mistrust and hatred between nations increased, and a new wave of internally displaced people (IDPs) resulted. The Russian military began the borderization process. Many families turned-up on the territories of unrecognized South Ossetia and Abkhazia. These territories create many problems in terms of human rights protection. They are not part to international human rights treaties and other instruments. As such, the local population is at risk of human rights abuses and having their basic freedoms curtailed. In a similar situation, local authorities have a great responsibility to guarantee human rights protection for their citizens. When their rights are breached, the Abkhaz and Ossetian people will either seek a remedy at the local

courts, or via law enforcement bodies, which most frequently are harassers themselves. They can appeal to the European Court of Human Rights, the International Criminal Court and other international institutions, but only via Georgia. Nevertheless, the practice shows that citizens of Abkhazia and South Ossetia almost never apply to international human rights institutions to solve their problems.

Human rights are universal for every community throughout the world – fundamental human rights and basic freedoms must be protected even in the grayest of zones. In conjunction with this, human rights can become subject to the joint care and work of Abkhaz, Georgian and Ossetian civil activists. Human rights protection is not political in nature, and very often human rights organizations and civil activists have to fight against governments or stereotypes to promote the respect of universal values within society. In this view, the protection of human rights can become a common goal, and the networking of Abkhaz, Georgian and Ossetian human rights defenders is possible within the framework of concrete civil movements, coalitions, networks or campaigns.

The joint effort of human rights defenders is particularly important in the disputed territories of Abkhazia and South Ossetia, where the local population have become victims of multiple human rights violations due to armed conflict over the past 25 years. Abkhaz and Ossetian human rights defenders need to be very strong and active in their fight for a better situation in their communities. Apart from that, they cannot stand alone in their fight for a better life. On the contrary, they need to start to consolidate all Abkhaz, Georgian and S. Ossetian human rights defenders for the establishment of general civil peace and the restoration of trust between the people.

Human rights defenders from the South Caucasus countries – Armenia, Azerbaijan and Georgia, have a well-established experience of cooperation in this direction. In 2009, at the initiative of the Human Rights Center (Georgia), the South Caucasus Network of Human Rights Defenders was established, which unified 30 civil society organizations from Armenia, Azerbaijan and Georgia to promote the activities of human rights defenders in their respective countries, and protect them from oppression. The most important function of the network is the joint advocacy of urgent and problematic issues in the region by

member organizations. Human rights defenders from Abkhazia, South Ossetia and Karabakh can also join the network.

PARTICIPATION IN POLITICAL AND PUBLIC LIFE

For the most part, Georgia has already made the difficult transition from a totalitarian Soviet system to democratic governance, despite other problems that still hinder the country's integration into the peaceful family of European states. Respect for human rights, impartial and fair elections, transparent governance, the establishment of an independent judiciary, strong local self-governments, and care for the environment – remain urgent for Georgian civil society to address however.

The situation in Abkhazia and South Ossetia is even worse, and is aggravated by high rates of crime, poverty and the general societal belief that the future remains bleak. The participation of Abkhaz and Ossetian citizens in political and public life is even lower. Early in 2014, Abkhaz civil society was concerned with the intention of Russian Oil Companies to extract oil from the Black Sea shelf. Abkhaz citizens protested Russian interference in the Black Sea ecology, and expressed their dissatisfaction on social networks, complaining that in Abkhazia, serious decisions are made through complete negligence of public opinion and general public discussions. Georgian environmentalists were also concerned with the idea of extracting oil from the Black Sea Coast, but they have limited access to directly influence ongoing processes in Sokumi. Despite their mutual discontent, Georgian and Abkhaz environmentalists do not have any communication.

Another issue is women's participation in political life in elected bodies. Gender balance within elected bodies is one indicator of a country's level of democracy. As a result of the 2012 Parliamentary Elections, women obtained 12% of the mandates in the Parliament of Georgia. That is a better result than in previous years, but far from international standards of gender equality. Women's engagement in public and political life is even lower in the regions of Georgia. The situation remains poor in Abkhazia and South Ossetia too. However, we should underline and appreciate the activities of Abkhaz and Ossetian female human rights defenders.

Women play a particular role in the peacebuilding process, and it will be good if more women become engaged in the peace dialogues. This topic is equally urgent for Abkhaz, Georgian and S. Ossetian human rights defenders, and if cooperation succeeds, joint activities might be planned.

PROPERTY RIGHTS

The current borderization process blatantly violates the property rights of the inhabitants of the conflict affected zones – particularly those living in the Georgian-controlled territories. The local population also lost access to their agricultural plots, which were their only source of income. Additionally, the houses of several residents are now on the other side of the ABL. On one occasion, the border line was set across the burnt house and agricultural plot of an ethnic Georgian inhabitant. The local population cannot take their cattle to pastures, so now they cannot even breed cattle and have lost their last source of income. This situation will cause a humanitarian catastrophe in the region.

Another problem is lost properties and the estates of the ethnic Georgian population displaced from Abkhazia and South Ossetia after military operations that took place in the 1990s and 2008. A large portion of their properties are ruined, burnt or demolished. There are separate cases, when based on a verbal agreement, where Abkhaz or Ossetian neighbors of Georgian IDPs take care of their houses and plots in the disputed territories before they return to their initial place of residence. Similar examples deserve high appreciation. Unfortunately, the houses of most Georgian IDPs are ruined. During the 2008 Russian-Georgian conflict, soldiers burnt houses in Georgian villages and then smashed them with bulldozers. They mostly targeted the houses of those Georgians who allegedly participated in the armed conflicts of the 1990s.

The de-facto government of Abkhazia announced the idea nationalizing the former houses and plots of Georgian families. As such, the project „My Home” was launched in Georgia, which allowed IDPs from Abkhazia to register their houses based on the satellite photos kept by the Georgian Civil Registration Agency, which allowed them to confirm their ownership over the properties in Abkhazia.

On the other side, property rights of ethnic Ossetian citizens were also breached in Georgia. When radical nationalism was extremely high in Georgia, informal paramilitary groups compelled Ossetian families to abandon their houses and flee from Georgia. Only a few of them managed to sell their properties, but in most cases their properties were misappropriated by Georgian families or by state institutions. The Parliament of Georgia acknowledged the breached rights of ethnic Ossetian citizens and under strong suggestion of the Council of Europe, in December of 2006, adopted the law on Property Restitution and Compensation of the Victims Residing in the Territory of Georgia as a Result of Armed Conflict in the Former South Ossetian Autonomous Oblast." The law aimed to restitute properties of physical persons victimized in the territory of Georgia during the 1990-1992 armed conflict in South Ossetia. Nevertheless, human rights defenders state that the law has not been implemented in reality, and only small portion of the victimized citizens managed to recover their lost property.

In the 1990s, it was not only the property rights of ethnic minorities that were breached in Tbilisi and the regions of Georgia. Very often representatives of ethnic minority groups, including the Ossetian people, were sacked from jobs. Local authorities of Abkhazia and South Ossetia pay particular attention to ethnic background of people, when they select employees – it is a classic example of discrimination.

Protection of the rights of victimized citizens and their assistance is a significant aspect in the establishment of civil peace. Georgian, Abkhaz and Ossetian human rights defenders can take active participation in this process, both jointly and separately. Public discussion on most serious problems and joint effort to resolve them will promote trust-building between peoples.

RIGHT TO TRAVEL AND HEALTHCARE

Travelling across the ABL is getting more and more problematic. Ethnic Georgian citizens of the Gali and Akhalgori districts are required to have Abkhazian and South Ossetian passports to travel across the border. It means they have to decline their Georgia citizenship in order to visit their relatives across the border, trade and return to their living places.

Sometimes Abkhaz and Ossetian citizens try to travel to Zugdidi, Gori, Tbilisi or other towns because of health problems or for commercial reasons. The government of Georgia requires that they hold a passport of a Georgian citizen in order to provide them with the relevant medical assistance in the framework of state programs for citizens of Georgia.

Russian border officers create serious problems for residents of the Gali and Akhalgori districts when they try to travel to the other side of the ABL to receive valuable medical assistance. Sometimes they cannot cross the border because of their lack of passport, or it is not working hours for Russian soldiers, despite the fact that patients badly need medical assistance. Unfortunately, this has sometimes led to lethal outcomes.

It is noteworthy that a few years ago, ambulances from the Zugdidi district Disaster Medical Center could travel to the Gali district and retrieve patients without any problems. For the last two years, this service has been prohibited. As for South Ossetia, patients can travel to Georgia only with the support of the International Red Cross team. Citizens of Abkhazia and South Ossetia have had problems traveling soon after the armed conflicts of the 1990s when their documents became invalid. With their Soviet passports they could travel only to Russia and post-Soviet republics. The Abkhazian and South Ossetian de-facto authorities started negotiations with international organizations and the government of Georgia about neutral passports for their citizens. The Abkhaz and South Ossetian population required valid documents to travel abroad – at least to participate in the ongoing confidence/trust-building meetings with Georgian colleagues in third countries. Unfortunately, the initiative did not succeed, and citizens of Abkhazia and South Ossetia had only one way to enjoy their right to travel – via Russian passports and Russian citizenship.

Villages in the Shida Kartli region adjacent to South Ossetia have had problems with their drinking and irrigation water. The pumping stations are located within Tskhinvali-controlled territory, and they have blocked both drinking and irrigation water. During Saakashvili's government, the South Ossetian government asked Georgia to supply the Akhalgori district with gas in exchange for water supply in the Shida Kartli region, but the Georgian side refused. Now, the new government of Georgia offered Tskhinvali's local government to resolve the problem

through a mutual agreement – so the gasification problem will be resolved in the Akhalgori district, and in exchange, Tskhinvali will remove restrictions on water supplies. But now, the South Ossetian government refuses to accept the offer. The Georgian side has requested permission to send workers to the pumping station to clean it, but the South Ossetian authorities refuse to allow them to enter the territory.

Similar humanitarian issues often aim to create minimal living conditions for people, but mistrust and hatred between conflicting parties hinder positive solutions to the people's problems. Moreover, civil society is not engaged in similar procedures, who could at least through raising awareness or advocacy initiatives, suggest the right steps to politicians.

RIGHT TO EDUCATION

Georgian human rights defenders, working on trust-building and reconciliation, complain that ethnic Ossetian citizens of Georgia cannot receive education in their mother tongue. In the past, there were several Ossetian secondary schools in Georgia, but none of them function now. Civil society requests that the government of Georgia launch at least Sunday schools for ethnic Ossetian children and adults in their mother tongue, but this request has been in vain.

In the Akhalgori district, there are several Georgian secondary schools where local ethnic Georgian children can receive education in their mother tongue. Georgian teachers work at local schools and children learn from text-books published by the Georgian Ministry of Education. One exception is planned from the next school year – the Tskhinvali-based Ministry of Education intends to replace history text-books with Tskhinvali published Georgian text-books.

The situation is much worse in the Gali district. Local ethnic Georgian children are unable to receive secondary education in their mother tongue, though Abkhazian officials have a constitutional obligation to ensure the education rights of its citizens in their mother tongue. For that reason, ethnic Georgian families have to send their children to public schools in the Zugdidi district, but school children often encounter serious problems from Russian soldiers when crossing the border: Russian soldiers detain school children and keep them for

several years. The same situation applies in the Georgian villages close to Perevi.

PROBLEM OF PRISONERS

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There are ethnic Ossetian prisoners in the Georgian prisons, and Georgian prisoners are in Tskhinvali prisons. Although Georgian and South Ossetian governments achieved agreements in several cases and exchanged prisoners, the problem was not completely resolved. As of April of 2014, there were 12 S. Ossetian convicts in Georgian prisons. Two of them are women. Three Ossetian prisoners are sentenced to life imprisonment for a 2005 terrorist act in Gori. The Tskhinvali government categorically demands the release of those three prisoners. The Georgian government requests that they exchange four Georgian prisoners for eight Ossetian ones (except those convicted for the terrorist act). The issue has been discussed at IPRM meetings in Ergneti and in Geneva too, but no positive results have been achieved so far.

Since 2014, Russian soldiers have with increasing frequency, kidnapped those in the local population from the villages adjacent to South Ossetia, and taken them to Tskhinvali prisons. After pretrial imprisonment, citizens of Georgia have to pay a fine for „illegally crossing the state border” and then they are released.

On April 15, 2014, Russian soldiers arrested three members of a film-crew at the Georgian TV-company TV3 and took them to Tskhinvali prison. The Ossetian side clarified that the journalists had illegally crossed the border. The journalists were released the next day, and the EU Monitoring Mission also participated in the negotiations.

Georgian and South Ossetian human rights defenders must have an adequate joint reaction to similar blatant violations of human rights, as this will promote the establishment of civil peace. Their participation in humanitarian and peacebuilding processes will significantly increase their reputation within society.

The protection of human rights will be more effective if human rights defenders put aside politics and focus on the protection of each person. Very often Abkhaz, Ossetian and Georgian human rights defenders cannot communicate because of political views. Although they avoid discussion of political topics during meetings, particularly

representatives of the generation who remember the 1990s armed conflict, they cannot separate politics from human rights. So, human rights, as an element and resource for peacebuilding, are not used at this moment. Unfortunately, communication is poor even through the internet, whilst there are social networks which can become good instruments of communication and joint action.

THE RIGHT TO FREEDOM OF MOVEMENT IN SOUTH CAUCASUS BY ANNA MELIKYAN AND ARTAK KIRAKOSYAN, ARMENIA

BACKGROUND INFORMATION

Following the collapse of the Union of Soviet Socialist Republics (the USSR), a number of armed conflicts emerged on its former territory. These conflicts were results of the Soviet policy of dividing and ruling, reconsidering borders and changing ethnic profile of the territories. South Caucasus witnessed three of these armed conflicts, none of which has been solved yet. They are considered „frozen” as no sustainable peace agreement has been concluded yet. Two regions of Georgia, Abkhazia and South Ossetia, fought against it and broke away. The third breakaway region was Nagorno-Karabakh which struggled for its independence from Azerbaijan. In all three regions the central authorities lost control over the territories, the breakaway regions declared independence and tried to build a state.

Apart from security related issues, since early 1990-es the population of these three breakaway regions faces serious restrictions on exercise of human rights, including the right to freedom of movement. The problem of freedom of movement in South Caucasus is two-fold: related to residents and foreigners. However, restrictions on the freedom of movement not only affect traveling but also enjoyment of other rights. But most importantly, it has negative impact on people-to-people reconciliation contacts and does not contribute to engagement initiatives, if any are at place, of the governments of South Caucasus states. Peace-building and reconciliation efforts supported by international organizations also face a number of challenges.

Whereas there is no movement through the line of contact border between Nagorno-Karabakh and Azerbaijan, residents of Abkhazia and South Ossetia have an opportunity to cross the border with Georgia (this border is considered as a state border by break-away regions and Georgia deems them as administrative border line – ABL), however, they face serious challenges when doing so.

This article aims to address the issues related to the enjoyment of the right to freedom of movement by residents of self-proclaimed states in South Caucasus, obstacles and challenges faced by nationals of South Caucasus republics as well as foreigners visiting the region and how these challenges impact on peace-building and reconciliation efforts in the region.

ABKHAZIA

The armed conflict in Abkhazia between the Abkhaz and Georgian forces was launched in August 1992 and lasted for 13 months. More than 13 000 persons lost their lives, thousands were wounded and more than 200 000 had to flee their homes. To-date not all of them have the opportunity to return. Hostilities escalated few times since with most serious of them occurring in 1998 and 2008. After each incident, residents of Gali districts predominantly populated by ethnic Georgians had to leave their homes.

The latest escalation occurred in August 2008, following the war between Russia and Georgia in South Ossetia. As a result of the armed conflict, Russia recognized independence of South Ossetia and Abkhazia in August 2008. A handful of other states followed Russia's example. At the same time, neither Georgia nor the majority of states recognize independence of these breakaway regions. Georgia officially considers them as its territory occupied by Russia.

Abkhazia is located on the coast of the Black Sea and there are only two de facto land borders in Abkhazia: with Russia and with Georgia. No air connection is available with Abkhazia. Consequently, there are only two ways to enter and leave Abkhazia by land: either through checkpoints on the border with Russia and Georgia or railway connection by train Moscow-Sukhum/i. The checkpoint „Psou” on the border with Russia is considered as preferable way to enter Abkhazia by Abkhazian authorities. The staff of the checkpoint Psou is composed of mixed Russian and Abkhazian border guards.

At the same time the Zugdidi municipality checkpoint is mostly used by ethnic Georgians residing in Abkhazia to get to Georgia. The Georgians in Abkhazia predominantly reside in Gali region. They maintain ties with Georgia. Persons crossing the border on each side of ABL face risks of being fined or detained for time periods ranging from few hours to a few days, and in some cases subsequently sentenced to prison terms. Most of the residents of Abkhazia hold both Abkhaz and Russian passports and refuse to get identification documents issued by Georgia. According to the Abkhaz law, Abkhaz nationals are not allowed to have dual or multiple nationalities, except for Russian nationality. Given the fact that Abkhaz documents are not recognized by the vast majority of states, the residents of Abkhazia apply for Russian passports to be able to travel abroad. At the same time they are affected by all those implications when applying for a visa at the embassies accredited in Russia as any other Russian national. Being registered in Abkhazia, Abkhaz nationals holding also Russian passports cannot benefit from free of charge medical assistance in Russia. If they do not hold Georgian passports, they cannot benefit from medical assistance provided by Georgia. Therefore, many have to rely on poor medical assistance in Abkhazia or pay for it in Russia. People unofficially arrive in Zugdidi and even in Tbilisi for medical treatment.

The situation is different for the ethnic Georgian inhabitants of Gali and Akhalgori regions who face additional major obstacles. Some of them hesitate and cannot opt for any nationality. On the one hand, they do not want to lose the Georgian nationality, on the other hand, while residing in Abkhazia, they need the Abkhaz ID as those who do not have Abkhazian passports are considered stateless under Abkhaz law. Yet most of ethnic Georgians hold Georgian passports, but they cannot disclose them to the Russian officials who control the checkpoints as there is no agreement on dual citizenship between Georgia and Abkhazia in place. In such a case it is very complicated to cross ABL. Even those who opt for Abkhaz passports from time to time face serious challenges. Thus, in May 2013 upon the request of the opposition in Abkhazia issuance of Abkhaz passports to residents of Gali was stopped. The opposition claimed that passports were issued in violation of the procedure implying that those residents also held Georgian passports which they failed to denounce. According to the Abkhaz Law on nationality, a returnee is expected to undergo a

procedure of restoration of Abkhaz citizenship and give up a nationality of another state if acquired before return to Abkhazia. Local authorities fear to lose the status of the majority for ethnic Abkhaz in Abkhazia if they issue local passports to ethnic Georgian applicants widely. To note, at least 25 000 ethnic Georgians obtained Abkhaz passports. As a result, the Abkhaz authorities are reluctant to provide ethnic Georgians with Abkhaz documents. The factor of ethnic Georgians residing compactly in Abkhazia is used in political discourse on various occasions, including as a possible threat of increased Georgian influence and security threat for the Abkhaz state.

To prevent residents of Abkhazia and South Ossetia from applying for Russian nationality and obtaining Russian passports, Georgia offered Status Neutral IDs for residents of these regions. In July 2011 Georgia introduced and offered 'Status Neutral Travel Documents' (SNTDs) for „any person legitimately residing in the Autonomous Republic of Abkhazia or the Tskhinval/i Region who has not Georgian citizenship”. The US and some other Western states announced that they would recognize the documents for purposes of traveling. This initiative has been heavily criticised by Russia as well as the authorities of Abkhazia and South Ossetian. They believe that by issuing these IDs Georgia aimed to impose on their citizens passports that are *de facto* Georgian and impact on the situation in the respective regions. However, these IDs were not very popular among the population of breakaway regions as only a couple of dozens residents applied for them.

Apart from documentation issue, there are not enough of crossing points, especially on the border with Georgia. It led to a situation when some residents of Gali tried to cross it via unauthorized routes risking being caught and subjected to detentions and fines. Following the war between Russia and Georgia, the situation with crossing ABL has been complicated. The Russian forces exercise control over ABL together with the Abkhaz authorities.

In May 2013 Abkhaz officials opened 5 new checkpoints in addition to the main one over the river Ingur. 4 of them are for pedestrians, and one is envisaged for crossing the border by car. Only residents of Gali district holding Abkhaz ID or passport or old Soviet passports with a registration in Gali prior to 1992 or those possessing form 9 issued instead of a passport are permitted to cross these checkpoints. Those

who do not possess Abkhaz passports are disadvantaged and feel increasingly isolated.

The situation with freedom of movement became even more complicated since 2008. Till very recently any foreigner crossing the border between Russia and Abkhazia would get a stamp in the passport. Following the armed conflict with Russia in South Ossetia in August 2008, Georgia toughened its legislation and adopted the „Law on Occupied Territories” on 23 October 2008. Among other issues, the Law regulates the issue of entering the territories of Abkhazia and South Ossetia from particular checkpoint and prohibits doing it from others under threat of criminal responsibility. A corresponding norm in the Criminal Code of Georgia, Article 322-1 (*Violation of the Rule for Entry to the Occupied Territories*), envisaged imprisonment up to 4 years for crossing the state border of Georgia from an unauthorized border checkpoint. Most importantly, Georgia officially considers checkpoints between Russia and Abkhazia as closed, hence any crossing of this checkpoint is by default unlawful, unless a special permission is issued by the Georgians. To avoid prosecution, those who visited Abkhazia had to change the passport before traveling to Georgia. Those who were not aware of the Law and possible sanctions for breaking it, faced trial. Notably, Article 36 of the Criminal Code of Georgia, which provides that persons who did not know or could not know that their act was illegal should not be punished. According to the official statistics provided by the Georgian authorities, the vast majority of those tried for visiting Abkhazia, were sailors from ships who sought refuge in Sukhumi port from force majeure or Armenian or Russian nationals who either visited their relatives in Abkhazia or went to the seaside for summer holidays.

Law on Occupied Territories raised a number of concerns in part of human rights. In addition, Georgia was criticized by international actors for this law as it negatively affected engagement policies with Abkhazia and South Ossetia.

In its opinion on the law the Venice Commission stated that the „Law on occupied territories” of Georgia raised several issues which should be addressed by the Georgian authorities to ensure the compatibility of the law with international law. The concerns mostly referred to the issue of criminal responsibility for visiting Abkhazia and South Ossetia from the perspective of the freedom of movement. Thus, it was

stressed that it was essential that Article 4 of the law, dealing with the issue of entering Abkhazia and South Ossetia, be interpreted in a manner which conforms to the international obligations of Georgia. Georgia made several attempts to bring the law in compliance with international law. Eventually in 2013 Georgia drafted amendments to its Law, particularly in regard to Article 4 as well as made corresponding amendments to Criminal and Administrative Codes. According to the amendments of the Law, a person violating the entry procedures for the occupied territories is subjected to administrative responsibility for the first time violation. To ensure this, a new article (Article 199-1 – „*Violation of Rules for Entry to the Occupied Territories*“) was added to the Administrative Code. According to it, „*Entry to the occupied territories by a citizen of a foreign country or a person without citizenship in violation of the rule defined by the Law of Georgia on the Occupied Territories shall invoke fine in the amount of GEL 400.*“ However, according to the amendments to the Criminal Code, in case of repeated violations or violation of the law committed by a group, or with the use of violence or threat of violence, entails possible sanction 3 to 5 years of imprisonment. Though the Venice Commission welcomed the changes, however, it stressed that it would be preferable to include all instances of violations of the rules regarding the entry to the occupied territories to be decriminalized.

At the same time since the Russians took over the Abkhaz border in 2012, no stamps are put in passports of travelers. They are told to register on spot if they intend to stay in Abkhazia longer than 3 days. This way the Russians together with the Abkhaz authorities tried to counter the Georgian Law on Occupied Territories and foster more visitors.

Very recently the Abkhaz authorities announced that they intend to close some of the crossing points on the border with Georgia which would negatively affect the residents of Gali district. This statement indicates another drop back in reconciliation efforts and would negatively affect the situation of ethnic Georgians residing in Abkhazia as well as hinder people-to-people contacts.

SOUTH OSSETIA

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South Ossetia fought with Georgia for its independence in 1991-1992.

The military hostilities discontinued following Russia-brokered cease-fire. As a result, the Russian peace-keepers were stationed on the territory of South Ossetia. Since then the Georgian authorities do not exercise control over the territory of South Ossetia. New outbreak of violence occurred in August 2008 and resulted in 5-day war between Russia and Georgia. Following this armed conflict Russia recognized independence of South Ossetia and Abkhazia. Georgia cut off diplomatic ties with Russia.

South Ossetia is a landlocked region bordering Russia and Georgia. Entry to South Ossetia by land is possible on the border with Russia on Nizhnii Zaramag-Ruk checkpoint. However, this checkpoint is considered as illegal by Georgia. It means that those who cross it and have any evidence in their passports about that are subject to responsibility in Georgia. According to the legislation of Georgia, the territory of South Ossetia which is called Tskhinvali Region, shall be entered only from Gori municipality, Georgia.

The vast majority of residents of South Ossetia hold Russian passports. They use them to travel and benefit from various services in Russia. They experience the same challenges as the residents of Abkhazia. One of the most serious challenges from the perspective of freedom of movement is lack of crossing points along its border. Those who try to get to Georgia face risks of being fined and detained on either side of ABL.

To avoid risks and overcome challenges, residents of Abkhazia and South Ossetia have to make a hard choice when opting for nationality. When making this choice, they have to take into account challenges with freedom of movement in the region as well as access to civil, political, social, economic and cultural rights. Abovementioned restrictions and obstacles also contribute to existing distrust of residents of breakaway regions towards any initiatives undertaken by Georgia in its attempts to engage them.

NAGORNO-KARABAKH

Ethnic Armenian residents of Nagorno-Karabakh fought for independence from Azerbaijan. Armed conflict in 1988-1994, causing thousands of human losses and hundreds of thousands being displaced resulted in a cease-fire agreement. The ethnic Azerbaijani residents of Karabakh had to flee and do not have the opportunity to return yet. Since then the cease-fire regime is systematically violated at times resulting in human losses on both sides. Though this armed conflict is also considered „frozen”, however it is slowly boiling as shootings occur on the border on a daily basis.

Nagorno-Karabakh is a land-locked region and borders only Armenia and Azerbaijan. No regular air connection is available. The only option to enter Nagorno-Karabakh and/or to leave it is to travel through Armenia. Unlike Abkhazia and South Ossetia where residents maintain contacts and cross the border to Georgia, no interaction is at place and no movement is authorized on the border between Karabakh and Azerbaijan. Representatives of Karabakh and Azerbaijan mostly meet in the frames of peace-building projects implemented in the region, but meet on a neutral territory being it Tbilisi or Istanbul or elsewhere. In order to be able to travel, nationals of Karabakh apply for passports of the Republic of Armenia. As of moment they receive a passport of the Republic of Armenia, they can travel freely, apply for visas or enter states with visa-free regime with the Republic of Armenia. The only state where persons holding Armenian passports or who are of Armenian descent or with Armenian-sounding last names regardless of nationality are denied access and deported upon entry to the country is Azerbaijan. In one case, in August 2013 an ethnic Russian journalist, with Armenian last name, was denied entry to Baku as undesired person because of her last name. She was advised to change her last name and only then try again to enter Azerbaijan. In other case, in 2011 an ethnic Azeri, national of Kazakhstan, was denied entry to Azerbaijan because he had visited Armenia before. In May 2014, a Turkish sportsman Zafer Noyan, who intended to participate in the 2014 European Arm wrestling Championship, was deported from Baku as he had an Armenian looking last name. All his efforts to clarify that his last name was not Armenian, were not successful. Such policy of Azerbaijan

does not contribute to reconciliation process and negatively affects any attempt to built trust between Armenians and Azerbaijani people.

In addition, foreigners who travel to Karabakh face a risk of deportation from Azerbaijan upon arrival. To enter Karabakh, a foreigner should enter first Armenia and only then either apply for a visa to Karabakh, or if it is a visa-free regime, travel to Karabakh by road. In cases where getting a visa to Karabakh is necessary, it is placed in the passport of a foreign national. In case such person travels later to Azerbaijan, he encounters serious problems. To mitigate the risks, the majority of foreigners prefer first to travel to Azerbaijan and only then to enter Armenia and Karabakh. Those who hold two foreign passports are in better position; they can use different passports for different destinations.

In an attempt to prevent foreigners from traveling to Karabakh, Azerbaijan toughened its position and warned of possible deportation for visiting Karabakh. According to the Azerbaijani authorities, any visit to Karabakh failing to obtain a visa or an official warrant issued by Azerbaijani authorities, will be considered a violation of its visa and migration policy. Those who enter these territories will be permanently banned from entering Azerbaijan and will be included on the list of people who are *personae non gratae* /"blacklist"/. In August 2013, the Azerbaijani MFA issued a list of 335 people, including politicians and celebrities, from 41 countries who had visited Karabagh since 2005 who were declared *personae non gratae*. All those who travel to Karabakh, especially high-profile persons, find their place on this list. The only way to be deleted from this list is to apologize and to commit not to travel to Karabakh again.

Azerbaijan encourages foreigners to apply to its authorities to seek authorization of the visit to Karabakh. Should such authorization be granted, no further problems with Azerbaijan would be experienced for this visit. At the same time, the Azerbaijani authorities announce that they do not exercise control over the territory of Karabakh.

In 2011 to improve the situation with the freedom of movement, the authorities of Nagorno-Karabakh decided to re-launch air connection with Armenia as the only travel from and to Karabakh nowadays is by land and it takes 5-6 hours to get from Stepanakert to Yerevan. The only airport on the territory of Karabakh nearby Stepanakert was renovated. In 2014 the authorities of Nagorno-Karabakh reported that

the airport was fully ready for maintenance and operation. However, Azerbaijan threatened to hit any aircraft crossing the air border of Azerbaijan regardless of its civilian status. To-date air connection has not been ensured.

Militaristic rhetoric of the statements leads to a situation where attempts of re-building trust and efforts for reconciliation are very fragile. People-to-people contacts have decreased significantly in the recent years.

TRAVELING IN SOUTH CAUCASUS

Armenia and Azerbaijan do not have diplomatic relations. Apart from sporadic visits in frames of civil society initiatives or participation in sports events, there is no movement between these two countries. Most contacts of civil society representatives take place on neutral territories with Tbilisi being most often choice.

Georgia has good relations with its neighbors, Armenia and Azerbaijan. However, whereas travel to Georgia of Karabakh residents or Karabakh visitors is not restricted, nationals of South Caucasus states or any other foreigner who has traveled to Abkhazia or South Ossetia and crossed the border from Russia, face troubles when entering Georgia. As we can see, restrictions on freedom of movement in the region continue to be a serious challenge and impediment for exercise of human rights. Existing obstacles contribute to lack of trust among representatives of conflicting parties and hinder people-to-people contacts. Under such circumstances it is very challenging to implement peace-building and reconciliation initiatives and re-build trust among the communities in question.

ONCE AGAIN ON VIOLATIONS FOR THE RIGHT TO FREEDOM OF MOVEMENT FOR CITIZENS OF ABKHAZIA

BY ASIDA LOMIA, ABKHAZIA

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When speaking about trust building or peacebuilding in the post - conflict situation it is very important to understand why for such a long time it has not been possible to build trust and what the reasons for it are.

The processes of democracy and peace building are often hindered when basic rights and freedoms of people are violated.

In this article I would like to pay particular attention to gross violation of the right to free movement of all residents of Abkhazia irrespective to their ethnic origin/ The right of Abkhaz citizens to free movement unfortunately, has been violated throughout the whole post-war period since 1995, when under pressure from Tbilisi Abkhaz travel documents have become invalid for most countries of the world. This meant that even diseased people who needed medical treatment could not enjoy freedom of movement. Likewise, Abkhaz students could not get education abroad. This violation of basic human rights does not contribute to the establishment of any confidence between the people or nations entrapped in the violent conflict.

Human rights are defined in the Universal Declaration of Human Rights and a number of international human rights conventions. They are recognized at least formally by the majority of states and form the basis of the constitutions of many countries. But the reality of the world today is far from the ideals reflected in the Universal Declaration. So far all internationally recognized conventions and declarations are guided by civilized nations, but evidently they are against Abkhazia and are based unequivocally on double standards.

Up until 2002, when citizens of Abkhazia who possessed former Soviet passports crossed the Russian - Abkhazian border on the Psou river, they were given a migration form for stateless persons . Citizens of Abkhazia had to travel to Russia as „stateless persons”, despite the fact that had documents certifying that they were citizens of Abkhazia. Not recognized by any other country, Abkhazia suffered under blockade and sanctions imposed by the CIS countries and the international community. During sanctions men aged between 16 and 60 years were forbidden to enter Russia. During this period, the women of Abkhazia

bore the brunt of the burdens of life under blockade. Unfortunately the international community did not care about this much.

Freedom of movement is one of the most crucially important and fundamental human rights. In principle, it is the foundation of other basic human rights such as the right to education, the right to health care and the right to life. For over twenty two years, this right of Abkhaz citizens has been violated and ignored by the global community. Meanwhile, in other states with a non-recognized or disputed status people do enjoy the right to free movement. In our case, the residents of Abkhazia are isolated from the world and have the right to visit only Russia and a few states that have recognized Abkhazia as a sovereign state.

We should note the fact that citizens of Abkhazia refused to acquiesce Georgian passports, even during years when they did not have legal travel documentation. The idea of Tbilisi's „neutral passports" for Abkhazian citizens was doomed to failure. Imposing Georgian documents on Abkhazian citizens, after all Abkhazia had experienced since August 14, 1992 is pointless, and those who have any sort of insight into Abkhaz society, understand this clearly.

As one Abkhaz analyst mentions, in May 2012, the latest ENP annual Progress Report on Georgia set out delicately but quite clearly some areas where the EU and US views on engagement with the „conflict regions" diverge. Recommendations in the report stress that „Status Neutral Travel Documents" should not be the only means of travel for populations of Abkhazia and South Ossetia since they are not widely accepted by them. Particularly important is the fact that the report invites Georgia to review the law on occupied territories because it is hindering de-isolation. Today the idea of „neutral passports" is perceived as extremely erroneous and irrelevant to conflict resolution. The so - called „neutral passport" has a Georgian country code - GEO (Georgia). This means that the consular protection of the owners of these documents will be provided by Georgia. Also it should be noted that according to Georgian legislation, the possession of a neutral passport excludes citizenship of Abkhazia that in itself is absurd and inadmissible.

During the implementation of a United Nations mission in Abkhazia, a human rights activist approached the UN with a request to obtain a neutral international travel document (a common request, for example,

in Kosovo or East Timor). The Georgian side, headed by Eduard Shevardnadze opposed this, which led to UN officials turning down the Abkhaz appeal. Indeed, there are no restrictions in relation to partially recognized Kosovo and almost unrecognized Northern Cyprus. No one protests against Moldovan citizens who travel with Romanian passports or against granting such passports to them, or against the citizens of Northern Ireland with the passports of the Republic of Ireland. In relation to the citizens of Abkhazia and South Ossetia, there is a clear discrimination. After all, the main humanitarian principle is that the civilian population should not suffer the consequences of unresolved and protracted conflicts. People should be able to live fully and develop till conflicts resolve.

In the Yeltsin era, after the beginning of the first Chechen war, the Russian government enforced strict procedures for crossing the border with Abkhazia. As mentioned above, all men from 16 to 60 years of age were denied entry to the Russian Federation from Abkhazia. Others passed through the border after a long interview and checking. This border regime endured for several years and left bitter memories in Abkhazia. Today, if Abkhazians mention the „blockade”, they are referring specifically to the first few years of this practice on the Russian-Abkhaz border. No international human rights organizations or the United Nations mission, which worked in Abkhazia at the time, raised these issues at appropriate levels. This can be attributed to the fact that the President of Georgia at the time, Eduard Shevardnadze, actively contributed to this blockade and used the situation to his advantage. His demands to impose sanctions on Abkhazia were overwhelmingly supported by the international community. CIS sanctions against Abkhazia violated the rights of citizens and contributed to the general lack of development, the slowing down of the economy, and to other factors vital for the development of the state. The lack of rehabilitation programs, lack of humanitarian assistance, absence of recognized passports that could enable free movement across the Abkhaz-Russian border, and, most importantly, the neglect for the interests and rights of the Abkhazian people, had a very negative impact on the nation's health, from both physical and psychological perspective.

Mass acquisitions of Russian citizenship by residents of Abkhazia in 2002-2003 solved some problems relating to the uncertain status of

Abkhazian citizens in Russia. However, the problem of the freedom of movement remained unresolved and continued to pose new problems for ordinary citizens. One of the most pressing concerns is the opportunity to travel to other countries. It is still a problem for Abkhaz citizens even though they hold foreign Russian passports/ For most people it is impossible to obtain entry visas anywhere. This visa issue is the most intractable and problematic, along with the recognition of Abkhaz passports that have been issued by the authorities of Abkhazia since 2010.

One of the reasons of the refusal of foreign consular servicers to accept documents from Abkhaz holders of Russian passports or, more often, the outright refusal to grant a visa is the fact that the Russian passports are issued to citizens of Abkhazia in the Russian Federation's embassy in Abkhazia. European consular services require not only the Russian passport for travelling abroad, but also the Russian internal passport with a registration of residence in the Russian Federation. This requirement cannot be seen as anything other than discrimination, because Abkhaz citizens have no internal Russian passports. On the other hand, this encourages Abkhaz citizens to look for ways to acquire an internal Russian passport with a residence permit for the Russian Federation. The Polish consulate in Moscow, as well as consulates for the Baltic republics, also requires evidence of working in Moscow. Different reasons are imposed or invented for the refusal of visas, including the most absurd one- to apply for a visa at a consulate in Tbilisi. Representatives of European embassies and consulates overtly and covertly, act contrary to all international human rights norms and violate the rights of people in favor of political aspirations of the Georgian leadership, which actively promotes the international isolation of Abkhazia and South Ossetia.

Refusal of entry to European states also affects Abkhaz students who have secured admission to universities in these countries. In particular, recently, students were unable to travel to Italy; representatives of civil organizations whose aims are to participate in international forums and round table discussions held in the European Union were also denied visas on many occasions. So visas were denied in September 2014 to the representatives of Abkhaz NGOs, among them was the organization „Mothers of Abkhazia for Peace and Social Justice” tpo participate in the Human Dimension Implementation Meeting 2014. Visas are not

given to children's dance groups and sports teams lucky somehow to obtain visas, an international „scandal” is immediately arranged by the Embassy of Georgia in the respective host country. Persons in need of specific medical treatment are also affected by this policy. There were cases when people died as a result of not being able to travel to European countries for treatment. The latter is a blatant and cynical example of the violation of human rights and a violation of the articles of the Universal Declaration and all human rights conventions, and also, of the universal principles of humanity and morality in the 21st century. The European institutions in the recent years have tried, despite their position in relation to the independence of Abkhazia, to find ways to support civil society in Abkhazia, bypassing the political constraints.

They supported financially civic organizations of Abkhazia which work in the field of human rights, civic education, peace-building, etc. These were projects under the auspices of the European Commission initiative in the framework of the instrument for stability, competitions, etc. This was part of the European engagement policy.

However, during the last year, especially in recent months, it became apparent that European countries actually began to act against the engagement strategy tightening the rules for issuing visas to citizens of Abkhazia. There have been repeated denials of visas to European countries. Europeans criticized the Georgian law on occupied territories, which leads to greater isolation of Abkhazia. However recent trends suggest that Europe in fact follows this destructive law which does not contribute to free movement of people and communication. „Such a discriminatory law isolates the people of Abkhazia from the whole world and violates the right to a dignified life and development. The Law contradicts the Georgian international engagements, and deteriorates humanitarian situation and causes unnecessary hardship as it was mentioned in the ‘Opinion on the Law on Occupied Territories of Georgia of the Venice Commission’ adopted in Strasbourg, 2009.”

“According to the international law no legal problems should appear with such legitimate foreign passports. But in spite of all the laws, the EU justifies the non-issuance of visas by the fact that a passport has been issued by the Embassy of the Russian Federation in Abkhazia. That is, in the country which the EU has not recognized although it does not matter where a person receives a Russian passport, he remains a

citizen of Russia with all his rights. But in this case, these rights are infringed”.

It is completely unacceptable for the Abkhaz side to travel to European countries when the visa is not put on the Russian passport of the resident of Abkhazia and instead is issued on a separate sheet of paper with a strict period of stay limited by the duration of a Georgian-Abkhaz meeting. Presumably, outside the context of bi-lateral meetings (in this case, the recent ones were initiated by the Council of Europe with the aim of trust – building), visas for the citizens of Abkhazia will not be issued at all. The Abkhaz civil society representatives many times expressed their concerns about this: „This is yet another example of standards, when the international community turns a blind eye to the fact that the rights of the residents of Abkhazia violated for purely political reasons. At the same time, the Declaration of Human Rights clearly states that wherever there was a man, no matter what the political system in the country, every person resident in this country is entitled to all rights. Unfortunately, with respect to the citizens of Abkhazia, these provisions are very far from reality.”

It seems that the policy towards the isolation of Abkhazia, with all the attendant violations of human rights, brings us many years back. The embassies of various European countries increasingly advise the citizens of Abkhazia to appeal to the appropriate embassy, located in the capital of Georgia. Due to the fact that after the Georgia inflicted war of 1992-93 s Abkhazia became independent, and the conflict with Georgia is still unsettled, also due to the fact that GeoOrgia refuses to sign even an agreement on the non-resumption of military actions, the advice to approach Embassies in Georgia sound like mockery.

It is worth to mention that even the main ally of Georgia - the USA has a much more constructive and flexible attitude towards the citizens of Abkhazia with Russian passports. US politicians have repeatedly stated that their country is open to residents of Abkhazia who want to travel to the United States or to study in American universities.

The US approach is more consistent with a negative assessment of the implications of the isolation of Abkhazia, while the European approach contradicts previous assessments and intentions.

Such trends do not contribute to the development and dissemination of European values and standards, among which human rights should be at the first place. Furthermore, the tightening of the position of the

European countries creates conditions for systematic violations of basic human rights such as freedom of movement, education and others. All of this leads to greater isolation of Abkhazia. Previous years of isolation clearly showed that this approach led only to greater aggravation of the conflict with Georgia, as the citizens of Abkhazia see the root cause of their long-term isolation in the Georgian policy. In addition, we must bear in mind that this state of things contributes to injustices that ordinary people have to suffer, especially active young people who want Abkhazia to develop democratically in compliance with international standards and human rights. The question remains - who benefits from the restriction of the right to free movement? It is evident that such restrictions will inevitably lead to stagnation in the society, feed anti-European sentiments and further separate the residents of Abkhazia from the processes in the modern world. It is high time to rethink this approach and adopt a more pragmatic mode of behavior with regard to human security and protection of human rights, and respect human life and dignity of all in spite of the highly sensitive environment.

THE RIGHT TO EDUCATION

BY ENVER DJULIMAN

Education should first of all be organized in the way that for full the right of every child to equal access to education regardless of their background, socio-economic status, of their ethnic or religious affiliation and regardless of his abilities. Rightful Education is based on universal humanitarian values social justice and the right to safe and well-equipped school.

In all post-conflict countries there is need for proper education where the basic educational topics are not meant to enhance general knowledge of the participants but to enhance their readiness to engage, individually and in groups, in the reconstruction of their societies while building mutual understanding and trust. The following examples illustrate such approach:

EDUCATION IN POST-CONFLICT AREAS DEMAND A SPECIAL PEDAGOGICAL APPROACH

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● Education should be based on humanistic perspective, which promotes universal values, such as freedom, mutual respect and responsibility and which aims to develop „the whole” of the human being. The cornerstone of such education is an idea that all participants are equally worth and that personal differences and needs should be taken into consideration and respected. Consequently, the personality and identity of each participant will be respected and his or her needs and interests will be taken into account in the education. The teachers are „the first among the equals” and act as the organisers, counsellors, and facilitators in the learning process.

● Humanistic education is tightly linked to the pedagogy of participation, dialogue and empowerment. It promotes mutual respect and a multiple-way communication instead of the mere transfer of knowledge through lecturing, although it does not completely abandon lecturing when basic knowledge needs to be learned. True learning happens through the process of exchange of information, knowledge and skills in which the experience of every participant is heard and accepted as potentially contributing to fully understanding of the problem discussed. By focusing on interactive learning, humanistic pedagogy is built on the presumption that learning is a social process in which different voices are freely expressed and heard by all. New knowledge, values, attitudes and responsibilities are developed through interaction and cooperation. This means that learning, necessarily, reflects the context in which it has happened, and that it is oriented towards the change of that context.

Consequently, each participant in the Educational Programme simultaneously acts as the individual, as the member of the learning group, and as the member of his or her social group(s) outside the Programme who is encouraged to reflect upon his or her multiple experiences, share them with other participants and work with them to reach the mutually constructed common understanding.

EDUCATION SHOULD ENHANCE MOTIVATION AND ENGAGEMENT

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• Since experiences are essentially individual, it is important to ensure that shared learning leads to respect for the perspectives of each participant. In this way, assertiveness, active listening, empathy, dialogue, multi-perspectiveness and mutual respect are promoted, which enables the participants to learn from each other and enhance the chances for creating shared knowledge. When the participant's interpretations of his or her own experience is shared and considered relevant by the group, it will be easier for him or her to see it from a new perspective which is co-introduced in the process of group active learning.

• If the process of education which is based on the pedagogy of participation, dialogue and empowerment is to be effective, it is important that the participants understand its assets and obstacles and see it as relevant for their future life. Consequently, educational process should be deeply rooted in the real life of the participants, as well as *future-oriented*. It should provide opportunities for each of them to gain deep insight into their everyday experiences, to plan the change and to engage in social actions pertinent to their plans.

• Such education should also be „trans-boundary“, in a way that it provides opportunities for the participants to „cross over the limits of belonging to a certain group, religion or nation“, as well as to reach the regional level of understanding. The process of peace-building starts from the boundaries as we have to understand what function they have in a particular conflict but it should primarily attempt to overcome these boundaries through the exchange of personal meaning, understanding and experiences which leads to dialogue and enables the shared visions and actions to emerge.

• Furthermore, such education may contribute to the development of personality by enhancing one's sense of personal fulfillment and identity formation, especially among the students participating in the deferent peace-programme's. The education is not meant to prepare young people solely and exclusively for their tomorrow's actions. Young people do not learn today to become competent tomorrow. They want the outcomes of their education be of use to them in their present condition as well as in their future life.

• Many people, especially those belonging to the dominant or the majority group, develop their personal and social identities without paying any attention to what it means to be the member of a minority group, including refugees, displaced persons, war veterans, the victim of violence, or the witnesses of violence. Pedagogy based on participation and dialogue requires all learners and trainers to „see“, understand, empathize with, respect and take into account the „other side“ throughout the process of shared learning.

• Education based on participation and dialogue also contributes to „decollectivization and rehumanization“ of „the other.“ This implies that the participants should be facilitated to become aware of their stereotypes and prejudices, as well as of the dominant narratives about the groups they belong to, „the others“, and their past, as well as about the role of wars in (re)creating the narratives. The learning process should provide opportunities for the participants to review, reflect, deconstruct and reconstruct the dominant narratives, by starting with personal narratives and by posing questions such as: „Who do I belong to?“, „What do I believe in?“, „What is my understanding of the conflict/event?“ „How is my understanding shaped and by whom?“ „Is my understanding balanced?“ „Is it valid?“ „How different is my truth from the truth of the ‘other side’“? Why should I listen to the ‘other side’“, etc.

The meaning of terms such as acceptance, unity, coexistence, truth, justice, guilt, forgiveness, and trust, often undergo profound changes in the context of conflicts and wars. In order to start the process of peace-building it is important to map and understand these changes, especially in reference to the language of hate before, during and after the war. This includes the meaning and use of terms, such as enemy, victim, domestic traitors, etc. Participation in the Education Programme should contribute to transforming the language of hate, fear and violence into a new grammar, new images and new language. The new language should be constructed through dialogue in which the participants review and reconstruct the old meanings so as to be able to shift from hate speech to interactive and cooperative speech. The new language tends to explain, not to justify; to decollectivize the mind, not to collectivize it; and to rehumanize, instead of strengthening the myths and stereotypes. Finally, such language has the capacity for dialogue between and among people as individuals and not only as the

members of groups (-ism), religions and nations. The new language should become the core of the Education programm's and should become the tool of all the teachers.

CHAPTER IV

ROLE OF CIVIL SOCIETY, YOUTH AND JOURNALISTS IN TRUST AND PEACE BUILDING

PARTICIPATION IN THE POLITICAL AND SOCIAL LIFE IN POST-CONFLICT SOCIETIES

By Anonymous Author

"THE ROLE AND INFLUENCE OF THE CIVIL SOCIETY IN THE PROCESS OF PEACE-BUILDING"

By Irina Yanovskaia, South Ossetia

YOUNG PEOPLE IN PEACE BUILDING

By Goga Aptsiauri, Georgia

PEACE JOURNALISM TERM. OBJECTIVES. LIMITATIONS AND POSSIBILITIES, EXPERIENCES OF OTHERS

By Jake Lynch

PARTICIPATION IN THE POLITICAL AND SOCIAL LIFE IN POST-CONFLICT SOCIETIES

BY ANONYMOUS ⁵⁶ AUTHOR

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Before touching upon the characteristics of the participation of people in political and social life during post-conflict period, we will briefly consider the fundamental nature of this participation.

Freedoms like participation in the political life of the society and government, participation in the management of the government, to elect and be elected, to associate by establishing political parties, trade unions or civil society organizations are envisaged in the Constitutions of the Southern Caucasus countries, and no discrimination can interfere in the implementation of these rights among citizens. This is considered the basis of people's participation in socio-political life during post-conflict period and the difficulties emerging from the challenges of the conflict should be regulated within this basis.

In post-conflict countries and regions the participation of the society in political and social life has sufficient specific problematic characteristics that need regular attention. Considering the fact that the Armenian-Azerbaijani conflict over Nagorno-Karabakh and other conflicts in the region are painful and deeply divided societies as a result of propaganda; the participation of those societies in socio-political life remains a serious issue. We need to find answers to a few questions regarding this issue:

IMPORTANCE

Equal representation of people in the administration, including the creation of strong and functional democratic institutions, is important for several reasons. First, guaranteeing this will serve avoiding the emergence of new conflicts, no group will cause new problems under the pretext of not being represented. Second, the guarantee of participation plays a significant role in the establishment of democratic institutions and in ensuring human rights and freedoms.

⁵⁶ Publishers keep name of the author anonymous because of security of the person

ENSURING INITIAL PARTICIPATION

After the conflict, in the territories previously considered a conflict region, the structure of management should be identified and foundations for citizen participation should be established as an initial initiative to ensure the participation of citizens in public and political life. Following this, legitimate political institutions and participation should be encouraged for the consolidation of the political institutions and participatory process to take place at the last stage.

This management structure and participation basis should be carried out on the basis of several legal areas:

- Constitutional reforms or Constitution process:

to implement this, national dialogues should be started, and the process to cover the position of the citizens at national, regional and local level should begin. Special approach should be demonstrated towards the identification of national identity in the preparation of new Constitution; here, citizenship criteria, the status of the language used by the population, and so on should be determined as so everyone is satisfied. After the Constitution dialogue is over and the new document is ready, the support for its adoption and Constitution process in general should be continued. To prepare the Constitution, a Constitution group will be founded where the representatives of all people living in the post-conflict territory will be represented; this group namely will have to prepare the new document. A concrete time ie. 6 months and the adoption method of the Constitution, for instance, through a referendum voting should be determined. Lawyers, preferably foreign legal experts, should be involved in the Constitution group. After these steps are taken, to ensure transparency in the preparation of the Constitution and to present the initial version to the public, public information campaigns should be organized, this process should be held open to the public on a regular basis through mass media and social networks. It is desirable that there's a program (in different languages) on the most popular TV channel broadcast in the post-conflict territory where each provision of the initial version will be discussed. All work should be organized in such a way that the process is finalized successfully, and ultimately the Constitution is adopted;

after the adoption of the Constitution the programs initiated for its discussion or social networking tools can be maintained.

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- Executive power before (the transition period) the Constitution is adopted:

Certain steps should be taken to implement management and to ensure relevant participation during the period up to the adoption of the Constitution. These steps include identifying institutional needs for structuring major governmental duties, founding relevant ministries and independent agencies and clearly specifying the duties of these organs, providing continual technical assistance for the institutional development of the public sector, identifying the size and the structure of public services, organizing transparent competition for the association of individuals wanting to work as civil servants and holding special trainings for them; in other words, creating transparent recruitment, encouragement, and dismissal system. This process could be called civil service reforms and the reform will be completed with the appointment of new civil servants at the national and regional levels. It is important that people who are able to generate material income are attracted during the implementation of the reform. To do this, resources should be identified; a working and effective system generating incomes on civil service should be formed because financial stability and strengthening the wellbeing of people is very vital at this point. Profits and resources might exist, but this system is needed to correctly administer and distribute them. Increasing the professionalism of persons to bring profits, including banking, customs, tax, and different financial services should be shaped and various plans on these targets should be implemented, and the teaching of skills on the solution of budget and individual finance should be realized as a separate target. In addition, key individuals to participate in the trainings in the executive administration need to be identified; Executive power heads and personnel should be informed on responsible management principles, the Diaspora members who live abroad and are highly skilled should be encouraged to return. Civil servants who are appointed through testing system will participate in management and technical assistance training; ethical standards and work codes will be prepared to promote high level service of civil servants. One of the duties to be implemented is the development of

physical infrastructure of the executive branch; For instance, the construction of buildings, opening of libraries, creation of information systems, purchasing office equipment and so on. Separate expenses should be considered in the budget for all of these.

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- Powerful legislative administration up to (transition period) the adoption of the Constitution:

we haven't accidentally used the word „powerful” in this subheading. We believe that the conflicts in the Southern Caucasus region, management in societies shouldn't be administered by strong administrative organs, but by more powerful and strong legislative administration. Chief Representatives of executive organs, for instance ministers, committee chairmen and so on are appointed out of the coalition of a party or parties winning the parliamentary elections. Taking into account these features, the role and mandate of the legislative branch in relation to the process of the national and local adoption of decisions and later their enactment will be determined; rules will be identified for the adoption and enactment of laws; the influence of the legislative branch in the national policy and budget matters will be strengthened. However, in any case, the occurrence of disputes among different governmental branches is real and mechanisms should be realized to solve them; this process should be carried out through legislative administration, but the interests of all parties should be considered. For instance, a Dispute Council consisting of independent experts and influential individuals can be established. One of the main elements of participation in this direction is the access of citizens and non-citizens to legislative administration, it means that besides the right to participate in the elections for shaping legislative administration, everybody should have right to directly participate in the meetings, and discussions of the administrative branch on different law projects and other issues, to take relevant notes and obtain excerpts during these meetings. Currently, there are laws regulating this issue in the countries that are parties to the conflict. For example, in the legislation on the normative-legal acts, there are instructions dealing with the public discussion of each law project or there are provisions envisaging legislative initiative right of citizens after they have collected a certain number of signatures. We believe that post-conflict societies must have relevant rights in the mentioned direction.

The recognition of these rights will serve in preventing certain difficulties, taking into consideration the interests of group activities, and creation of certain conditions for advocacy, establishing communication between legislative entities and persons represented by them. Legislative entities and working staff of the legislative branch should be given trainings and support; ethics and work codes must be prepared, and physical infrastructure should be established. Regular exchange meetings and programs have to be ensured with the parliaments of democratic countries to strengthen the legislative independence and democratic principles.

- Local management until (transition period) the Constitution is adopted:

During post-conflict period the participation of societies depends on which form local management is organized and on the level of this management. The first issue in the formation of local management is the establishment of legal basis. Legal basis must be founded for local management structures, and methods for local representation and participation. We think that new frameworks for local representation and participation, as well as local supervision must be established in such a way that they are able to ensure the compliance with local laws and traditions of the community. Local government structures should be given wide range decision-making capabilities, there should be mechanisms of indirect control on national budget or in any case their own budgets should be formed. One of the other elements to be taken into account in the formation of local governance is decentralization. The implementation of decentralization involves a review of the political and organizational structure. The size and form of decentralization should be defined. This process should be applied in the administrative, financial and political spheres. The existence of civil government is the only correct way, and its application must be secured. Decentralization reviews the establishment of relations between the national and local governance institutions and mutual communication process, also. For the effective local governance, institutionalization will be implemented. For this, the level of power at the local level is to be identified and as a result, needs for institutional development are to be determined. Technical and financial assistance should be given to local government structures unambiguously.

Supervision on at what level local management is implemented is mandatory and this can be realized by groups of local residents or specifically established entities at the initial stage.

During the formation of local management, traditional representation must not be forgotten: to secure this, traditional community structures have to be determined. They should be used to provide assistance to management and to secure participation. There's need to unite traditional structures with the local management structures that are to be established.

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MEANS OF SECURING PARTICIPATION

- Elections

Elections are considered to be one of the most important means of participation in each period, especially in the post-conflict period. The organization of elections should be carried out in several parts. First, the planning and execution of the elections must be carried out properly. The time, aims and schedule of the elections should be determined. One of the most important elements is the creation of an independent national election commission. When the election commission is created, the representation of all stakeholders in the society must be ensured and the members of the commission must be appointed on the basis of parity. This commission is not subject to any upper body; supervision on this entity is implemented with the recognition of the right to appeal to court in case of the alleged violation. The Commission should definitely give up all the old lists of voters, conduct an entirely new census, and as a result of this census, should compile a list of persons entitled to vote. In addition to the creation of the list of voters, the rules for the registration of new voters should be determined and begin to be applied. Other duties of the election commission include the preparation and publication of the suitable procedures and regulations. These regulations should cover the security of the candidates and ballot boxes. A safe and fair pre-election campaigning for each candidate must be secured. Securing technical support for conducting elections (ballot boxes, voting stations, seals etc.) and continuously promoting the election methods and mechanisms are some of the important issues. All matters related to the election should be represented in legally binding documents of a

temporary nature; there is no need at this stage for the adoption of a separate Election Code. The second issue is the observation of elections. Here, the activities of international and domestic monitoring missions must have agreements, and the electoral commission should participate in the involvement of domestic and international election monitoring personnel. The Commission should have its own monitoring staff. Third issue is to ensure the participation of citizens in the election process. The wide dissemination of election timetable and promotion of citizen participation, distribution of information in connection with election process, the organization of voter awareness campaigns should be carried out. And to promote citizen participation in the election, the distribution of election timetable, the spread of information about the electoral process, voter awareness campaigns should be carried out. To prevent fraud and improper approaches, the voting results should be brought to the attention of general public.

- Institutions

Political parties, civil societies and media are the tools to secure the participation of communities in socio-political life in addition to elections. We would like to provide our brief notes regarding each aforementioned institution. First of all, we need to determine the format of political party system. Since we proposed that the elections should be held not in majority format, but on the lists of parties mostly, political party system needs to be accurately and clearly formed for all sides. To do this, clear legal status, defense, and major provisions of political parties should be created. Local and regional representation criterion should be one of the major factors needed for founding a political party. The entire activity should be organized in such a way that the establishment of a system with multiple parties and competition atmosphere would be encouraged, transparent and legal financial mechanism would be created, and the registration of political parties would be held in a simplified form. The registration of political parties should be held by the election commission at the initial stage in accordance with election laws. However, other documents regulating issues regarding political parties and in addition to aforementioned provisions, it should clearly be stated that nobody can be forced into being a member of a certain party. By being loyal to the goals of

promotion of democracy, political activities should also be advocated and supported. At the initial stage, political parties should be allowed to be financed up to 100% from national and local budgets. Besides, reliable conditions should be created for political parties to establish relations with legitimate political parties from other countries.

Potential individuals wanting to be involved in politics can be identified and trainings with the participation of local and international experts can be carried out for them. Seminars and other educational events should be held on (advertising, analytical issues, democracy for the party's senior officials, good governance and speaking skills, relations with media, fundraising, involving voters, election campaign strategy, etc) the development of political parties. Advocacy for women to be represented in the elections and in the leadership of political parties should be carried out. Civil society expresses the establishment, formation and harmonious development of the civil, modern, democratic, secular, legal and tolerant social system. In addition to being supported by national-moral values today, the society is regarded as a universal, global concept by crossing the traditional frames. In this sense, national diplomacy is very important both among nations, ethnicities and people who are building a shared community, and among those societies that have independent statehood system.

National diplomacy is also valued as the emergence and component of diplomatic activity. Thus, the revival of national diplomacy can positively affect the solution of this and other problems, and the elimination of intolerance and misunderstanding among different communities. Besides, societies, communities and regular people need to be seriously prepared for this. Diplomacy is not something extraordinary. This always exists at the level of socio-political institutions, and family, relatives, people of different strata, daily business rendezvous, and socio-economic activities. Simply, when it is expressed in a concrete context like national diplomacy, processes must be regulated through strict, but effective means towards maintenance of concrete benefits, and realization of possible goals. Obviously, balancing and adequately directing processes is important in public diplomacy. Without this, it is impossible to achieve the anticipated result; on the contrary, it could have negative impact. Preparing citizens politically, morally and psychologically is an important factor in ensuring the relevant balancing. At present, not

everybody positively approaches mutual visits of Armenian-Azerbaijani intellectuals in Karabakh conflict. However, for the civil society to be strengthened and totally settled, this activity should also be used, the NGO and other civil society institutions have to establish partnerships with influential people who have powerful role in the society and need to benefit from their services. In the formation process of civil societies internal energy of the nation, its demands and desires should play an important role. NGOs have to play a higher role than political organizations to ensure active participation of Azerbaijani people. The government must have its share in the balanced politics in this field. To break down the old stereotypes, the services of government and opposition need to be used. Mass media, TV channels particularly, have the biggest share of the work.

There are seven major functions to be implemented by civil societies in peace-building process:

- To protect citizens from the violence of all sides;
- To hold the monitoring of right violations and implementation of peace treaties;
- To carry out public advocacy to defend peace and human rights;
- To publicize peace and democratic values, as well as develop the personality of marginal groups;
- To establish intra-group social relation (solidarity) by bringing people from opposing groups together;
- To promote (simplify) dialogues at local and national levels among all types of participants.
- Creating peace – that is to say, serving to establish entrance points for the 6 functions above.

Although civil societies play an important role in peace-building process, problems exist. The main reason for this problem is the distrust of the governments, the weak connection between civil societies and governments, and as well as financial problems. A network should be established directed at the solution of peace to strengthen the role of civil societies in the peace-building process. This working group should include civil societies, media representatives, representatives of international organizations, and local and international donors.

In addition to civil societies, media also acts as a watchdog organization. One of the mechanisms to ensure participation in the

post-conflict period in general is the creation of watchdog organizations to monitor local institutions in public and private sectors. First, taking the conflict into account, legislative provisions for the establishment of local watchdog organizations should be created, and adequate resources should be allocated for the control mechanisms. The presence of local transparent monitoring in public and private sectors should be encouraged. As a watchdog organization in order to achieve the above mentioned objectives, a professional and international news organization should be founded. Governmental mass media should be abolished, and public television and a news organ disseminating factual information should be created. The main purpose here is to prevent rumors on various issues. Wide news broadcasting system should be founded; decisions and rules on freedom of speech and free media should be secured. Dissemination of new information on the peace process and other problem areas should be provided on a regular basis. The existence of local media should be supported, and establishing public broadcasting networks should be encouraged. Media's mediating role in holding dialogues and the transmission of information should be strengthened. Other steps have also to be taken to improve this field: involvement of media professionals and holding new trainings for them, encouraging the professional journalists who have left the countries to return, founding journalism schools, involving journalists from other places, ensuring that the media programs widely cover local issues, implement the regular creation of new independent newspapers and TV-radio stations, adopting new professional ethics code, making reporters and media representatives of good examples and the role of media, establishing local journalist associations, supporting journalist freedom in a sustainable manner. Newspapers won't need permission, but TV-radios will receive licenses in a very simplified form. To keep broadcasting content under supervision, particularly to successfully end the peace process, a temporary special organ will be founded. The points highlighted in connection with the media should also be attributed to bloggers and social network activists; since there is a very serious threat for the implementation of peace process in the right direction, there will be need for providing separate statement and explanations on all important issues. However, any interference with and censorship on the internet is unacceptable.

RESULT

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We have to accurately state one thing that to successfully finalize the peace process, ensuring the participation of societies in socio-political process is a necessary step. The implementation of this action covers all aspects of social life, the most important issues from economy to culture. After conflicts, particularly after painful and long-term conflicts, the peace process is always a risk, and it is very important to keep the risk to a minimum; to ensure this all, strata of the society need to participate in public life, to shape legislative, executive and local management structures for this purpose, to begin the Constitution process and to continue successfully, to organize free and fair elections, and to create strong institutions that will fulfill their obligations.

"THE ROLE AND INFLUENCE OF THE CIVIL SOCIETY IN THE PROCESS OF PEACE-BUILDING"

BY IRINA YANOVSKAIA, SOUTH OSSETIA

THE ROLE AND INFLUENCE OF CIVIL SOCIETY IN THE PEACE PROCESS

In order to assess the role and influence of civil society of the Republic of South Ossetia in the peace-building process, we have to realize the conditions in which it was originally developed and the state of affairs today.

Civil society of the Republic of South Ossetia was evolving over the last 20 years under conditions of permanent war with Georgia.

By definition, a civil society means a society with the economic, political, moral relations, interacting with the state on the legal basis. Main characteristics of the civil society are: broad links between members of society, high material security of society based on property rights, accountability and decentralization of state power, the broad development of local self-government, cohesion of community members based on their awareness of belonging to the common culture and the nation.

The above mentioned features, with an exception of the last one, did not reach the quality level under conditions of permanent war with

Georgia, in which civil society was being formed in South Ossetia. If we take into account that over the years of independence in South Ossetia elements and mechanisms of civil society development were just emerging, we still cannot suggest that the civil society of the country is sufficiently developed. On the other hand, our state has emerged by virtue of the broad civil initiative and the will of the people, when the issue of establishing an independent state has been raised by the people of the South Ossetia despite the resistance of the ruling Soviet nomenclature of that time.

Events of the political crisis of 2011-2012 showed that the ability of civil society in the country to show initiative and self-organization has not exhausted even after more than 20 years. Massive civil actions in Tskhinval during the last presidential elections in 2011 prove this fact once again.

The reason for the protest was the disastrous course of the recovery process, as despite the huge financial assistance from the Russian Federation to the Republic, none of the infrastructure, social and cultural facilities, housing, destroyed and burned in the August 2008 war were rehabilitated. Another reason for the massive civil protest was a violation of the rights of the government's opponents. Alla Dzhioeva - one of the presidential candidates, who openly opposed to the president of that time, was able to mobilize the main part of the protesting constituency. The chronological retelling of further developments related to this presidential campaign would take a lot of time, I think it is enough to note that on 10 December 2011 at a public meeting, the SO President Eduard Kokoity officially announced his resignation. It is important that the people of South Ossetia, its government and its leaders, the „new" and „old" ones, demonstrated a sound civil attitude and solid interest in the development of the statehood in the republic.

Moreover, the events of 2011-2012 resulted in the reassessment of and change in the methods of management by the ruling elites, making the power system to take a slow but a steady move towards a more balanced model that takes into account the interests of different political forces and excludes fierce military pressure against the opponents of the regime. The practice of compromises under circumstances of an exacerbation of contradictions between the various centers of influence in the country becomes a habit and

positively influences the political stability in the society.

Today, as befits, under circumstances of democratic development, there is a real opposition in the country. Let me give just one example.

In an interview exclusively for RGA-Alliance.com, Alan Dzhussoev, leader of the political party „Your Choice Ossetia" said about the existing opposition and civic engagement: „We do not have an opposition calling for a return to Georgia, but there are opinions that South Ossetia can and should have an active dialogue with Europe and the United States as an independent state. It is believed that South Ossetia should be reunited with the North Ossetia within the Russian Federation. Society, despite its extreme politicization is still actively discussing the rehabilitation of the city and districts, talks a lot about preserving an architectural image of the capital, about what is the priority and what is secondary. The power, represented by the president, often meets with the most active members of civil society. Trade agreements signed with the Russian Federation are of a vital importance for the society of the South Ossetia. New public organizations are emerging, for example, recently, representatives of small and medium businesses decided to form a public organization-for more effective, as they believe, protection of their interests". And this opinion is shared by many others. The solution of many sensitive issues is no longer possible without taking the civil society into account. In particular, despite the earlier plans, approved at the level of the governments of Russia and South Ossetia, at the request of the public, construction of the state university will commence at a historic location. Moreover, after public protest, the decision to build luxury skyscrapers was cancelled. There are dozens of such examples.

Elections to the Parliament of the RSO of the VI-the convocation, held on June 8, 2014 are considered to be another step in the formation of the system of checks and balances, the actual implementation of the principle of separation of powers, which has been violated before. The work of the Constitutional Commission under the President of South Ossetia, which abolished a number of past decisions that had transferred certain authorities of the parliament to the executive branches of power, served its purpose.

There is a trend towards activation of civil society, political culture of youth is increasing; slowly but still, youth is getting involved into the public and political processes; independent web – resources are

emerging and influence certain segments of society.

Creation of independent internet resources, the work of multiple social dialogue platforms in social networks, highly popular among young people and the middle-aged generation, created an opportunity for the active part of society to express its point of view, representing the positions of the various political forces.

Long overdue measures like establishment of the Constitutional Court and introduction of the local self-government systems will become an important stage in the formation of a full-fledged civil society. These requirements are vocalized by public more and more often.

Anyway, it takes time and absence of significant external threats for the development of civil society to acquire a systematic and progressive nature and manifest itself not only during the presidential and parliamentary elections.

Moreover, there is a need to have real public organizations and parties that can accumulate and defend the interests of different layers of the society. Today, there are 137 organizations registered by the Ministry of Justice of the RSO, including more than 15 political parties. By the way, the rapid construction of the party was yet another sign of a more active civic manifestation of the population.

The role of NGOs, an integral part of modern society, should be highlighted. These free associations are established by the citizens themselves; their main goal is to increase the awareness level of the civil society, protect human rights, and promote social and economic development of society, humanitarian programs. They are the spokesmen for the interests of ordinary citizens and give them the opportunity to express their own initiatives. Operations of these organizations are, as a rule, more mobile, flexible and almost instantly address any changes.

That's why development of the non-governmental sector is amongst priority directions for democratization of any society. However, there is no full-pledged state policy regulating relations with the non-governmental sector in South Ossetia today, although the process of formation of the so-called 3-d sector in South Ossetia began in the mid-nineties when representatives of international organizations started arriving to the zone of the Georgian-Ossetian conflict and initiated establishment of first NGOs. Moreover, the same international organizations provided grants to the established organizations. The first

NGOs worked with refugees in South Ossetia and, in the framework of their projects, provided social assistance to this category of population, organized and conducted seminars, round tables, etc.

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South Ossetian leadership at that time was preoccupied with an economic survival and the recognition of the republic and could not cover all spheres of life, therefore, the NGOs took over the sectors that „were neglected” by the government of the republic. NGO sector was mainly developed in Tskhinval, the capital of South Ossetia, almost no non-governmental organizations developed in rural areas of South Ossetia, with only few exceptions. The situation has not changed since then.

“The Concept Paper on State Support to NGOs of the Republic of South Ossetia”, elaborated by NGO representatives, is still under consideration by the republic's leadership.

In fact, it appears that NGOs in South Ossetia operate without cooperation with the governmental bodies which decreases the efficiency of social projects. NGO projects in South Ossetia are supported only by foreign donors and foundations, only few are assisted by Russian foundations.

Those who have a negative attitude towards the NGO operations in South Ossetia, say that activities of the latter turned into a form of private business.

Effective dialogue between the state bodies and public united in non-governmental organizations and their cooperation could become a way to resolve a number of issues on the agenda in South Ossetia.

Speaking of peacekeeping, in a broad meaning of the word, one should not focus exclusively on the ethnic conflicts – these may be caused by moral and ethical problems, social stratification, religious conflicts, domestic conflicts, gender relations and different age groups, domestic violence, violence against women and others. And if we talk about promoting peace inside the republic itself, respect for human rights should be taken into account in the first place.

The Republic of South Ossetia has a legal framework, its own Constitution - the main law of the RSO.

The role of the civil society is evident, for example, in cross-border cooperation, during the negotiations on the exchange of prisoners, detainees and inmates, or in case of facilitation of exchange of information on crisis situations. In these cases, the role of civil society

is in concerted work with the relevant government authorities (such as the Ministry of Foreign Affairs) in the areas where these structures lack effective methods of work or tools for making an impact.

Finding practical solutions is and has always been at the core of our organization. For example, our NGO implemented „Tskhinvali Discussion Club" project (in 2001), and organized Georgian-Ossetian meetings in our office in Tskhinval. At one of the meetings, with participation of lawyers and human rights activists from both sides, a problem of restitution, still not adopted by Georgia, was raised. At that time, the return of ethnic Georgians who fled South Ossetia and, accordingly, the Ossetians who left Georgia, could become a step forward in building confidence between peoples.

It is well-known that mass media shapes public opinion, can play a positive role in process of reflecting on the situation in the conflict zones, but also can have a negative role and foment an ethnic strife. Most often, when spreading untrue information, journalists refer to so-called unofficial sources. It is worth mentioning, that among the Georgian colleagues, there are some responsible journalists who have always checked and still double-check the facts about the events with their Ossetian colleagues, and only after that publish their material; but there are only a few of them. We decided to get rid of references to unofficial sources by creating a joint rapid reaction group consisting of Georgian and Ossetian colleagues in 2003 in the framework of „Journalists Support the Settlement of the Georgian-Ossetian Conflict". The main idea of the project was to guarantee the accuracy of information and have a material from the conflict zone prepared by two journalists - Georgian and Ossetian colleagues together.

Technically, a colleague from Gori could get to a 30-kilometer peacekeeping zone in thirty minutes. Moreover, we had the support of the commander of the joint peacekeeping forces, who promised to allocate a convoy for journalists. It was planned to publish a newspaper and, in the long term, to establish a news agency and production of video material. Unfortunately, the project managed to conduct only three trainings in IWPR office in Tbilisi and one working meeting in Tskhinval, and after a bombardment of the city in 2004, an official from the Information and Press Committee decided that cooperation with Georgian colleagues was not appropriate (at that time there were practically no independent journalists) and we had to suspend the

project.

Today international experts share their experience with us on the development of mechanisms to involve civil society in the peace process, especially, women (Resolution 1325), and recommend to focus on the people, to communicate information about crisis situations, establish interdisciplinary relations, networking; do not set big goals but to move in small steps leaving emotions behind.

To forget everything that has happened, to move away from emotion – easier said than done. But how about the real life, how to live through the pain of losing friends and relatives in the war. Many of them could not let go their memories still. I believe that it is a serious problem.

The population affected by the conflict has not received adequate rehabilitation. It is obvious that engaging in peace building inside and outside the country after having lived through repeated strong traumas during armed conflicts, is very difficult.

In 2014, together with Georgian colleagues, we have implemented a project aimed at promoting better health for the population who suffered from military events, but it is a hard work that requires time - a year or two is not enough.

Timur Tskhovrebov is an ex-combatant, who sees the prospect of peace in the peace building projects: „From a man with a gun, I became a man with a pen and word."

According to the 1998 census, the Georgian-Ossetian mixed families constituted the highest percentage of all mixed marriages in the USSR. We are cherishing the idea of publishing the book „Memories" for a long time now. The idea is to talk about the positive experience, about how grandparents lived together before the first Georgian-Ossetian war. There were human joys, people supported each other in difficult moments, were able to rejoice together: arranged weddings, baptized children, and much more. The generations born and raised after the first Georgian-Ossetian war, in their hearts, mainly have an image of the enemy in relation to each other. Unfortunately, we could not find funding for this project.

In 2010 - 2011, we implemented the project „Development of the Peacekeeping Capacity of Georgian and Ossetian Women". In the frames of the project we set up a joint group of women living in South Ossetia from Georgian ethnicity and Ossetian women from mixed families. By the end of the project, these women voiced various ideas

for their future work together and we hope to find funding and to enable these women to work together for the benefit of South Ossetian society.

In South Ossetia they do not accept donors who come with their ready programs, because those who really want to work in South Ossetia, as a rule, consider ideas of local NGOs. It would be good if donors did not suspend financing of peacekeeping projects, since these projects must be long-term projects with duration of three years minimum.

Peacemaking is a long process that requires constant development and should not be interrupted.

According to Alan Jusoev, for example, the implementation of projects such as infrastructure for joint Georgian-Ossetian use, like construction of one building for two schools, Georgian and Ossetian, has not led to anything but a nice looking report to the donor. „The priority of any peacekeeping project should not be in the integration of South Ossetia into Georgia and imposing another system of values in any form, but in the development of South Ossetian civil society based on the interests and concerns of South Ossetian society and not of the donors or already existing programs. For me, as for any citizen of South Ossetia, how they call me, my city, and my country is very important: it is called mutual respect and is the foundation for peacekeeping. But if the Georgian colleagues do not do it, then there is no point in talking about any peacemaking inherently at all”.

And most importantly, I think that both sides in the process of dialogue should clearly and straightforwardly articulate the problems they can influence and discuss in their societies. In other words, there should be a clear, understandable and transparent task that we would like to tackle during our meetings and talks.

According to Alan Parastaev, an expert from South Ossetian „Peacemaking in South Ossetia actually does not exist, with an exception of NGO and international donor projects in cooperation with the Georgian NGOs. NGOs participating in the project are peacemakers only for the period of its activities (seminars, conferences, etc). Virtually no peacekeeping mission in South Ossetia itself is observed. Our NGO - South Ossetian Business Advisory Centre- is a part of the Caucasus Business and Development Network (CBDN) (International Alert is a lead NGO agency) is not very active in peacekeeping initiatives lately. But in recent years, the Center had

projects aimed at the development of small and medium-sized business. According to our research, we have concluded that small and medium business, whether cross-border or purely South Ossetian, is a powerful factor of peacekeeping, as the SMEs are the most interested in stability. Our experience and existing links with business communities across the South Caucasus, can serve as an auxiliary factor in case of renewal of trade relations between Georgia and South Ossetia, Russia and Georgia. Even a small support to business ties in the bordering areas with mixed - Georgian and Ossetian population – serves the peacemaking purposes and does not let the relations to disrupt completely but as shown by current events, will be restored again (Russian accession to the WTO, Georgia - Russia networking at the official level, etc). Moreover, study tours to exchange experiences play a positive role for South Ossetian businessmen. Having visited another conflict region with an experience in business development under conditions of partial recognition (Abkhazian-Georgian - Gal, Armenia and Azerbaijan, Northern Cyprus, etc.) our businessmen could apply this experience in the Republic of South Ossetia. „

It is also necessary to determine (at least for ourselves) the demand in terms of informal relations with the Georgian side and if this demand at all exists. Until 2008, there was a countless number of meetings of NGO representatives from both conflicting sides, appeals for peace were signed, but it could not prevent the notorious events on the night of 08.08.08. Today, the vast majority of the South Ossetian population, can only talk about finding ways to good-neighborly relations between South Ossetia and Georgia on an equal basis assuming that all political issues can be discussed only within the framework of formal negotiations at the state level, and institutions of civil society under no circumstances can be subjects of international negotiations and foreign policy.

I do not want to sound pessimistic, but here is a summary: A part of South Ossetian NGOs as representatives of civil society of South Ossetia, take part in peacekeeping projects with Georgian NGOs under the auspices of international organizations, but there are no tangible results in peace building.

This is largely due to the fact that the Georgian civil society generally is unable to influence the decisions made by the politicians and Georgian authorities. At least, I have not heard of the contrary. The Law of

Georgia „On Property Restitution and Rehabilitation of Victims of the Georgian-Ossetian Conflict" was not adopted. By introducing the law in a timely manner Georgia could have improved the overall atmosphere of the Georgian-Ossetian relations, this step would be an important confidence-building effort between the parties. Georgia is positioning itself as a developed democratic country, but still has not abandoned double standards. The law „On the Occupied Territories" has not been annulled but is very softened (the one that blocks the entry to the RSO for the representatives of international organizations), the issue of missing persons also remains unresolved. With regards to the exchange of prisoners, Georgia does not accept the principle of „all for all", and there are plenty of such examples. The issue of terminology is still a sore spot. The population of South Ossetia very negatively perceives the use of „Tskhinvali region" definition by Georgian officials, etc.

Continued operation of the so-called interim administration of Dimitri Sanakoev and the implementation of various projects by the latter, also exacerbates the atmosphere of distrust. In other words, the dynamics of the peace process with the participation of the civil society of South Ossetia directly depends on the ability of Georgian civil society to soften the negative factors in bilateral relations.

The issue which has a direct impact on the process of restoring trust, namely, signing of a legally binding document on the nonuse of force against South Ossetia by Georgia is even more important. The fact that Georgia, for over six years, refuses to sign the above document, is perceived by the public of the RSO as an unwillingness of the Georgian authorities to abandon plans for revenge and hinders the process of peace building and any efforts on building mutual trust.

YOUNG PEOPLE IN PEACE BUILDING

BY GOGA APTSIAURI, GEORGIA

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A young girl from Tskhinvali was attending a meeting in Istanbul where Georgian and Ossetian civil society representatives were also participating. She was not particularly active at the meeting, but listened to our conversations attentively. Our discussion was about the prospects for cooperation between the NGOs from the conflicting sides. The girl was especially attentive to the participants from Georgia. She would close her eyes halfway to inspect us closer when we were talking. I did not understand if that was the expression of hate or keen interest. After several days, she became more open. In the evenings, we would hold informal meetings and tell one another different stories. People always feel more open in such an environment. At the end of the meeting, I asked her if I could interview her. At the beginning of our conversation, she asked me not to turn on the Dictaphone. I agreed. She said that it was the first time she had attended such a meeting and met Georgians. She said that she realized that Georgians are not cannibals. Then, before I turned on the Dictaphone, she said that the dialogue has no alternative for conflict resolution and that the representatives of civil society must achieve trust through this dialogue.

I often recall her words. Why did she think that Georgians were cannibals? It was not easy to find the answer. In an isolated society, people tend to believe the type of propaganda that constantly creates images of the other as an enemy. Propaganda creates stereotypes and society lives in these stereotypes. Russian-Ossetian propaganda had created the myth of Georgians being framed as cannibals. Georgian propaganda was no less dramatic.

More and more people were brainwashed in this information war. Today, in the Georgian media, you will often hear stereotypical talk about criminal, lazy, marionette-like Ossetians. The Ossetian media on the other hand, talks about the cruelty, fascism and „saakashism“ of Georgians. The most sensitive and emotional part of such societies are young people.

Young people rarely participate in the peace process. This sphere is monopolized by the same NGOs. The same people come to the meetings. However, there are some exceptions. There are

organizations who think that the young people who are involved in the format of civic dialogue will bring out more results. At least, they will break the stereotypes which are born in isolated societies. However, it is impossible to break the stereotypes only through the meetings. The essential key is education – particularly civic education for young people.

I can recall one example of civic education for young people. The NGOs – Human Rights Center and Multinational Georgia – implemented a project in the Caucasus in partnership with their Abkhazian, Ossetian, Armenian and Azeri colleagues, through the support of the Norwegian Helsinki Committee. The training courses were conducted for a selected groups of journalists, NGO representatives and students on the issues of human rights, peace processes, cultural relations, and tolerance. The idea of this project is educate young people who will become mediators in the future, as well as create a foundation for building bridges between the conflicting sides.

Someone might disagree and say that tolerance is part of the Caucasian people's identity, and that there is no need to teach it. However, if we were really tolerant, would we have had so many conflicts in the Caucasus since the 1990s? In reality, tolerance lives only in the toasts given at Georgian feasts. In real life, ultranationalist ideas have replaced tolerance. These ideas do not accept a different ethnicity or religion, and in general, different ideas. Unfortunately, there are still many followers of nationalist and militarist ideas in our society. With the help of the propaganda machine, they easily influence young people. Young people absorb these ideas with patriotism, often not truly realizing what patriotism and nationalism really are. That's why we need to teach tolerance – appreciating people with a different mindset.

Several years ago, the Caucasian House arranged an international summer school on conflict studies in Batumi. Young people from Russia, Ukraine, Moldova, Transnistria and Georgia participated in the school. International experts in conflict studies worked alongside the students for a week. They covered the history of the conflicts, development and ways to reach a solution. The young people got an understanding of the conflicts not only in the post-Soviet space, but in other parts of the world, such as Northern Ireland and Cyprus. They compared them to the conflicts existing in their regions and discussed

the solutions that could be reached. If we study the Nagorno-Karabakh conflict for instance, we will see that the Abkhazian and Ossetian civic activists have more cooperation than the conflicting sides of Azerbaijan and Armenia. We, the representatives of Georgian society must often ask the question – what do we know about the conflicts? If we conduct an inquiry using this question, we will see that the majority of society does not know much about neither the Abkhazian nor the South Ossetian conflicts. I am not just assuming this. When I was preparing a report, I conducted an inquiry and it turned out that the young people are losing interest towards the conflicts, and they only know from their family members and friends what happened in Georgia in the 90s. That's why their perceptions are fed by myths and legends. Therefore, the local and international organizations must pay more attention to studying conflicts in order to provide young people an opportunity to compare and think about possible ways to resolve them. It is essential to develop the practice of joint training, distance learning, and joint tours in other conflict zones.

In the summer of last year, for 17 days, Georgian and Ossetian students travelled together to Turkey, Greece, Macedonia, Serbia and Kosovo, where they met with the representatives of NGOs and government institutions and discussed conflict resolution. They made a film about the visit. Project coordinator and representative of the Bridge of Friendship organization Giorgi Stepnadze states that the project was successful, as the young Georgian and Ossetian students got acquainted with one another, and received more information about the conflicts in Europe.

After coming back, the project participants shared their impressions among their peers. Project participant Mano Svanidze states that she found much in common with her Ossetian peers, and also made new friends. She says the trip destroyed many stereotypes she had about Ossetian people.

"I wrote music with one of the girls. I discovered soul mates. Several months have passed since the end of the project, and I am still happy to communicate with these people. We wanted to meet the New Year together in the Czech Republic, but it did not work out. We did not have enough money. But it means so much that we wanted to be together," said Mano Svanidze.

Georgian students explain that the relationship with the Ossetian young people has not ended and they still continue their friendship through the internet. Project participant Nino Samkharadze says that the relationship with some of the participants is so deep that they invite one another to partake in different activities.

"I became especially close with one girl who now studies in Russia. We constantly communicate online. She really wanted to come here. She tried once, but had some problems from the government and was afraid to come," explained Nino Samkharadze.

A while ago I attended a conference organized by the OSCE in Vienna. The conference touched upon issues such as the security of journalists in conflict zones, and the effects of propaganda on the public.

Journalists from Russia and Ukraine started to blame one another regarding the false news coverage. This conference assured me that journalists fail to remain unbiased during the war, and get involved in the information war. The information war is propaganda and there is no space for professional journalism there. Some of my young colleagues think that you have to fight propaganda with propaganda, but they do not think about long-term results. Creating stereotypes and enemy images makes society aggressive, and this aggression becomes dangerous at some point. The voice of professional journalism gets lost in this aggression. Few people think about finding solutions. The first bullet is shot by the propaganda machine.

Peace journalism is not an independent field in the media. It means sincere, fair and highly professional journalism. The European Union and the Institute for War and Peace Reporting started supporting those journalists who write about peace processes in Georgia. Aside from Georgians, both Abkhazian and Ossetian journalists participated in the competition organized by these institutions last year. We try to cooperate as much as we can in order to overcome hate speech. But there are too few of us still. If the international support strengthens, we will become more and better equipped to combat propaganda. The role of young journalists with proper training is crucial in this work. Several years ago I was in Cyprus with my colleagues from Abkhazia and Ossetia studying the conflict issues. Some of the journalists from Tskhinvali, Sokhumi and Tbilisi agree that we should not use hate speech. However, not everybody understood this.

The key to all problems is education. Educated young people will find ways for conflict resolution. I would like to end this article with the words of Luiza Katsadze who goes to Kutaisi High School No. 14. She won an essay contest on peace issues.

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Luiza writes:

"For me, peace is the sincere smile of a child – a smile which comes from the heart, and is full of feelings and emotion. For me, peace is a happy elderly person who is happy to see her grandchildren... For me peace is a family... a family where everybody understands one another... Everybody says that they want peace, but few have thought that we are the ones who make peace... Yes, everybody can make peace with a little happiness... And still peace is such a broad term and has such a narrow content for many."

PEACE JOURNALISM TERM. OBJECTIVES. LIMITATIONS AND POSSIBILITIES, EXPERIENCES OF OTHERS

BY JAKE LYNCH

Peace journalism is when editors and reporters make choices – about what to report, and how to report it – that create opportunities for society at large to consider and to value non-violent responses to conflict.

If readers and audiences are furnished with such opportunities, but still decide they prefer war to peace, there is nothing more journalism can do about it, while remaining journalism. On the other hand, there is no matching commitment to ensuring a fair hearing for violent responses, if only because they seldom struggle for a place on the news agenda. How come? To report is to choose. 'We just report the facts', journalists say, but 'the facts' is a category of practically infinite size. Even in these days of media profusion, that category has to be shrunk to fit into the news. The journalist is a 'gatekeeper', allowing some aspects of reality through, to emerge, blinking, into the public eye; and keeping the rest in the dark.

Neither is this a random process. The bits left out are always, or usually, the same bits, or the same sorts of bits. News generally prefers official

sources to anyone from the ‘grassroots’; event to process; and a two-sided battle for supremacy as the basic conflict model.

These preferences, or biases, hardened into industry conventions as journalism began to be sold as a mass-produced commodity in consumer societies, and faced pressure to present itself as all-things-to-all-people, capable of being marketed to potential readers, listeners and viewers of all political views and none.

Quoting officials – a category topped by the political leader of one’s own country – is a choice and a preference, but one with a built-in alibi. It was not our ‘fault’ that this person became head of government: s/he just ‘is’. ‘Indexing’, or the familiar journalistic habit of restricting the extent of debate to differences between government and official opposition – ‘elite discord’ – has the same effect, of camouflaging choices as facts.

What about event and process? News that dwells on, say, the details of death and destruction wrought by a bomb, avoids controversy. The device has, indisputably, gone off. There are well-attested casualty figures, from trustworthy sources such as hospitals and the police.

What is automatically more controversial is to probe why the bombers did it, what was the process leading up to it, what were their grievances and motivations.

As to dualism, well, when I was a reporter at the BBC, we all realised that a successful career could be based on the following formula: ‘on the one hand... on the other hand... in the end, only time will tell’. To have ‘balance’, to ‘hear both sides’, is a reliable way to insulate oneself against complaints of one-sidedness, or bias.

WAR JOURNALISM AND ITS ANTIDOTE

There are deep-seated reasons, then, why these are the dominant conventions in journalism, but, taken together, they mean that its framing of public debates over conflict issues is generally on the side of violent responses. It merits the description, ‘war journalism’.

How come? Take the dualism first. If you start to think about a conflict as a tug-of-war between two great adversaries, then any change in their relationship – any movement – can only take place along a single axis. Just as, in tug-of-war, one side gaining a meter means the other side losing a meter, so any new development, in a conflict thus conceived, immediately begs to be assessed in a zero-sum game.

Anything that is not, unequivocally, winning, risks being reported as losing. It brings a readymade incentive to step up efforts for victory, or escalate. People involved in conflict ‘talk tough’ – and often ‘act tough’ – as they play to a gallery the media have created.

Remove acts of political violence from context and you leave only further violence as a possible response. This is why there is so little news about peace initiatives – if no underlying causes are visible, there is nothing to ‘fix’. Only in this form of reporting does it make any sense to view ‘terrorism’, for example, as something on which it is possible or sensible to wage ‘war’.

And if you wait, to report on either underlying causes or peace initiatives, until it suits political leaders to discuss or engage with them, you might wait a long time. Stirrings of peace almost invariably begin at lower levels. There is, furthermore, a lever in the hands of governments that no one else has – the ‘legitimate’ use of military force. For all these reasons, the primacy of official sources, coupled with the enduring national orientation of most media, is bound to skew the representation of conflicts in favour of a pronounced receptiveness to the advocacy of violence.

Hence, peace journalism, as a remedial strategy and an attempt to supplement the news conventions to give peace a chance.

Peace journalism:

- Explores the backgrounds and contexts of conflict formation, presenting causes and options on every side (not just ‘both sides’);
- Gives voice to the views of all rival parties, from all levels;
- Offers creative ideas for conflict resolution, development, peacemaking and peacekeeping;
- Exposes lies, cover-up attempts and culprits on all sides, and reveals excesses committed by, and suffering inflicted on, peoples of all parties;
- Pays attention to peace stories and post-war developments.

REALITY AND REPRESENTATION

Peace journalism is more realistic, in the sense of fidelity to a reality that already exists, independently of our knowledge or representation of it. To report violence without background or context is to misrepresent it, since any conflict is, at root, a relationship, of parties

setting and pursuing incompatible goals. To omit any discussion of them is a distortion.

At the same time, it acknowledges that there is no one correct version of this reality that everyone will agree upon. We understand the world around us by taking messages and images – including those served up by the news – and slotting them into codes we develop through our lives and carry in our heads. Meaning is not created solely at the point of production, or encoding; no act of representation is complete until it has been received, or decoded. Decoding is something we often do automatically, since so much of what we read, hear and see is familiar. This is what propaganda relies on – establish Saddam Hussein as a ‘bad man’, or ‘weapons of mass destruction’ as a ‘threat’, and it forms a prism, through which all the reality, both subsequent and previous, tends to be viewed.

Journalism is often easy prey for such efforts because it does not generally encourage us to reflect on the choices it is making, for reasons discussed above. The famous US ‘anchor-man’, Walter Cronkite, signed off CBS Evening News every night with the catchphrase, „that’s the way it is”. How it came to be that way would be an interesting conversation, but it is not one in which news is generally keen to engage.

Communications students will recognise the last few paragraphs as a potted version of reception theory. In writing this introduction, I’ve resisted academic sources, because, yes folks, the clichés are true, media scholars often do dress in black (which we won’t hold against them) and chew polysyllables for breakfast (which we might). However it’s worth quoting one famous aphorism coined by a clever and original researcher, Gaye Tuchman: „the acceptance of representational conventions as facility makes reality vulnerable to manipulation”.

So peace journalism is in favour of truth, as any must be. Of course reporters should report, as truthfully as they can, the facts they encounter; only ask, as well, how they have come to meet these particular facts, and how the facts have come to meet them. If it’s always the same facts, or the same sorts of facts, adopt a policy of seeking out important stories, and important bits of stories, which would otherwise slip out of the news, and devise ways to put them back in. And try to let the rest of us in on the process. Peace journalism is that which abounds in cues and clues to prompt and equip us to

'negotiate' our own readings, to open up multiple meanings, to inspect propaganda and other self-serving representations on the outside.

Can journalists actually do this, and do they? Latterly, researchers have set out to gauge the amount of peace journalism that is going on. There is probably no one piece of reporting that exhibits all five of the characteristics listed above, whilst also avoiding demonizing language, labeling and so forth. But distinctions do exist, and they have been measured. Reporting in The Philippines, especially by the country's main newspaper, the *Philippine Daily Inquirer*, is interesting in providing an effective counter to attempts by the country's government to import the 'war on terrorism' ideology and apply it to a long-running insurgency. The paper I used to work for, the *Independent* of London, does a lot of peace journalism.

Then of course there are proliferating independent media, now building, through web-based platforms, on traditions long nurtured by alternative newspapers and community radio stations. There is some peace journalism, so there could be more.

CHAPTER V

EXAMPLES OF RECONCILIATION

**WHY I APOLOGIZE TO ABKHAZ PEOPLE
CHOICE FOR GEORGIA: GEORGIAN CHAUVINISM OR ABKHAZIA?**

By Ucha Nanuashvili

DIALOGUE - AN UNDERESTIMATED TOOL IN PEACEBUILDING

By Steinar Bryn

**TRANSITIONAL JUSTICE AND RECONCILIATION IN BOSNIA-
HERZEGOVINA: WHOSE MEMORIES, WHOSE JUSTICE?**

By Roland Kostić

WHY I APOLOGIZE TO ABKHAZ PEOPLE
CHOICE FOR GEORGIA: GEORGIAN CHAUVINISM OR ABKHAZIA?
BY UCHA NANUASHVILI, INITIATOR OF „SORRY” CAMPAIGN
PUBLIC DEFENDER OF GEORGIA

“Sorry” Campaign was launched in March of 2007. It is not easy to apologize as well as to accept an apology.

The aim of the Sorry Campaign is to change the dynamics and direction of the relationships that have been established between Georgians and Abkhazians during recent years. The „Sorry” Campaign is not in any way connected with politics; it is a movement against war, as we consider that there is no alternative to peaceful dialogue and mutual settlement of the conflict.

The Campaign envisages the reestablishment of confidence between Georgian and Abkhazian people and to break through the informational vacuum. We want to encourage people to think about the horrors of war and the mistakes we have made.

When you toss a pebble in the water, the circles are produced; we hope that the Sorry Campaign will serve as a pebble in solving the problem.

These words launch the website of the „Sorry” Campaign www.apsni.org. Much was written and said on this topic particularly in internet and public discussions because leading media sources (among them so-called independent ones) systematically blocked information about this campaign. Not only the Campaign but even discussion of this idea had opponents. And yet, why do we apologize to Abkhaz people? I want to clarify this issue more in order to make everybody think about those mistakes that led us to the current conditions. We have not realized our mistakes yet and still continue living in the world of myths. Georgian people live with Georgian myths and Abkhazian people with Abkhaz myths.

DIALOGUE WHICH DOES NOT EXIST

Today, Georgian society lacks the opportunity to speak with Abkhaz people directly and vice versa.

For many years certain authorities have been leading Georgian society in the wrong way and they have constantly sought and continue to seek

the avoidance of direct and open dialogues between the sides of the conflict. Consequently negotiations are being artificially hindered in the process. Shevardnadze was implementing similar politics during many years; after the Rose Revolution, particularly after 2005 – Saakashvili started it. Almost all leading political and public forces simplified this idea in Georgia.

Unfortunately, politicians do their job poorly or do not do at all. Extremely complicated situation is result of their poor work; the society sacrifices its life to these mistakes. It is natural to ask: Why should our people become victim of dirty games of our politicians? Georgian and Abkhaz peoples need only peace and dialogue. Why cannot those powers realize it who dares to represent the will of the people? Everybody admits it superficially but what is happening in reality?

WHOSE ORDERS DO POLITICIANS OBEY?

Politicians are obliged to obey the orders of the people and do their utmost to offer the people the way which will lead everybody out of this deadlock and transfer Georgian-Abkhazian relationship into a new phase. Unfortunately, most part of politicians does not express public interest; though they have appropriated the right to speak in the name of people. As a rule, public opinion is neglected. Nobody has asked people whether they wanted to start war in Abkhazia 17 years ago. Those formations, which initially raided Samegrelo and then Abkhazia, were called Georgian armed formations and acted in the name of Georgian state. Number of incidents was provoked in the name of Georgian state.

INFORMATIONAL VACUUM AND MEDIA IN ESCALATION OF THE CONFLICT

Today, we Georgian and Abkhaz peoples know much more about foreign countries, than about each other. Information war has been going against Georgian and Abkhaz peoples for many years already. Population receives extremely filtered information and in most cases it is disinformation. Every day, mass media releases false information and they create image of enemy of the opposite side. It continues endlessly.

People, who cannot get alternative information, unfortunately believe the disinformation. Only few people know that most of the released TV-items are either staged or only part of it is true. It will be nice if people will think seriously before they believe the information about conflict zone. We could check only small part of the information and it was enough to get convinced that the government successfully breeds false public opinion, manipulates with the information, and does not avoid fabrication of the facts and spreading of disinformation. All abovementioned activities impact escalation of the conflict. So-called journalists actively participate in this process who, because of their poor professionalism, spread impartial information and sometimes purposefully falsify the reality and feed people with disinformation as it is ordered by the government.

Today Georgian-Abkhazian politics relies on inter-accusations. Our government applies to this method mostly before the elections. Let us recall inspiration of Khurcha incident during parliamentary elections in 2008. It must be noted that the government of Georgia does not have copyright on this incident. In February of 2008, government of Armenia used the same method to cover the falsification of elections – intensive fight started in the districts bordering with Karabakh.

We received confrontation which resulted into the violation of the rights of peaceful population. Enemy image is getting stronger and ordinary criminal facts in conflict zone are qualified like incidents committed by „Abkhaz criminals”, „Abkhaz armed formations”, „Ossetian separatists,” etc. We know the facts when for false statements made in front of TV-cameras respondents were paid. Video-recordings made in Tsalenjikha and Zugdidi districts are declared to be recorded in Gali district.

We hope soon people will be suspicious about the facts and evaluations we have heard recently. We should respect and be more attentive to each other. Georgian and Abkhaz peoples living in the conflict zone have right on development and peaceful life. Does anybody remember these people? Do we remember tens thousands people who live in this atmosphere every day?

WHO ARE ABKHAZ PEOPLE FOR GEORGIAN PEOPLE?

It is curious how sensitive is Georgian society about Abkhaz nation and how they respect them? Are we sincere in our statement – we want to

live together with Abkhaz people when we cannot understand each other at all. If Abkhaz people are guests for us who „live on our holly land and should be grateful to us because they are alive and breath fresh air”, and translation of the Bible in Abkhaz language is unacceptable for many people and if we think that Abkhaz people are Georgians in fact and Abkhaz nation does not exist at all. Maybe we should find out who burnt state archive and scientific-research institute in Sokhumi during the war. Let us confess what we have done to save Abkhaz language and culture. How much lari we have spent on it? What have we done to resolve the conflict? What does it mean that 2007 budget of the Ministry of Defense of Georgia was 1, 494 billion GEL while the budget of the administration of the State Minister for Conflict Regulation was only 610 000 GEL (approximately similar figures were in the following years)? What do we do to make Abkhazia Abkhazian and to develop their language?

In the constitution Abkhaz language is state language in Abkhazia. However, how many books were published in Abkhaz language for the last 18 years in Tbilisi? Maybe we also benefit into the rusification of Abkhazia?

WHY DO ABKHAZ PEOPLE TEND TO RUSSIA?

We will not go far in this discussion because it is still clear for readers how Soviet Union and later Russian Federation worked to escalate conflicts. Eventually, our society will learn how it works today and who supports Russia to take advantage of these conflicts on local level. Role of Soviet KGB has not been evaluated in this process and in national movement yet as well as in armed coup in 1991-1992. Why did the leaders, who supported the dialogue and problem resolution, die in obscure situations? Why did those powers develop who complicate already tense situation? There are many unanswered questions. Latest history has not been evaluated at all. Working on lustration law was suspiciously blocked and it was not accidental at all.

Maybe it is time for us to think why Abkhaz people are ready to urge Russia for help – the Russia which has fought with them in the 19th century severely and evicted most part of them and completely destroyed another part. Today, nobody speaks about the genocide of Abkhaz people by Russia in the 19th century. Why? Today, when we

speak about repatriation of the deported Turkish-Meskhs, we do not remember about Abkhaz Muhajirs? If the society and the government states that Abkhazia is part of Georgia, why do not we act successively?

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RETURN OF ABKHAZ MUHAJIRS AND GEORGIAN IDPS IN ABKHAZIA

Georgian and Abkhaz peoples had collaborated for many centuries. Today, we do not give alternative way to Abkhaz people except Russia. Descendants of Muhajirs still live as refugees. Does anybody in Georgian society, Georgian politicians, remember those people? Which political or public group remembers them? I do not say anything about governmental officials or state agencies. Does the government want to learn about the problems of Muhajirs and start speaking about their repatriation? Who is ready for that? Are we ready for the return of Georgian IDPs? Do we really need it, or it is also component of political games and PR campaign which is promoted only when somebody needs it? Late in 1990s many residents of Gali district returned back to Abkhazia. This wave was so huge that the government of Georgia was really scared of it because it was losing tools to manage this problem and blocked the process again. Maybe we still need to have IDPs because it is easy to gain their votes by promises before elections. Does anybody remember to apologize to IDPs because the government failed to protect them? Just the opposite, the government have been degrading tens thousands of people for many years. When will Georgian state apologize to Abkhaz people and Georgian IDPs? Working on the return of Georgian IDPs and Abkhaz Muhajirs shall start simultaneously. Percentage of Abkhaz people shall increase. IDPs shall return. Otherwise, Abkhazia will never look towards Europe. It is reality of the 21st century.

HOW MANY ABKHAZIAN WORDS DO WE KNOW?

Does anybody remember in Tbilisi who are Abkhaz people and how many people know at least one Abkhaz word. Word „Hatamzaait” (Sorry) is the only Abkhazian word that is familiar to many Georgian people. Do we really need to settle our relationships with Abkhazia? Do we see our fault in what happened? Or only separatists and Russian occupants are guilty in everything? It is clear who is Russia and what it

wants. Do we wonder about real interests of Abkhaz people, do we wonder what they think about? What are they worried about? Maybe they are right in something; it will be nice if we judge the situation from the side of Abkhaz people.

But no! Similar policy leads to a huge farce, which is called Russian scenario, and it is deadlock. Every authority of Georgia participated in the implementation of this farce reasonably or unreasonably. This policy has been working in our country for a long time against Georgian and Abkhaz peoples. It works by main characters, visible or invisible heroes. Who stood and who stands behind those people in fact? Which institution supported them? Most part of them feels comfortable and does not worry about their deeds.

SEPTEMBER 27 – DAY OF DEFEAT OF SOKHUMI FOR GEORGIAN PEOPLE AND DAY OF LIBERATION OF SOKHUMI FOR ABKHAZ PEOPLE

Do we ask mothers if they still want to send their sons to the war where brothers kill each other? The war, which will never have winner side, and everybody will be defeated in it. The war will be final collapse of Abkhaz people and final failure of Georgian state. Do we know that 5 % of Abkhaz people were killed in the war of 1992-1993? And if it happens again, the winner will be third party who will arrive and settle on the ruins of houses of Abkhaz and Georgian peoples. Many Abkhaz families lost at least one member in the war and you will see their photos in every family in Abkhazia. Who are those people for Georgia? For Georgians? Are they enemies? Both sides have their own heroes and enemies. What should most Georgians do in the place of Abkhaz people if armed gangs broke into their families? Should not they have taken weapon? Let us be sincere and understand each other.

September 27 is the day of liberation of Sokhumi for Abkhaz people and for Georgians it is day when we lost Sokhumi. Children of both sides grow up with this mentality. Our wounds are still open and uncured. It is question do we really need to understand Abkhaz people? Shall we ever celebrate this day together?

MILITARIST HYSTERIA

War propaganda has occupied national TV-channels for last few years; they call for the war. Thousands of GEL is spent on propagandist video-

rolls. „Hello, Abkhazia” without Abkhazians – „patriot” singers rush to be the first in empty Sokhumi (of course without President’s statement a song cannot be a song). 50 000 GEL was spent on low quality militarist hysteria on Psou River. We remember fascist propaganda on TV-Company „SakarTVelo”, which was funded by the Ministry of Defense – in summer of 2008 TV-programs were full of quotations from Hitler’s statements. (“It must be thoroughly understood that the lost land will never be won back by solemn appeals to the God, nor by hopes in any League of Nations, but only by the force of arms.” Adolf Hitler, 1932) and it was funded from the taxes we paid to the budget.

Everybody knows what we have gained from this militarist policy and I will not go further. Unfortunately, we do not want to learn lessons on our past mistakes. We still go into the same water. The government continues old policy. Most part of the population has similar feeling. They want the same but under different leader and political team.

WHO WANTS WAR?

Those call for the war who does not know what the war is and cannot say whom we have to fight against and why. Why should we believe and follow the provocations of other power which supplied both Georgian and Abkhazian peoples with weapon in the past too and encouraged us to kill each other. They still supply us with weapon today. They have gained billions of dollars by weapon trafficking and neither Russian nor Georgian governmental officials cannot help this temptation.

We got used to false information reported on TV about each other; we have got used to live in constant tension, fear and terror. We have got used to terrorist acts and staged performances in conflict zone. We have got used to the situation of neither war nor peace.

WHAT DOES IT MEAN „WE WILL GAIN ABKHAZIA BACK?” SHALL WE GAIN TERRITORY OR PEOPLE BACK?

And what does the well-known slogan –“We will gain Abkhazia back” mean? Shall we gain Abkhazian land or Abkhaz people and relationship with them back? Is it worth to return to the land of blood and death? What does Georgian society need - Revenge or normal coexistence with Abkhaz people?

Unfortunately, the war in august of 2008 in Tskhinvali was not the war between political elites only. Most part of society and politicians supported it. Nobody supported anti-war statements even in civil society. It is pity that in July of 2008 that big part of Georgian NGOs avoided signing the anti-war statement.

And it is time to ask once more: What do we want in Abkhazia – war or peace? If we need war it is clear who we will be after the war. And if we need peace, we should think about each other and about future.

“There is no other way towards peace. The peace is the way itself.”

Sorry

Is not it better to really apologize and forgive past mistakes and sins to each other? Is not it better to be more concerned about each other's pains, to understand each other and say once and for ever that we, Georgians will never allow war with Abkhaz people. Besides that, we, IDPs from Abkhazia will say that we will never ask our government to use military force to send us back home in Abkhazia; we will say that we have made mistake when we could not prevent the war years ago and could not protect Georgian and Abkhaz peoples.

We know what defeat and betrayal means and if we want good for Abkhaz people we should never wish them to be defeated. We, Georgian and Abkhaz peoples will definitely win and victory of only one side shall not be the defeat of another.

Why is it so difficult to bring these two peoples close to each other and to find common interests? Is it really so difficult to find common language? How have we lived together for so many centuries? Some people cannot see it and do not want to admit centuries-long coexistence.

WAR IN GEORGIAN MENTALITY

War initially starts in mind and mentality and then it starts in reality. The war launched between us years ago still continues. The war shall finish some day and it first of all shall end in our mind. The war is already defeat.

Very often the most complicated problem can be resolved by the easiest method – through realizing smallest truth. A person shall always get what s/he has done before; aggression breeds aggression, hatred

breeds aggression, violence breeds violence. How much negative information, impulse and ideas were spread about Abkhazia and Abkhaz people recently? And vice versa... this negative feeling is mounting and impacts our daily relationship. If you send positive message, you will receive the same one back. We will gain love instead our love. Instead aggression and hatred we will receive the same. It is truth taught by the Bible and our society cannot understand it. Do we really want to change this dynamic? Do we want to send positive messages to Abkhaz people?

WE SEE THE STRAW IN THE EYES OF OTHERS AND WE DO NOT SEE THE BEAM IN OURS

In the appeal of „Sorry” Campaign we suggested people to pray for each other. Many people laughed at it. Love and praying can change much and it is not dream that Georgian and Abkhaz peoples can respect each other. It is the only way to escape this situation because we all want it; however, because of pride and chauvinism in ourselves we do not want to notice it.

GEORGIAN CHAUVINISM

How Georgian society and entire Georgian state will manage to decline Georgian chauvinism, making our history more beautiful and confess our own mistakes - the future of our society and state depends on it. Of course, Abkhaz people shall answer many questions too. Neither Moscow, nor Brussels, nor Washington can settle the problems that are within competence of only two nations. Do we need it? How long shall we continue like that? We, Georgians, shall either decline our chauvinism or part with Abkhazia forever. Euphoria of recognizing the independence will fade away soon and we shall return back to reality. Huge Russian military machine works against Abkhaz people first of all. In ten years it will become more vivid. However, people in Abkhazia think that their number first threat is Saakashvili's government and Russia does not have alternative now.

ABKHAZIAN ABKHAZIA

Georgian society shall do its best to promote the development of Abkhazian language and turn it into state language in Abkhazia. As soon as Abkhazia is Abkhazian, it will be free from Russia.

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GEORGIAN-ABKHAZIAN VISION DOES NOT EXIST

It is fact, that there are not unsettled conflicts and there are always ways out of the complicated situation and alternative. The question is how well does Georgian society realize it? Do we see it as a long-way perspective and pragmatically? Today, our society relies on emotions and cannot see the way to resolve the conflict peacefully. The society does not have clear understanding of war reasons and results; they see everything through narrow and unilateral position and cannot confess its mistakes and problems. Today, people are looking for the answers except in themselves. We see guilty in everybody but not in ourselves: government blames Russia and opposition, opposition blames the government, people blame everybody: Russia, USA, Europe, Abkhaz and Ossetian peoples.

First of all, the problem is in us. Of course others also helped us in it and very strongly; however, initially we are the problem. We do not call proper name to the problem. It is time to call Georgian chauvinism its name - Georgian chauvinism.

It is fact, that large-scaled conception has not been created for many years where opinions of various lawyers of the society can be expressed. It is difficult for us to realize our tribute to the conflict and war. And we are ready to blame others. During recent years, only aggression, violence, war propaganda, attempt of threat and degrade was sent to Abkhaz people - and we receive the same.

Many people inquired us cynically – what did you gain from apologizing Abkhaz people? Nothing! They laughed at you and expressed aggression like Georgian people did.

The aim of the Sorry Campaign was not appeal to Abkhaz people to do the same. It was initiated for Georgian people in order to compel them to confess our mistakes and learn on these mistakes; we wanted to say that we have more responsibility for what is happening in our country. And it makes no sense whether somebody will apologize in reply now or ever. It is individual act – the point is that we have done our duty

and will not keep those words in our heart and can be free from the burden resulted from the war.

Second opinion, which was often expressed, is that „those, who has not participated in the war, apologize. Maybe it is true. We want to underscore that during the war we did our best to prevent boys to go to the war in Abkhazia and change their mind on their way to the airport. We spent several days in detention setting for that and for our resistance to political events of the 1990s. And unfortunately, even then we were in minority.

Two years ago, sorry was tabooed. Speaking about this topic was neither popular nor safe. The campaign succeeded because many people speak about it now. And everybody thinks about it. In fact, it was provocation in positive. This provocation did its job. Sorry exposed many things; it showed whether Georgian society really has peaceful attitude towards Abkhaz people and how big is military spirit in the country; how far are the government and society from the peace.

DIFFERENT GEORGIA

Radical steps are always painful for the society. Often we can be declared traitors but the society gets chance of reconciliation through these sincere, open and peaceful initiatives. Everybody looks back into the past; even those who resisted Sorry Campaign and even its idea. Sorry is not a panacea. It was message to Abkhaz people to remind that there is different Georgia too. There are other people in this country who want different Georgia- with different goals and mentality. Today, everybody speaks about conflict resolution but unfortunately, people have forgotten simple reality – nothing can be done without love and forgiveness. Today, none of those who opposed this idea can say any arguments against the campaign. They have just shortcomings and pride because they think they have nothing to apologize to anybody. They think apologizing is weakness and cowardness. Useless debates are still organized and they argue who was first settler in Abkhazia – Georgian or Abkhaz person; how they dared it, etc. but nobody can say why it all happened.

Recently they say that it was only Russian-Georgian war but if Russia is not tomorrow, shall we be able to coexist together with Abkhaz people? Maybe we are really guilty in something. How true is our history, theories of historian Marika Lortkipanidze and other scientists

about settlement of Abkhaz people in the 16th century and whether „real Abkhaz people” are Georgians and Apsua are different nation who have done so much wrong. Let us say that all this is true, what then? Shall we resettle Abkhaz people back to north Caucasus? Our society is so keen on this idea that they cannot adequately realize everything and have proper reaction. Our people were told various stories; 90 % of them were made to elect president and the same number of people elected the second one and then the third. And afterwards we always say that we had made mistakes in electing the previous president. The point is that it is very well governed from outside - either by visible or invisible powers and absolute majority cannot understand it. And every president promises us to reintegrate Georgia. However, everybody has similar goals and policy in regard with Abkhazia. All three presidents of Georgia so far have conducted similar policy. They forgot and neglected Abkhaz people during their governance. And this policy still continues. During the campaign we have received many calls, threats and dirty slander. Nobody inquired why we launched this campaign. Several people called us traitors and spies. Others blamed we were governed by a political party; others, for example, president Saakashvili in his statement in November of 2007 stated: „why should we apologize to them? Shall we apologize to them because they cut our heads off and evicted us from there? Shall we apologize because they destroyed Georgian churches; for our children who got frozen on the mountainous pass and thrown out from the plane? Shall we still apologize for that? Who are those people and which international organization funded them to write such nonsense?” Most part of Georgian media still blocks not only the campaign but the word „Sorry”. Only several small-edition newspapers, radio and online sources spread information about it. The government and most part of the opposition use this word as an insulting one. One thing is clear- the campaign made Georgian society naked with its negative and positive sides; beyond their ostentatious democracy and tolerance chauvinism is very strong in our society.

WHAT IS THE PHILOSOPHY BEYOND „SORRY” CAMPAIGN?

After physical violence and war end conflicts still continue in the hearts of people. Hatred and anger control human lives for a long time. These emotions paralyze people and make them hostages of hatred. When a

person is occupied with anger and hatred, s/he cannot clearly evaluate situation and look forward in future. „Sorry” Campaign might be the first step to break negative circle. It creates awareness which promotes establishment of inter-respect of the peoples. The Campaign aims to prevent emotions and hatred to govern people. It is the way to look forwards, leave everything evil in the past and think of the future. It is not accusation to any of the parties of the conflict. It is first step to make people accept and forgive each other. Exposing human sides of the opposite side can make people overcome obstacles.

There is no future without forgiveness. The Campaign learns lessons our past mistakes. It is assuming of our responsibilities in the conflict. It was the conflict where both nations lost much. Having realized it people might come together. This step is always taken by one side and it will definitely have a follow-up; it shall become kind of catalyst for social changes. Sorry – this is the way towards each other’s hearts.

BREAKING THE CHAIN OF HATRED

WHAT HAVE WE GAINED AND WHAT DO WE PLAN?

Many people asked us – you have launched ‘Sorry’ campaign for more than 2 years and what is the result of it? The situation is more complicated. It is clear that similar campaign can have output only in 5, 10 and 20 years. The point is to stop negative attitude what exists now between two nations. The point is to break the chain of hatred between the two nations. Negative attitudes shall eventually turn into positive one.

We try to persuade people around us that Abkhaz and Georgian peoples shall respect each other. The campaign is funded from only personal donations because there is nobody to fund it. Several donor organization and embassies were interested in funding this idea but as soon as they learned government’s position, they refused to fund the campaign.

The society shall do what leading politicians failed to do. Common sense shall appear among society and we should realize that everybody can do something and we focus on the responsibility of each person, on public responsibility. Finally, this campaign has not said anything new. Two thousand years ago Jesus Christ came and showed us that future

will not exist without regretting, confession. The god is ready to show an example of love and generosity and the god has allowed all this tragedy happen because of our sins and mistakes in order to make us think of our behavior – how correct we are when we think that we have not sinned, when we think that only the other is guilty and we do not confess anything.

Let us see everything in another way. Emotions fade away; pain also fades away and life continues. Despite our wishes neither Abkhaz nor Georgians will ever go elsewhere. We have to live here. Earlier or later we will have to value our past and write true history. We will have to put Georgian and Abkhaz myths aside.

We will leave the deadlock where we have been stuck for a long time. We will respect Abkhaz people properly and will take advantage of Samegrelo region and its residents in this dialogue.

Simultaneously, we should collect and check information about war victims. They shall receive compensations. Those people, who are guilty in military and war crimes, shall be punished in accordance to the law on both sides. Impunity shall not reign in the region in future.

Trust shall be built between the two nations. They shall have daily relationship. We should create common field – informational, economical and other. We cannot resolve political issues but we can do something to end this abnormal relationship. Our opinion is clear in this issue. These relations shall rely on the truth, sincerity, love, forgiveness and those characters which were valued during many centuries in the Caucasus. It shall be done by people. It will be time when we have government who will agree even on political issues. The only guarantee for the safety of Abkhaz people can be EU. Neither official Moscow nor official Tbilisi will do anything positive in this direction; just the opposite!

Who is fighting for it today in fact? Very few people do. Politicians, militants, media, civil society, church, international organizations do not have real plan for the conflict resolution. Do we use all our resources to stop military actions, militarization and war propaganda? Or just the opposite, like in August of 2008 we all keep in silence and wait for the statement of the commander-in-chief to free Tskhinvali region from criminals? We all keep silence – politicians and others. And when we could not hear similar statement, we started to criticize the

government – „if we were there, we could have won.” Have we thought a little, what do we encourage by keeping silence?

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SILENCE OR PEACE?

We value peace and we chose only the peace. War, appeal for the war, war propaganda, rattle of weapon and military rhetoric are unacceptable for us because war can seem fair and generous only superficially even if it is dedicated to restore territorial integrity recognized by the UN.

Georgian and Abkhazian people demand only peace and open dialogue between the sides.

Georgian and Abkhaz people have nowhere to go. Our children will continue living here after hundred years and they will maintain their language, culture, dignity and history.

Our peoples have a future and let's not destroy it!

DIALOGUE - AN UNDERESTIMATED TOOL IN PEACEBUILDING

BY STEINAR BRYN, NANSEN CENTER FOR PEACE AND DIALOGUE – WE HAVE HIS PERMISSION

REFLECTIONS FROM A DIALOGUE WORKER

This article is written as a reflection from a dialogue worker that has spent the last 20 years facilitating dialogue in cooperation with the Nansen Dialogue Network in the Western Balkans. What started as an idea in Norway in 1994, when Lillehammer connected with Sarajevo as the host of the Winter Olympics, has implications in villages and communities in the Western Balkans today, 20 years later. My reflections will deal with several myths about dialogue. These myths are false, and they prevent a more solid effort to strengthen dialogue and reconciliation in peacebuilding.

The wars in ex-Yugoslavia in the 1990s left many societies ethnically segregated. Many societies remain so today. The mantras of international peacebuilding has been state-building and focus on strong institutions, often at the expense of reconciliation among the people living in the state. The Nansen Dialogue Network has tried to address

this deficiency through facilitating inter-ethnic dialogue and developed reconciliation strategies to gain long-term peace. In practice the method is seminars in local communities in the Western Balkan countries and at the Nansen Academy in Lillehammer, followed up by concrete efforts to create dialogue spaces in educational and political institutions, and ultimately structural changes toward a more integrative society.

During the years 1995-2000 about 200 people from ex-Yugoslavia participated in a three month-long dialogue training in Lillehammer. The focus was on understanding the causes and consequences of the breakup of Yugoslavia. It was during these years that the Nansen Dialogue method was developed. Between the years 2000-2005 the Nansen Dialogue Centres were established in ex-Yugoslavia and they built up their reputation locally in order to facilitate dialogue and initiate local projects. From 2005-2010 strong local „Nansen support groups“ were established in places like Srebrenica, Bratunac, Jajce, Zvornik, Prozor-Rama, Prijedor, Sanski Most, Kosovo Polje, Bujanovac, and Jegunovce. The focus was reconciliation. During the last five years, 2010-2015 we are working on structural changes, particularly in the field of education and the focus has been integration.

The most visible results are seen in 9 municipalities in Macedonia, where the Nansen Model for Integrated Education has been implemented. Ten Nansen Dialogue Centres (NDCs) are today facilitating dialogue and building reconciliation strategies in some of the most war-torn municipalities in Europe after the Second World War. There is an increasing interest in the Nansen Dialog method within the Norwegian society, as well as in conflict areas like the Middle East, Caucasus, Afghanistan and Somalia.

MYTH 1 - „DIALOGUE IS TOO WOMANISH“

One of the dramatic consequences of the breakdown of Yugoslavia was an almost complete breakdown of communication. The citizens of Yugoslavia had experienced the largest freedom of movement in Europe. The Yugoslav passport gave free access to both London and Leningrad. These same citizens experienced after 1995 strict borders between all the republics and sometimes even fear of moving across borders and check points in their own hometown. The lack of meeting

points, where one could compare notes, and the ethnic segregation of social, cultural and educational life led to public arenas more open to one sided nationalistic propaganda. Actually the one thing many participants seemed to have in common, was the belief that they were all born in the city of truth, while the others grew up in the valley of propaganda and lies. Whether your homeplace was Zagreb, Belgrade, Sarajevo, Pristina or Skopje, the belief that the journalists, politicians and history professors you had access to were closer to the truth than those the others had access too was dominant. The ethnic segregation was accompanied with a political segregation. Two participants from the same city could have complete opposing views, but they shared a naive trust in their own sources, independent of whether those sources were so called pro- or anti-nationalistic.

Democracy is founded on the assumption that I might be wrong, that is why I need other people or other political parties to correct me. The certainty that people expressed themselves with, even when they had completely opposite interpretations of the same events, became obvious to the participants themselves. This started the process of movement. They started out convinced there was only one truth, and they possessed it, while the others were lying. Slowly they started to realize that others seemed to believe in another truth, and it could be worthwhile to listen to their stories.

This does not mean that truth is relative. But it means that for two opposing enemies to start pursuing a common truth, there must be established a trust and confidence between them. If the pursuit of the real truth is defined as „we” finding „my” truth, then we rarely see any movement in the positions, rather a deadlock. Participants in dialogue over time experience that dialogue builds relationships between people. Through living together, sharing meals, social time, cultural events etc. they start to discover each other’s multiple identities.

Through connecting in other life arenas, they might develop a mutual respect which makes it easier for both of them to open up and listen to each other’s stories, and not see each other only as the representative for another ethnic group.

When this process starts, dialogue is challenging the most fundamental assumptions we hold about the conflict, about history and about reality. This way of communicating is not „womanish” unless we define

womanish as being a very humane way of communicating on a deep analytical and emotional level.

MYTH 2 - „EVERYBODY WILL DIALOGUE AS LONG AS NORWAY PAYS THE COFFEE”

I often encounter people who say „You must have a tough job!?” I do not. There is almost a longing in people to confront each other after a conflict. The tough job is to convince them to participate. There might be a seminar mafia whom you can always recruit, who enjoy the pleasure of travel and encounters. But Nansen Dialogue is choosing municipalities as the main target area. People have not participated in dialogue seminars before, and is not particularly motivated to do so either. They believe they suffered too much because of the atrocities of the others. The victim mythology is strong on all sides. They are therefore not motivated for win win solutions, since such solutions will give the other side benefits they do not deserve. After what they have done to us, they should be punished, or at least taste some of their own medicine. People are actually willing to suffer a little, if they know the others will pay more. To sit down in dialogue to explore win-win possibilities is not attractive. Lose-lose are preferable to win-win, as long as they lose more than us.

In South Serbia we waited 4 years for radical Serbs to participate. In Jegunovce, one of our success stories, one village showed no interest of participating the first year. Still, we have to start somewhere. The best promoter of dialogue is experienced participants. So we have allowed for vicarious motives in order to get started (like obtaining a visa). This is based on the trust in the dialogue process itself. So from risky recruitment procedures in the late 1990s, the Nansen Network has established an authority where today we can invite mayors and ministers and we expect that they accept the invitation.

MYTH 3 - „DIALOGUE MIGHT BE MEANINGFUL TALK, BUT IT IS NO MAGIC FIX, IT IS SIMPLY NOT VERY EFFICIENT”

It takes quite some time to build an environment of trust. Dialogue is not a magic fix that can change things overnight, that is true. Spending time together is a prerequisite (and that takes time). Most meetings that take place and are called dialogue are exactly that; meetings. From

my experience they hardly qualify as dialogue. It is rather a sharing of different positions – but no real process of movement between the parties. I will challenge whether dialogue can be confined to a „meeting” since it is better described as an ongoing process. It takes quite some talking to warm up to talk.

When trust and respect is established it becomes easier to practice the dialogue; a curious investigation into how and why we have reached so different conclusions about our recent history and the current ongoing conflicts we both are a part of. Dialogue is not only listening to what the others say, but also trying to understand why they say it. Such an explorative investigation is very healthy because it gives all parties a better understanding of how the others see the conflict. „If we had known this was how you were thinking last fall, we would have acted differently” (Teachers from a divided school in Stolac, BH 2012). During the initial three months long seminar participants became more critical toward whether their own sources had told them the whole story, and it became worthwhile to listen to others to see if they could provide bits and pieces of the puzzle which they were missing. This was a concrete „movement” in their thinking which I observed over and over again.

These reflections around dialogue are not a philosophical discussion, but based on my experiences after facilitating several hundred dialog seminars between Serbs and Albanians from Kosovo, Croats and Bosniaks from Herzegovina, Macedonians and Albanians from Macedonia, Serbs and Croats from East Slavonia, Serbs and Bosniaks from Prijedor, Srebrenica and Bratunac. The participants are often higher municipal officials, still after 20 years I hear them say

„Unbelievable that somebody from the outside had to invite us to talk together – why did we not do that ourselves ten years ago”. Or as one policeman from Prijedor said, „Imagine if we had these words in 1992”. The impatience and expectations of quick results that can be evaluated are very dominant. Projects that have a larger chance of success are preferred to the more difficult projects. Projects that have a beginning and an end, sunset projects, are preferable to projects that smell prolonging and new applications for more funding. Projects that will be followed with „we can’t just start and then stop now” are not attractive for donors who cannot fully control future sources. These projects are a no go. In other words the slow process of dialogue, which is the nature

of dialogue, works against itself. The quick rotation in numerous peacebuilding positions around the world also encourages short term results. Initiators want to see the results on their own watch. In some cases this lack of short term results can become a self-fulfilling prophecy, since it undermines the long term support and efforts needed for success.

The road toward reconciliation is a long and winding road. There are no short cuts, but there are roads. I often hear; so who can we dialogue with when the soldiers stand in our living room? Maybe nobody? Maybe that is the moment that proves that a dialogue failed or never started? The main effort should have started ten years earlier. But the work on reconciliation is still necessary, if not we might punish the children of those soldiers in the years to come. We, the Norwegians, have punished the children of German soldiers. Current research says it even affects their grandchildren.

MYTH 4 - „THERE IS TOO MUCH DIALOGUE. TOO LITTLE COMMITMENT TO ACTION AND CHANGE.”

Jonas Gahr Støre wrote an article in International Harvard Review in the summer of 2012. He expressed tiredness of Summit Mania, defined as political meetings that had little or no consequences for political action. A Norwegian newspaper commented later that year that now Gahr Støre is tired of dialogue. This is a confusion of political talk with dialogue. Political talk invites the defense of one's own position, and a change in position can be interpreted as a sign of weakness. It is my experience that dialogue creates the foundation for movement in positions and perspectives. Instead of defending one's position and interpreting change of opinion as a defeat, change of opinion should be regarded as a mature reaction when confronted with the better argument or a correcting story. When the suffering of the others is recognized, a basis for joint action can easier develop. It is a sad misinterpretation that dialogue is „cozy talk” and avoiding the real issues of power and injustice. A good dialogue is challenging the very perception people have of history and reality, their fundamental world view. I have hardly ever experienced a more powerful way of communicating. I will try to illustrate through describing the seminars themselves.

HOW DOES THE DIALOGUE SEMINARS WORK?

I establish my position as facilitator by showing I know some of the history, names, places and events. I share some of my experiences from other, but similarly segregated communities all over ex-Yugoslavia where Nansen people are actively involved. When we confront similar problems in all these communities it becomes easier to identify what is related to the very structure of segregation and what is related to certain individuals profiting from the segregation. Further, I am not a judge in an international court. I am facilitating dialogue. I try not to engage in discussions with the participants, but facilitate their discussions with each other. Yes, discussions.

A typical dialogue seminar is dominated by discussions between the participants. I can make them understand the difference between discussion and dialogue. They realize that while in discussions they argue convincingly and take positions, in dialogue there is more room for movement and change in perception. In a dialogue you do not have to defend your experience, you are supposed to tell it and share it with the others. But there is no way we can avoid, and neither is it preferable, important discussions about the crucial issues. Dialogue cannot replace debate; it is an additional way of communicating.

Some participants have refused to take part in dialogue because they have felt that such participation shows an undeserved recognition and respect for *the others*. My response to this is to ask them if they feel that the others have enough knowledge and understanding of their situation. They often answer something like „No, of course not, that is part of the problem”. When I explain that dialogue is about sharing one’s story, making one visible for the others, as well as allowing the others the same opportunity, the response has been „Is that dialogue? We thought dialogue was the kind of political conversations that take place at Camp David”. When I stress that dialogue is a way of communication, which is in the opposite end of the spectrum from political talk, they become far more willing to participate.

The negotiations arranged by the international community are almost always focused on reaching an agreement or at least a compromise. In a dialogue you do not need to agree on anything, because the aim is to understand why a conflict has such devastating consequences for everyone involved. We cannot assume that everyone knows. My experience is that people need to be told. A dialogue between the

perpetrator and the victim might be necessary *simply to make the perpetrators aware* of the immediate, but more importantly also of the long term consequences of their actions. In ex-Yugoslavia, where all the ethnic groups have a strong victim mythology, the inter-ethnic dialogue facilitated by the Nansen Dialogue Centres can be an eye-opener. No one is asked to give up anything in a dialogue seminar. The aim is to increase the understanding of each other, talk about why the conflict became so brutal, and explore possibilities for reconciliation.

The first task in the seminars is almost always to sit in small groups of about four, and share perceptions and experiences of how the conflict has affected their lives, their living situation, family life, and working conditions. Already in this first conversation some participants recognize, with deep empathy, the suffering of the others, and they often see similarities to their own experiences. Many of the young people in the 1990s lost their youth. All citizens of Bosnia Herzegovina lost their freedom of movement in the world. Many have lost their homes and family members. In some cases their whole village was destroyed. I have facilitated dialogue between members of the International Commission of Missing Persons, their stories are of the most brutal kind, still they develop some understanding and respect because of the similarities of their experience. The pain of losing your father in the crudest way does not have an ethnic colour.

The next task is to share how they experience the present situation. What is the current quality of the communication and cooperation? How do they experience the ethnic segregation? There are reasons why these communities are segregated, and in many cases strong political and public will to keep it that way in the future. For instance the case of Vukovar; a city which was bombed for 87 days during the war. Vukovar is also by many seen as the place where the breakup of Yugoslavia started. In Vukovar a Serb/Croat coalition had the power for eleven years with the political goal of keeping the municipality ethnically segregated. The Nansen Dialogue Centres strive to be political neutral while facilitating the dialogue meeting, but in these cases we argue strongly in favour of an inclusive state. We support integration, not segregation. We argue that a state built on respect for democratic values and the protection of human rights is an alternative to social and political mobilization based on ethnic principles.

In the discussions of reconciliation there is a conflict between those whose main loyalty is toward the past; as exemplified in the building of a war memorial center in Vukovar. And those whose main loyalty is toward the future generations, born after the war. Every 14 year old student will visit this memorial. It must honour the War Veterans.

There is of course the obvious connection that we have to learn from history to avoid repeating the crimes of the past, and we should honour war veterans that did service to their country. On the other hand we know that history can lead us to destroy the lives of future generations; like in the case of the „German” children in Norway. Children fathered by German soldiers where punished for the crimes of their forefathers and today the grandchildren of the same soldiers tell a similar story. Reconciliation in the most minimalistic sense is accepting that the past has happened, and that we have to do our best to prevent that the crimes of our forefathers should destroy the opportunities of unborn generations. There are many tragic stories of human suffering. I have listened to people in seminars talk about the most extreme brutality hitting their closest family. How is reconciliation even humanly possible? On the other hand future generations will have to live together. A successful dialogue process can help participants avoid becoming „prisoners of the past” and instead to become creators of a new future together. .

The final task is to identify the obstacles to improvement of the cooperation and discuss what we can do about it. In the case of Bosnia Herzegovina, many of the dialogue seminars have focused on ethnically segregated schools, particularly in Herzegovina, but also in Kravica, Konjevic Polje and Jajce. The majority of the local population does not favour integration of the schools, even though ethnically divided schools means transporting their children to schools further away from home. Ethnically separated schools still exist in order to secure ethnically pure upbringing. Today there are more than 50 such schools in Bosnia Herzegovina.

This ethnic politics is challenged through asking whether a municipality run according to professional and democratic principles, rather than ethnic-based principles, can be more efficient in dealing with the everyday human needs of the citizens. While ethnicity may have its place in ceremonies and holy days, in art and traditions, in certain myths and legends, the state should be built on already agreed upon

European standards of integration, democracy and human rights. When such standards are applied you cannot find a legal basis on which to divide children according to their ethnic background?

I share with the groups a recent Norwegian research. 900 job applications were sent with a Norwegian name, 900 equivalent applications were sent with the same CVs, but with a foreign name. Those with a Norwegian name had a 25% higher chance to be called for an interview. The response I get is that „this is normal”. And yes, Macedonians have advantages in Macedonia, Croats in Croatia and Serbs in Serbia. But what is normal is not necessarily right. If we take seriously the political foundation our constitutions are built on, people should not be discriminated against based on the things they have no control over, like their names. Upon direct questioning, the employers claimed they were not against immigrants, but in this particular job they wanted somebody with strong knowledge of Norwegian society. Well, the CVs revealed they all had strong knowledge of Norwegian society, including an education from Norway and complete mastering of the Norwegian language. But probably the CVs were never read. I introduce Norway in this way to show that the issue of segregation vs integration is not a typical Western Balkan issue, but a European issue. We have much to learn from each other in this regard, both from successes and failures. The challenge; how to live together in spite of our difference is probably the most burning European political issue. People from the Western Balkans need to see themselves in a larger European context to move themselves out of the local majority/minority bubble.

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MYTH 5 – “ONE CANNOT REALLY LEARN ANYTHING DURING A WEEK IN NORWAY?”

The three months long seminars in Lillehammer went on for 5 years. As we gained reputation the function of the Lillehammer seminars changed to become a follow up of the initial seminars described above. As we started to recruit actual leaders they could not stay away more than a week at the time. Norway is often taken as an example of how slow the process of reconciliation is through referring to our Second World War experience and its aftermath. We can turn this around and stress that Norway was an example of how slow the process is when no politics of reconciliation were developed. The trip to Norway offers

participants in dialogue a neutral space where they can continue their discussions. In most cases the careful exploration that started in a local seminar in their community accelerates.

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Regarding methodology of the Lillehammer seminars, the most efficient technique, is simply to let the two groups ask each other questions. Questions and answers provide a genial form of communication which we often abuse by asking the questions too fast and answering too soon. A child is a good dialogue person because it lives through the day by asking many questions. The child that goes to bed at night is a different person from the one that got up the same morning. There has been movement, change, and growth during the day. This is also what I observe in the participants during the day; movement, increased visibility and improved relations.

Each group gets 2-3 hours to formulate 5-6 questions to the other group. They exchange the questions and spend 2-3 hours discussing, reflecting upon how they will respond to the questions. Sometimes they have a group answer; sometimes there is a need for individual answers. During a week long seminar we have time to ease into the situation and spend as much time as it takes on asking and answering each question. In this way the participants themselves set the agenda, not the facilitator.

The trip to Norway can show them, in a slightly surprising way, how much they have in common; language, historical and cultural references, food, music, dances etc. A new „us” and „them” is shaped, often with humoristic undertones, as they approach Norwegian culture and institutions. Norwegian municipal institutions are not shown as a model for development, but more as examples of how things can be done differently. The dialogue participants often transcend ethnic differences when they express a common interest in municipal development or the use of peer mediation in primary schools.

There is no doubt that the participants relax more with a long distance from home. The pressure from their own ethnic group is reduced. Reaching out, crossing over seems more natural when the event is visiting the recycling compound (garbage dump) or a classical concert. A trip to Norway gives a new experience of Europe. Many of the participants travel for the first time outside their own country or region. They discover that the people of Europe seem to struggle with their own issues of majority rule, minority rights, integration and

segregation, and lack of political dialogue. In some cases they realize that they have come further in their work for integration, simply because they were „forced to”. In a European context their problems even start to look less special and unique. Germany, Poland, France and Russia have their own brutal history of war, more brutal than in the Western Balkans. The reconciliation processes of Germany and France and Germany and Poland are hopeful stories, and the vision of numerous minorities living side by side in a larger European context reduces the claustrophobic tension „back home”.

We at the Nansen Dialogue Network pay particular attention to organize the participants visiting the mayor of Lillehammer, the Norwegian parliament, and sometimes the Ministry of Foreign Affairs. These visits give them a feeling of being taken seriously and treated with respect. It heightens their feeling of political responsibility in their own communities and highlights the importance of uncorrupted behaviour. **But the main purpose of the visit to Lillehammer is the reconciliatory effect it has on the participants themselves, it is not what they can learn from Norway.** More than 3000 people from ex-Yugoslavia have visited Lillehammer and the „famous” „Blue Room” at the Nansen Academy over the last 20 years. Some even talk about the „Nansen spirit”. I have difficulties explaining this spirit. The Nansen Academy is founded on the very values of freedom of expression and a strong faith in humanity. This „spirit” makes it easier to develop reconciliation and dialogue. People find it easier to express new thoughts and perceptions in Lillehammer than at home.

The trip to Norway is not a tourist trip, although they take a lot of pictures. It is a journey that expands their mental, geographical, and political horizon. For some freedom of expression becomes more than just a human right, it becomes an experience. **And Europe becomes more than standards, concepts and a map. It becomes a place where people live.**

MYTH 6 – “DIALOGUE DOES NOT LEAD TO STRUCTURAL CHANGE”

On September 1 2008 the Fritdjof Nansen School in Jegunovce opened. This is the first bilingual multiethnic school in Macedonia. Four villages that were shelling each other in 2001 are now cooperating about a joint school for their children. In this way they are giving their children an opportunity to grow up in a different world than themselves. These

parents choose to move from confrontation to cooperation. How did they do that? What was the reconciliation strategy?

The local Macedonian/Albanian team from NDC Skopje first went in and did only need assessment in the municipality. The next step was to offer computer classes for the children from all four villages, based on a need expressed by the villagers. This was done in close communication with all the parents. The condition was that children from three villages had to be bussed to the fourth village. But then advanced computer classes were offered in the second village. Basic English course was offered in the third village and advanced English course in the fourth village. In this way the children started to travel between each other's villages and they started to get curious about each other's language. We responded by offering classes in Macedonian to Albanian children and classes in Albanian to Macedonian children. Still in close communication and cooperation with the parents. We emphasised that this should not be developed as an outside initiative, but from a wish from the students and parents themselves.

We were realistic and did not expect too many students. One village was reluctant to participate in any of our activities the first six months. After time they offered education in the language of the „enemy”. Would students come? We expected around 20 percent, but everyone came (97 percent). The classroom was packed. We had to offer two shifts. At this time some students felt that more learning was taking place outside the school than inside the school and the idea of a joint bilingual school started to take shape. The bilingual multiethnic Fridtjof Nansen School opened September 1st, 2008 in the village of Preljubiste in Jegunovce municipality. In March the following year the local Nansen Dialogue centre started to build the first bilingual secondary school, which opened September 1st 2010.

The establishment of this first bilingual school in Macedonia did not happen without strong opposition; stopping of the school bus, roadblocks to prevent parents to bring their children to school, verbal threats, mobile phone threats, character assassinations in newspaper articles etc. It was the strength of the parents that have kept the school running. Their belief that their children have the right to a better future with open doors and windows to the world made them stand strong. We believe that this school will become a model for Macedonian education in the years to come, it has already inspired similar Nansen

projects in East Macedonia, where the languages are Macedonian and Turkish. The interest among municipalities has been so large that it became obvious that there is no infrastructure for educating teachers in bilingual pedagogy. To compensate for this NDC Skopje opened a Nansen Training Center for teachers; 100 teachers have already gone through a basic two year program.

The participants in our seminars are opinion makers; people with status and a position in the local community. They have an arena of action in which to implement new insights and perceptions. Our target groups are most often the municipality level or local authorities in education, law or medicine. The Nansen approach underlines the importance of a multi-level approach. If you want to work toward changes in the educational system you must include students, parents, teachers, village leaders, municipality leaders and the Ministry of Education. If you want to see structural changes you have to include the people that can make these changes.

MYTH 7 – “DIALOGUE WILL ALWAYS BENEFIT THE DOMINANT CULTURE”

When my son was five he came and sat on my knee. I was watching a soccer game. He asked which side we were on. And I explained that we wanted the red to win. He is still, 22 years later, a devoted Manchester United fan. The comparison is not good, but the chances a child born in the Serbian part of North Mitrovica will grow up with negative feelings toward Albanians are very high. The chances an Albanian child in South Mitrovica will grow up with similar negative feelings toward Serbs are equally high. If they meet on the bridge 20 years old and look into each other's faces, they might look into a mirror. *Would I have hated me if I were you? Is it so coincidental that the family we are born into will decide who are our friends and who are our enemies?*

The strength of our approach is that it moves the participants away from looking at each other as the main problem. This approach leads them to see how structural factors, such as the very segregation itself, and the one sided propaganda represent the problem. This acknowledgement reduces the strong blaming of the other, and expands the space for human interaction in post-conflict societies. The minorities often claim dialogue is a waste of time, since the dominant culture does not need to listen. I want to reverse this. The dominant

culture is very visible; they do not have much to gain from engaging in dialogue. Their story is known. It is the minorities that can make themselves visible through dialogue. The alternative is more violent reactions or to remain invisible.

CONCLUSION

In most development assistance there is a fear of dependency and a strong belief in the mantra „Don't give people fish, give them fishing equipment and teach them how to fish”. My experience has been the opposite. We cannot teach people in the Western Balkan much about „fishing”. But we can go „fishing together” with them. Financial support from Norwegian Ministry of Foreign Affairs, training at Nansen Academy, local Nansen Dialogue Centres with strong local support groups have worked together as a leverage turning stones in segregated communities. Together we built this reconciliation strategy. Together we have shown that integration is possible. This is not dependency, it is cooperation. There seems to be certain values inherent in the dialogue approach itself; Tolerance, inclusion and integration. This can explain why so many of the participants in long term dialogue work engage in active work for social change. These values; tolerance, inclusion and integration are necessary in modern multi-ethnic democracies. The multi-ethnic development of European states are challenging the fundament of democracy, which seems to favour the majority. Democracies of the future must develop dialogue cultures, simply because democracy is a representative system, and the elected officials need to know who they represent.

In this process we encounter many of the same problems, and I have found it very fruitful to present this as a common European struggle. It brings a stronger urgency to the promotion of a dialogue culture. Many people from ex-Yugoslavia have managed this against strong counterforces. The Nansen school in Jegunovce, which might become the model for Macedonian educational policy in a few years, would never have happened without the willingness of parents. This confirms the necessity of a multilevel approach.

The development of multi-ethnic states in Europe challenges the very fundament of democracy. Ethnic groups don't need to be right, just because they are in majority. Since democracy is a representative system we need to know those we represent. If educational, social and

political life becomes segregated we are less capable of meeting the challenges of the future. This increases the emergency of developing dialogue cultures, dialogue spaces – meeting points. If not dialogue – what is the alternative?

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TRANSITIONAL JUSTICE AND RECONCILIATION IN BOSNIA-HERZEGOVINA: WHOSE MEMORIES, WHOSE JUSTICE?

BY ROLAND KOSTIĆ

ABSTRACT

This paper shows that transitional justice initiatives such as the trials at the International Criminal Tribunal for the Former Yugoslavia and the State Court of Bosnia and Herzegovina, the Commission for Srebrenica and the establishment of accurate statistics on deaths during the conflict have had only a limited impact on inter-group reconciliation in Bosnia and Herzegovina. Popular attitudes towards these initiatives are captured in surveys conducted in 2005 and 2010. The results are not surprising given that the absence, due to the level of external regulation and control, of a politics of post-Dayton state-building means that domestic politics takes place in an arena of dealing with the past. The international community legitimised the three prevalent conflict narratives as a way of achieving a peace settlement in Dayton. These communal narratives were used in the peace-building phase by the local elites to defend concessions gained during negotiations and to oppose changes imposed by external supervisors of the Dayton Peace Accords. This has transformed the debate over the recent conflict from a transitional process of coming to terms with the past to a permanent state of affairs. This process precludes reconciliation in terms of mutual acknowledgment of suffering and a nuanced understanding of the causes and dynamics of the violent conflict.

INTRODUCTION⁵⁷

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Negotiating comprehensive peace agreements became popular after the end of the Cold War (Vinjamuri and Boesenecker, 2007:5). In the period 1989 to 2011, 178 peace agreements were signed in support of various diplomatic initiatives (Wallensteen, 2012: 81). Policymakers and scholars have argued that although the early, less comprehensive peace agreements were able to end the violence, they seldom dealt with the societal divisions in post-war societies (Borer, 2006:5). As a consequence, in addition to the range of state-building measures, various transitional justice mechanisms have been incorporated into peace agreements in order to facilitate sustainable post-accord peace-building (Kostić, 2007: 31–34; Kostić, 2008:205; Vinjamuri and Boesenecker, 2007:5). It has been argued that state-building coupled with measures to deal with past atrocities and the issue of selective views of the past can lead to national reconciliation and lasting stability (EU, 2004; Huyse, 2005; Lederach, 1997, Serwer, 2012).

In broad terms, a number of studies have focused on the need to acknowledge past events as a condition for parties to be able to reconcile and build a common future. Huyse, for example, discusses the goal of reconciliation in terms of reparation for past injustices, and the building or rebuilding of non-violent relationships between individuals and between communities (Huyse, 2005:19). According to such views, restoring a broken moral order requires that justice is seen to be done (Williams and Scharf, 2002: 16–22; Huyse, 2005: 97–98).⁵⁸ In a similar vein, Priscilla Hayner writes that „reconciliation implies building or rebuilding relationships today that are not haunted by the conflicts and hatreds of yesterday” (Hayner, 2001:161). Hayner also suggests a number of indicators for establishing the level of reconciliation in a society. These include how the past is integrated and spoken about between former enemies, whether contradictory versions of the past

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⁵⁸According to its proponents, the possible benefits of retributive justice include avoiding private revenge, the prevention of a return to power by the perpetrators, fulfilling an obligation to victims, individualising guilt, and strengthening legitimacy and the democratic process.

have been reconciled and whether relationships are based on the present or the past.

The prevailing logic suggests that while a combination of good governance and constitutional and legal equality can encourage inter-group cooperation in the post-war period (EU, 2004; Rigby, 2001:180), transitional justice measures such as tribunals and truth commissions generate accountability for war crimes, individualise accountability and facilitate a comprehensive understanding of the past (Rigby, 2001: 180; Williams and Scharf, 2001:16–22; Huyse, 2005). Together, these measures are believed to facilitate processes of inter-group and interpersonal reconciliation, which are considered the pillars of sustainable peacebuilding (Williams and Scharf, 2001; EU, 2004; Jeong, 2005: 12).

However, numerous criticisms of transitional justice efforts have emerged in recent scholarly debate. Proponents of incorporating transitional justice mechanisms into a broader externally promoted liberal peace-building agenda argue that negotiations and power sharing among warring parties work against the idea of delivering truth and justice to the victims (Wiliams and Scharf, 2001). They suggest that external parties should be clearer from the outset about who is the victim and who is perpetrator, and impose just solutions to the conflict (see Wiliams and Scharf, 2001: 12–14).

The other side of the debate criticises the inclusion of transitional justice mechanisms in a wider strategy of externally run liberal peace-building projects. As Sriram (2009: 98) points out, transitional justice solutions imposed by Western peace-builders may result in a primary focus on legal accountability. This may be problematic as an approach since it focuses primarily on individual rights and responsibilities and might not be seen as just in societies that emphasise group and community identity (Sriram, 2009: 100). In addition, it has been argued that the external imposition of the exercise of universal jurisdiction, such as was the case with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and remains so with the International Criminal Court (ICC), can disrupt delicate domestic peace and reconciliation processes (Sriram, 2009: 100; Hayden, 2011: 313). It has also been suggested that while not facilitating domestic reconciliation, such practices financially benefit international human rights lawyers and domestic human rights agencies (Hayden, 2011: 313, 325; Bilić,

2011: 305, 309) as well as local political elites (Subotić, 2009: 45–46). This critique of externally imposed transitional justice and its impact on reconciliation is important, but it does not fully explore the link between external peace-building and transitional justice, or how these affect processes of reconciliation in societies emerging from war. I argue in this paper that the problem is complex and is linked to a broader change in our understanding and the practice of conflict resolution since the end of the Cold War.

Initially, conflict resolution was based on the idea of assisting the primary parties by means of mediation to arrive at their own solutions to peacefully resolving disputes (Galtung, 2012). However, since the end of the Cold War there has been an increasing tendency for powerful third-party interventions and the hegemonic imposition on conflict-ridden societies of a liberal peace-building formula based on institution building, elections and market-oriented economic reforms (Ericsson and Kostić, 2013). The primary parties to the conflict are usually included as participants in the process, but often have little influence over its content or outcome (Chandler, 2006, 2011; Kostić, 2011). This external-local hybridity regarding the ownership is particularly relevant for a contemporary understanding of transitional justice and its impact on reconciliation. I argue that the inclusion of the primary parties legitimises their specific views on the causes and dynamics of conflict, that is, it legitimises the opposing beliefs about the source of the incompatibility. At the same time, external parties often have their own perspective on the conflict and proposals for its resolution—including a particular transitional justice mechanism (see Dragović-Soso and Gordy, 2010: 203; Krampe, 2013). This type of interaction places transitional justice practice in the realm of politics, in which differing narratives and framings of the past compete for dominance, because establishing the truth about a conflict legitimises what is seen as just and moral in the post-war political context (see Williams and Scharf, 2001: 12).

In other words, instead of agreement on past events and a mutual acknowledgment of suffering, the dynamics of such hybrid processes result in a policy of policing the past and in preserving the conflicting beliefs about that past held by the primary parties. In such a societal context, the work and results of various transitional justice initiatives are viewed primarily from the perspective of existing collective

narratives and political framings that legitimise and link selective group perspectives to the post-war situation. This theoretical argument is explored further using unique survey data from 2005 (n=2500) and 2010 (n=1500) on the popular perceptions of a number of transitional justice initiatives in Bosnia and Herzegovina.

The next section briefly explores the linkages between negotiating peace agreements and the salience of selective group narratives, using the case of Bosnia and Herzegovina since the Dayton Peace Accords (DPA). I examine the issue of the legitimacy of conflicting collective memories in the context of peace-building, and discuss the impact this has on the reproduction and salience of mutually exclusive collective memory and the perceptions of justice that stem from it. In the sections that follow, I present group perceptions of the conflict in Bosnia and Herzegovina, and examine the goals and impact of the ICTY, the State Court of Bosnia and Herzegovina, the Commission of Srebrenica, and the Research and Documentation centre on inter-group reconciliation. The final section provides conclusions.

THE ROLE OF GROUP NARRATIVES ABOUT WAR IN PEACE-BUILDING

It has been suggested that the socio-psychological infrastructure that evolves during an intractable conflict plays a determinative role in its development and continuation, and later in its resolution and reconciliation (Bar-Tal, 2007:1432). There are three key elements of socio-psychological infrastructure: collective memories, an ethos of conflict and collective emotional orientation (Bar-Tal, 2007: 1432).

Collective memory makes sense of the past as a function of the present state of the community's existence, especially in the context of its confrontation with rival groups(s). Thus, collective memory usually has some basis in genuine past events, but is biased, selective and distorted in ways that meet the group's present needs. Such memories tend to omit certain facts, insert doubtful ones and offer a purposive interpretation of past events (Bar-Tal, 2007: 1437). Yet, collective memory is treated by many community members as a truthful account of the past and a valid history of their group. In addition, communities evolve a narrative about the present—an ethos consisting of central societal beliefs dealing with the group's orientation both at present and in the future (Bar-Tal, 2000: 139–142). Together, these provide a

coherent and meaningful picture of the causes of conflict, its evolution and its link to the present (Devine-Wright, 2003).

In the case of Bosnia and Herzegovina, contending Bosniak, Bosnian Serb and Bosnian Croat ethno-national narratives and beliefs about the political incompatibility emerged in a wider context of the dissolution of the former Yugoslavia. The war and its dynamics played a crucial role in the evolution of existing ethno-national framings of the root causes of the conflict, and resulted in three mutually exclusive ethno-national narratives about the role of their own community and the role of others in the Bosnian war. The US-led Western peace-making initiative and the signing of the Dayton Peace Accords in November 1995 brought an end to inter-ethnic violence (see Kostić, 2009). The way in which the violence ended, however, has had a huge impact on the further recognition of collective narratives about the war.

The externally negotiated peace was a compromise which meant that there was no victorious side and no defeated side (Williams and Schafer, 2001:160–161). In addition, by having the political representatives of the Bosniak, Bosnian Serb and Bosnian Croat communities participated in peace talks, the US-led international mediators, at least in part, acknowledged and legitimised the prevailing collective memories of wartime events in order to get to a peace settlement.⁵⁹

However, in terms of the interpretation and implementation of the Dayton Peace Accords, the US-led international community assumed total control of the process from the beginning. By controlling the political process, the Constitutional Court and the implementation mechanism through bodies such as the Office of the High Representative(OHR) and the Peace Implementation Council (PIC), US and EU policymakers believed that they could steer the evolution of the Dayton Peace Accords (Kostić, 2011). Throughout the process, the US-led international community sought to remove ‘backward-looking’ provisions dealing with group rights and to promote ‘forward-looking’

⁵⁹ However, there was little agreement on the issue internationally. For the key international power, the US, the war was a case of genocidal violence against the Bosniak population. However, other major powers such as France, the UK, Russia and Germany to a lesser or greater extent divided responsibility between the three sides (for more see Wiliams and Scharf, 2001: 64-87).

provisions dealing with the rights of individuals (for more see Nystuen, 2005: 239–51; O'Brien, 2005: 108–109). Although formally involved, the Bosnia and Herzegovina political elites representing local constituencies were until recently de facto excluded from any meaningful influence over politics or the economy in Bosnia and Herzegovina (Chandler, 2005; Hayden, 2005).⁶⁰

Presented with a situation of peace-building without politics, while facing continued external demands for the evolution of the Dayton Peace Accords, more or less democratically elected domestic elites developed a range of responses. The most prominent feature of this external-domestic dynamic was the engagements in a politics of the past (see Kostić, 2007: 361). In order to justify their own visions of the past and relate these to the present, political elites engaged in commemorations of tragic events, and continued to propagate their own side's views about the causes the war, the hostility of the „other“ and their own victimhood, while staying beyond the reach of the OHR.⁶¹ Reframing past events also allowed them to claim that the original content of the Dayton Peace Accords legitimized their particular position. In this ongoing process, relinquishing one's own collective wartime narrative and accepting that of your opponent is a political defeat for the community rather than a step towards reconciliation.

The predominant attitudes to and perceptions of the war and wartime events, as well as the political bickering about specific wartime events raised numerous questions for external supervisors of the Dayton Peace Accords. Could a common state be built without reconciling diametrically opposed collective narratives regarding the causes of war and the role different groups were perceived to have played? Could peace be built without delivering justice to victims of violence, and while the perpetrators of gross violations of human rights remained at large? Finally, could former enemies trust and respect each other without a minimum of mutual understanding of the past?

In the light of the complex challenges posed by attitudes and the lingering sense of injustice in the aftermath of Bosnian war, a number

⁶⁰ For the views of the Bosnia and Herzegovina elites on their ownership and participation in post-Dayton politics see Kostić (2007: 183–192).

⁶¹ For examples of the attitudes of Bosnia and Herzegovina politicians to the past see Kostić (2007: 243–280).

of external transitional justice mechanisms were promoted to facilitate inter-group reconciliation and deal with the selective collective memories of the three communities. The most important were the International Tribunal for the Former Yugoslavia in The Hague, the War Crimes Chamber of the State Court of Bosnia and Herzegovina, the Research and Documentation Centre in Sarajevo and the Commission on Srebrenica. The following section discusses some the key findings on the popular attitudes concerning these initiatives.

COMMUNAL MEMORIES OF WAR IN BOSNIA AND HERZEGOVINA

Before presenting and discussing the findings on the contributions of various transitional justice initiatives to truth and justice, it is important to establish the state of collective memory about the war in Bosnia and Herzegovina. In order to do so, I use findings from surveys I conducted in cooperation with IPSOS in 2005 and 2010. Respondents were asked their views on the role of their own group and the character of the war, and to name the defensive military force in the conflict.

Asked in 2005 if they agreed with the statement „my people have fought only defensive wars”, an overwhelming majority of Bosniaks, 85.3 per cent, Serbs, 76.2 per cent, and Croats, 75.9 per cent, strongly agreed. Although the number of those strongly agreeing with the statement fell in 2010, especially among Bosnian Serb respondents where 54.7 per cent totally agreed, the view that members of their own community fought a defensively oriented war still dominated across all three communities.

TABLE 1.
GROUPS AND PARTICIPATION IN DEFENSIVE WARS (PER CENT)

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MY PEOPLE HAVE FOUGHT ONLY DEFENSIVE WARS (2005)	NATIONAL BELONGING			
	BOSNIAK	CROAT	SERB	TOTAL
Totally agree	85.3	75.9	76.2	79.4
Somewhat agree	11.7	16.6	16.8	14.9
Somewhat disagree	1.8	2.9	4.1	2.9
Totally disagree	.2	.5	.4	.4
Don't know	1.0	4.1	2.6	2.5

MY PEOPLE HAVE FOUGHT ONLY DEFENSIVE WARS (2010)	NATIONAL BELONGING			
	BOSNIAK	CROAT	SERB	TOTAL
Totally agree	81	70	54.7	68.6
Somewhat agree	16.6	24.5	33.5	24.8
Somewhat disagree	0.5	2.7	5.8	3
Totally disagree	0.3	0.8	0.2	0
Don't know	1.0	2	5.8	2.9

The differences based on ethnic belonging are also fairly strong when the respondents are asked to define the character of the war in Bosnia and Herzegovina.

TABLE 2.
DEFINITION OF WAR IN BOSNIA AND HERZEGOVINA (PER CENT)

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IN YOUR VIEW, WHICH OF THESE IS THE BEST DEFINITION OF THE LAST WAR IN BOSNIA AND HERZEGOVINA? (2005)	NATIONAL BELONGING			
	BOSNIAK	CROAT	SERB	TOTAL
Civil war	3.7	16.7	83.6	34.2
Aggression	95.1	73.2	9.0	59.8
Don't know	1.2	10.1	7.4	6.0

IN YOUR VIEW, WHICH OF THESE IS THE BEST DEFINITION OF THE LAST WAR IN BOSNIA AND HERZEGOVINA? (2010)	NATIONAL BELONGING			
	BOSNIAK	CROAT	SERB	TOTAL
Civil war	2.7	28.3	87.3	39.4
Aggression	96.6	69.6	9	58.4
Don't know	0.6	2.1	3.7	2.2

It is apparent from the findings that there has been almost no change in the predominant ethno-national definitions of the war in Bosnia and Herzegovina. In 2010, 87.4 per cent of Serbs characterised the conflict as a civil war, while 96.6 per cent Bosniaks and 69.6 per cent Croats considered it to be an act of aggression on Bosnia and Herzegovina. The complexity of the overall view of the past is particularly vivid when the interviewees were asked to name the military force(s) which, according to them, could be characterised as playing the role of *defender* in the recent war.

When asked this question in 2005, a majority of the Croat respondents, 92.7 per cent, saw the Croat Defence Council (HVO) as defenders. Most Bosniaks, 91.4 per cent, named the Army of Bosnia and Herzegovina (Armija BiH) as the defending force, while 89.6 per cent of the Serbs stated that the Army RS (Vojska RS) was the defender. Only 5.9 per cent of Bosniaks regard the HVO as defenders, while 4.5 per cent of Serbs primarily saw the Yugoslav Peoples Army (JNA) in this context.

TABLE 3.
WAR IN BOSNIA AND HERZEGOVINA AND DEFINITION OF DEFENDERS
 (PER CENT)

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PLEASE TELL US, ACCORDING TO YOU, WHICH OF THESE MILITARY FORCES CAN BE BEST CHARACTERISED AS DEFENDERS IN THE LAST WAR? (2005)	NATIONAL BELONGING			
	BOSNIAK	CROAT	SERB	TOTAL
HVO	5.9	92.7	1.8	31.0
Armija BiH	91.4	1.2	1.2	34.0
Vojska RS	0.1	0.1	89.6	29.8
Vojska AP Zapadne Bosne	0.6	0.0	0.0	0.2
JNA	0.0	0.3	4.5	1.6
Don't know	2.0	5.7	2.9	3.4

PLEASE TELL US, ACCORDING TO YOU, WHICH OF THESE MILITARY FORCES CAN BE BEST CHARACTERISED AS DEFENDERS IN THE LAST WAR? (2010)	NATIONAL BELONGING			
	BOSNIAK	CROAT	SERB	TOTAL
HVO	5.9	92.1	1.6	33.2
Armija BiH	91.2	6.6	2	33.2
Vojska RS	0.9	0.6	88	29.8
Vojska AP Zapadne Bosne	1.5	0.1	0.6	0.7
JNA	0.3	0.4	6.8	2.5
Don't know	0.2	0.2	1	0.5

In the 2010 survey there was almost no change in the prevailing ethno-national perceptions that dominate popular opinion among the three groups in Bosnia and Herzegovina.

Overall, the empirical findings clearly indicate that the members of the three ethno-national communities in Bosnia and Herzegovina maintain diverging perspectives on and memories of wartime events and actors. The vast majority of all the respondent groups share the view that their people had been fighting a defensive war. However, while a majority of Bosniaks and Croats tend to characterise the recent war as aggression, most Serbs see it as a civil war. Finally, when asked to name a defending military force, most Croats chose the Croat Defence Council,

a majority of the Bosniaks the Army of Bosnia and Herzegovina and most Serbs the Army RS. The data presented above show vividly that, at present, there is hardly any common understanding of the past between the ethno-national communities in Bosnia and Herzegovina, and that the great majority of the members of each group continue to subscribe to mutually exclusive ethno-national narratives.

DIFFERENT MECHANISMS FOR PROMOTING RECONCILIATION IN BOSNIA AND HERZEGOVINA

- Retributive justice

Delivering justice to victims is seen as a precondition for reconciliation. Justice has many faces, however, and retributive justice is one of them. The notion of retributive justice rests on the idea that war crimes and crimes against humanity require accountability and prosecution, since such actions threaten both the domestic and the international order. The idea behind retributive justice is that it reduces the risk of revenge, prevents a return to power by the perpetrators of war crimes and crimes against humanity, and leads to the individualisation of accountability, thereby removing the stigma of collective guilt from whole communities. Furthermore, by publicly acknowledging who was right and who was wrong, restorative justice can help to heal wounds and restore the self-confidence of most victims. Finally, trials may provide additional information to fill the gaps in knowledge about the past. This rationale has been obvious in the creation of the ad hoc International Criminal Tribunal for the former Yugoslavia and of the War Crimes Chamber of the State Court of Bosnia and Herzegovina.

- The International Criminal Tribunal for the Former Yugoslavia

The International Criminal Tribunal for the former Yugoslavia was established by United Nations Security Council Resolution 827 of 25 May 1993. Its purpose was to prosecute the persons responsible for the serious violations of international humanitarian law committed on the territory of the former Yugoslavia after 1 January 1991. The inclusion of the ICTY in the Dayton Peace Accords was envisaged as part of the external effort to promote justice and reconciliation in Bosnia and Herzegovina. Bosniak, Croat and Serb leaders committed themselves to

cooperate with the ICTY in its efforts to deliver a more comprehensive narrative on wartime events and bring about a sense of justice for the victims. Initially, the ICTY prosecuted local perpetrators of war crimes in order to establish evidence to link senior military and political commanders to such events. However, its limited time and resources, and the large number of people to be indicted, led to a change in strategy. Senior military commanders and political leaders were indicted and prosecuted from all three communities in Bosnia and Herzegovina as well as the rest of the former Yugoslavia.

Altogether, 161 persons were indicted by the ICTY. Proceedings have been completed in 126 cases, while 35 persons still await their final hearing. There have been 73 guilty verdicts, 5 people have been acquitted, 13 cases have been transferred to the local courts and 35 cases have been stopped, either because the indictment was withdrawn or because the accused died. In one of its most high-profile findings, the ICTY ruled that the massacre in Srebrenica perpetrated by the Bosnian Serb forces was a case of local genocide against Bosniaks in Srebrenica.

However, the popular attitudes towards the ICTY trials noted in the 2010 survey show only a limited short-term impact on reconciliation, or delivering a narrative about the past and a sense of justice to victims. While 74.3 per cent of the Bosniaks, and 61.2 per cent of the Croats somewhat or totally agree that the work of the ICTY is precondition for just peace and coexistence, only 15.2 per cent of the Serb respondents somewhat or totally agree with this view. In addition, while 56.7 per cent of the Bosniaks somewhat or totally agree that the trials at the ICTY are fair, 56.6 per cent of Croat and 89.6 per cent of Serbs in BiH somewhat or totally disagree with this view. Furthermore, the attitude changes regarding the work of ICTY and its fairness between 2005 and 2010 are minimal.

These findings are not surprising, given the presence of three conflicting group narratives about the war and its causes. In addition, it is impossible to control the existence of selective hearing among ordinary people, that is, the tendency for individuals to express an interest in the trials dealing with crimes against members of their own group, while ignoring the trials in which individuals belonging to their groups are prosecuted for war crimes. Such tendencies may lead to a confirmation of existing narratives.

TABLE 4.
PERCEPTIONS OF THE ICTY IN 2005 (PER CENT)

	TO WHAT EXTENT DO YOU AGREE WITH THE FOLLOWING STATEMENTS?	NATIONAL BELONGING			
		BOSNIAK	CROAT	SERB	TOTAL
<i>The war crimes tribunal in The Hague is a precondition for a just peace and normal relations</i>	Totally agree	51.6	18.7	4.7	26.0
	Somewhat agree	28.7	38.4	11.1	25.8
	Somewhat disagree	5.1	11.0	15.4	10.3
	Totally disagree	11.0	27.7	63.3	33.5
	Don't know	3.6	4.2	5.5	4.4
<i>The trials at the Tribunal are fair</i>	Totally agree	32.7	11.3	4.3	16.7
	Somewhat agree	35.2	31.9	9.2	25.6
	Somewhat disagree	9.3	15.2	11.2	11.7
	Totally disagree	19.8	36.7	68.0	41.0
	Don't know	3.0	4.9	7.3	5.0

TABLE 5.
PERCEPTIONS OF THE ICTY IN 2010 (PER CENT)

	TO WHAT EXTENT DO YOU AGREE WITH THE FOLLOWING STATEMENTS?	NATIONAL BELONGING			
		BOSNIAK	CROAT	SERB	TOTAL
<i>The war crimes tribunal in The Hague is a precondition for a just peace and normal relations</i>	Totally agree	45.5	22.9	3.2	23.8
	Somewhat agree	28.8	38.3	12.0	26.3
	Somewhat disagree	10.3	19.5	24.6	18.1
	Totally disagree	11.7	16.5	58.7	29
	Don't know	3.6	2.8	1.5	2.7
<i>The trials at the Tribunal are fair</i>	Totally agree	24.8	10.9	4.0	13.2
	Somewhat agree	31.9	29.2	5.2	22.1
	Somewhat disagree	15.1	22.9	22.0	20.0
	Totally disagree	24.0	33.7	67.6	41.7
	Don't know	4.2	3.3	1.2	2.9

With this in mind, the fact that Bosnian Serb political leaders and politicians have been tried and sentenced in the greatest number, followed by Bosnian Croats, probably explains why both Serbs and Croats in Bosnia and Herzegovina are sceptical about the processes and fairness of the ICTY (see Kostić 2007: 269–272).⁶² Nonetheless, given that the trials will not be completed until the end of 2014, and the process of reconciliation takes time, an understanding of the ICTY's contribution to justice and reconciliation in Bosnia and Herzegovina will only become clear in the future.

- The War Crimes Chamber of the State Court of Bosnia-Herzegovina

Since the ICTY has been unable to process all the war crimes suspects from Bosnia and Herzegovina during its time-limited period of operation, the Parliament of Bosnia and Herzegovina, acting on a law promulgated by the OHR in 2000, established the State Court of Bosnia and Herzegovina, and its War Crimes Chamber, in July 2002. The State Court of Bosnia and Herzegovina is a hybrid tribunal, since it is under national jurisdiction but employs both international and domestic judges (48 domestic and five international). In addition, it applies a mixture of international and domestic law in processing accusations of war crimes and human rights abuses. It was believed that the establishment of the State Court of Bosnia and Herzegovina would deliver justice regarding events that were not covered by the ICTY, cut the cost of the process and bring the proceedings closer to the affected population, thereby increasing ownership of the process. Since 2002, the Chamber has passed 93 sentences for war crimes and human rights abuses. Currently, 67 people have been indicted, linked to 32 unresolved cases of war crimes (OSCE 2011). Trials are expected to last for decades since the list of suspects contains some 10 000 names.

⁶² The positive perception of the ICTY has been greatly undermined by numerous controversies in relation to the trials or lack of thereof. As noted, prosecution of heads of states from the regions gave mixed results. Milošević died during the trial, while in the case of Alija Izetbegović and Franjo Tuđman ICTY issued general statements after their deaths that both would have been indicted if they had lived longer. Furthermore, the prosecution against Kosovo Albanian guerilla leader Ramush Haradinaj failed partly due to intimidation of key witnesses (Dragović-Soso and Gordy 2011: 190).

Although the War Crimes Chamber has been in place for almost a decade, it is difficult to draw definite conclusion about its impact on justice and reconciliation in Bosnia and Herzegovina. The survey data from 2010 show that many in Bosnia and Herzegovina seldom follow the work of the War Crimes Chamber. Only 60 per cent of Bosnian Croat and 75 per cent of Bosnian Serb respondents followed the work of the Chamber either once or a few times a year. Even among Bosniaks, 52 per cent tended to follow the trials only once or a few times a year.

TABLE 6.

**PERCEPTIONS OF THE BOSNIA AND HERZEGOVINA WAR CRIMES TRIBUNAL IN
2010 (PER CENT)**

TO WHAT EXTENT DO YOU AGREE WITH THE FOLLOWING STATEMENTS?	NATIONAL BELONGING				
	BOSNIAK	CROAT	SERB	TOTAL	
<i>The work of war crimes chamber of the BiH Court is a precondition for a just peace and normal relations</i>	Totally agree	44.1	27.5	5.2	25.6
	Somewhat agree	34.2	31.6	16.6	27.4
	Somewhat disagree	7.8	18.8	28.3	18.4
	Totally disagree	5.4	15.9	40	20.4
<i>The trials in the War Crimes Chamber of the BiH Court are fair</i>	Don't know	8.5	6.2	9.9	8.2
	Totally agree	29.7	7	2.2	12.9
	Somewhat agree	43.2	27.6	9.4	26.7
	Somewhat disagree	9.9	26.5	25.9	20.8
	Totally disagree	8.3	32.3	52.7	31.2
	Don't know	8.9	6.6	9.8	8.4

While 78.3 per cent of the Bosniak and 59.1 per cent of the Croat respondents either somewhat or totally agreed that the work of the War Crimes Chamber was a precondition for a just peace and coexistence, only 21.8 per cent of the Serb respondents either somewhat or totally agreed with this view. In addition, while 72.9 per cent of the Bosniaks viewed the trials at the War Crimes Chamber as

fair, 78.6 per cent of the Serb and 52 per cent of the Croat respondents disagreed with this view.

These data on attitudes to the War Crimes Chamber demonstrate the difficulties in delivering justice and accountability for war crimes in highly divided societies. First, the War Crimes Chamber lacks the capacity to deal with a large number of crimes, and until now only a small percentage of perpetrators have been prosecuted, which may have contributed to the perception of its arbitrariness. Second, considering the prevalence of three selective collective narratives about the war, and their impact on the social climate in Bosnia and Herzegovina, it is difficult to produce measured and fair punishment for individual war criminals without this being interpreted in terms of the responsibility and guilt of whole communities. There is also a substantial degree of political pressure from all sides, in an attempt to influence the investigations, trials and verdicts of the War Crimes Chamber.⁶³ Finally, the Bosnian case also testifies to the general limitations of tribunals in swiftly altering established selective group narratives about war and promoting true or more nuanced perspectives on wartime events.

THE TRUTH ABOUT THE WAR IN BOSNIA AND HERZEGOVINA

Truth is not a replacement for judicial trials. However, establishing the truth about past events is a very important element in the process of national and political reconciliation. The most common mechanism for truth seeking is national truth commissions. An alternative is truth finding commissions about specific war-time events. In addition, non-governmental projects are promoted in some instances to document abuses and human rights violations. Swedish International Development and Cooperation Agency (Sida) and the United State Institute of Peace (USIP), together with a local NGO, Truth and Reconciliation, argued for the establishment of a truth commission for Bosnia and Herzegovina. According to the survey data from 2010, 85 per cent of the Bosniaks, 83 per cent of the Croats, and 65 per cent of Serb respondents agree that it would be good for peace to form a truth commission. The initiative never materialised. The external supervisors

⁶³ Interview with a prosecutor working at the War Crimes Chamber in Sarajevo, 13 October 2011.

of the peace process in BiH feared that such an initiative would draw away financial resources from the ICTY and would also compromise ongoing processes at the tribunal (Dragović-Soso and Gordy, 2011; Dragović-Soso, 2012). This was coupled with absence of the domestic political will to support such an initiative, but also due to a lack of interest from the victims' associations (Dragović-Soso and Gordy, 2011). At the same time, there has been little political will to acknowledge the crimes committed by members of one's own community or to apologise for such crimes.

- The Srebrenica Commission

In order to establish the truth about the events in Srebrenica in the summer of 1995, and to increase awareness among the population of Republika Srpska of these events, in 2003 the OHR forced the Assembly of Republika Srpska to establish the Commission for Investigation of the Events in and around Srebrenica between 10 and 19 July 1995 (Dragović-Soso and Gordy, 2011: 204). Its final report was published in 2004. The Srebrenica Commission collected a significant amount of new information. It established that on 10–19 July 1995, 7800 Bosniak men and boys were executed by the forces of the Republika Srpska Army. The Commission also described how the perpetrators moved the bodies to secondary graves in order to cover up their crimes. Guided by information from sources in Republika Srpska, the Commission was able to discover 32 gravesites. Finally, it established the structure of the military forces participating in the massacres, and created an identity database of those who perished in the massacres (The Commission for Srebrenica, 2004). The work of the Commission resulted in an official apology by the Government of Republika Srpska to the Bosniaks of Srebrenica on 10 November 2004 (Associated Press, 2004). In its apology, the Government of Republika Srpska acknowledged that a massive crime had taken place during the Republika Srpska Army offensive on Srebrenica in 1995, and expressed its readiness to face up to the tragic events of the war in Bosnia and Herzegovina. At the same time, the RS President Dragan Čavić insisted that there was no basis to speak of genocide in Srebrenica (Dragović-Soso and Gordy 2011: 205). A majority of the population in both Republika Srpska and Bosnia and Herzegovina are now familiar with the events in Srebrenica. According to the survey data from 2010, some 97 per cent of the Bosniaks, Serbs

and Croats interviewed had heard about the events there. While 97.8 per cent of Bosniak and 96 Croat respondents considered these to be war crimes, this view was shared by only 55.7 per cent of the Serb interviewees. Among Serb respondents, 16.2 per cent did not know how to characterise the events, and 24.2 per cent viewed them as an unfortunate consequence of military operations. Regarding the apology by the Government of Republika Srpska, 36.8 per cent of the Bosniak respondents believed that it came under pressure from the international community, while 33 per cent believed it relevant to telling the truth about war crimes but not for reconciliation. By contrast, 35.3 per cent of Bosnian Croat interviewees considered the apology an important step towards inter-ethnic reconciliation, while 30.6 per cent believed that it came as a result of pressure from the international community. Among Bosnian Serb respondents, 27.3 per cent viewed it as an important step for inter-ethnic reconciliation, 20.3 pre cent viewed it as important for truth about the events but nor for reconciliation, 20.6 per cent saw it as a result of international pressure, 21.4 per cent had not heard about it and 10.3 per cent did not have an opinion. It is important to note that despite the apology and the acknowledgement of the Srebrenica killings, leading Bosnian Serb politicians continue to object to its legal categorisation by the ICTY as a local genocide, and see this as an attempt to stigmatise the Serb population of Bosnia and Herzegovina and delegitimise Republika Srpska (Marić, 2010; Flego, 2012).

THE RESEARCH AND DOCUMENTATION CENTRE IN SARAJEVO AND TRUTH-SEEKING ABOUT THE CASUALTIES OF WAR

Since April 2004, the internationally sponsored Research and Documentation Centre (RDC) in Sarajevo has been leading an additional and significant truth-finding initiative about the war in Bosnia and Herzegovina. The guiding ideas behind the centre are to establish and publish facts about the war, promote the truth in order to prevent selective manipulation of events, assist the judiciary in prosecuting suspected war criminals and strengthen civil society. Until 2009, the RDC also participated in the regional network of „civil society” organisations working to create a regional commission (RECOM) that aimed to establish the facts about the victims of all war crimes and other serious human rights violations committed on the territory of the

former Yugoslavia during the wars of Yugoslav succession (Bilić, 2011: 305).⁶⁴

The RDC has collected some one million documents, 60,000 photographs and 3500 hours of video material. It has made its findings available online, and organised numerous public lectures all over Bosnia and Herzegovina. Its work has led to a revision of previously quoted figures for the dead or missing as a result of the war. According to an RDC report, *The Bosnian Book of the Dead*, 97,207 died or are missing as a result of the war: Bosniaks lost 33,070 civilians and 30,966 soldiers; Croat losses were 2163 civilians and 5625 soldiers; and, according to the RDC, 4075 Serb civilians and 20,830 Serb soldiers died as a result of the war. Given the substantial number of missing persons, RDC experts anticipate that the final total figure may increase by another 10,000. The findings of the RDC have been independently confirmed by work by the Demographic Unit of the ICTY, which produced a similar figure of 104,732 dead during the war in Bosnia and Herzegovina. However, even these findings have been challenged and interpreted differently in different parts of Bonia and Herzegovina. A recent survey from 2011 shows that 20 per cent of respondents agreed that the death toll was 100 000 or less, 32 per cent believed that the final figure will never be established, while some 48 per cent believed in the previously cited figure of 200,000 or more dead as a result of the war. Interestingly, in the Bosniak dominated Sarajevo 60 per cent of the respondents believed that 200,000 or more had died as a result of the war, while in the Serb dominated Banja Luka 70 per cent agreed with the figure of 100 000 or fewer dead (Dnevni Avaz, 2011).

⁶⁴ The Research and Documentation Centre abandoned the project, among other reasons, because the grants of 960 700 euros from the Dutch Government as well as 1 002 847 euros from the European Instrument for Democracy and Human Rights could not be shared and independently managed by the three ‘carrier organisations’ (Research and Documentation Centre from Sarajevo, Humanitarian Law Fund from Belgrad, and Documenta from Zagreb), but is distributed exclusively by the principle organiser of the initiative, the Humanitarian Law Fund (Bilić, 2011: 309).

CONCLUSIONS

The war in Bosnia-Herzegovina was one of the bloodiest episodes since 1945. It had an immense impact on individuals, inter-group relations and society at large. However, the Bosnian case shows that when dealing with the consequences of mass violence, it is important to consider how the politics of external state-building affects reconciliation and what can be achieved by transitional justice initiatives. As is shown in this paper, the outcomes of the various transitional justice initiatives tested in Bosnia and Herzegovina have been interpreted primarily from the fragmented perspectives of the three salient collective narratives. Thus, until now, the various measures have had only limited effects on promoting a common understanding of the past and a sense that justice has been done. Given that more than 18 years has passed since the beginning of DPA implementation, the question arises whether the intrusive external strategies of comprehensive political, economic, legal and institutional regulation that have been tested in Bosnia and Herzegovina have been able to achieve anything more than a no war, no peace situation.

The prevalence of external neoliberal practices of regulation in political and economic life in Bosnia and Herzegovina has resulted in peace-building without politics. In a situation in which domestic politics about the organization of society and its future are not feasible, discussion about the past becomes the inherent arena for politics. By maintaining opposing narratives about past events, the members of the main three BiH communities have developed a way of legitimizing their own positions in response to claims by other communities and to the external regulation of domestic state-building processes. This in essence transforms the debate over the recent conflict from a transitional process of coming to terms with the past to a permanent state of affairs. The process, as seen in Bosnia and Herzegovina, precludes reconciliation in terms of mutual acknowledgment of suffering and a nuanced understanding of the causes and dynamics of the violent conflict.

Finally, the Bosnian case shows that the meaning of reconciliation is not universal and often has specific cultural and political aspects. Therefore, before promoting various reconciliatory initiatives, it would be useful to establish what is to be reconciled and who are the actors in the process. The case of Bosnia and Herzegovina demonstrates that

reconciliation has much to do with past communal claims and grievances, and their relation to current politics. This means that promoting reconciliation goes hand in hand with finding durable political solutions to existing incompatibilities. In consequence, this means that supporting a durable, locally produced and owned political settlement would remove a major obstacle to reconciliation among the populations and elites of Bosnia and Herzegovina.