



Brugge

College of Europe
Collège d'Europe



Natolin

Human Rights in Internationally Unrecognized Entities:

The Cases of Abkhazia and Transnistria.
What Role for the European Union?

Cătălina Nuța



DEPARTMENT OF
EUROPEAN INTERDISCIPLINARY STUDIES

Natolin Best Master Thesis

04 / 2012

*To my parents
for their endless support and encouragement.*



Brugge

College of Europe
Collège d'Europe



Natolin

Human Rights in Internationally Unrecognized Entities: The Cases of Abkhazia and Transnistria. What Role for the European Union?

Cătălina Nuța

Supervisor: Hannes ADOMEIT

Thesis presented by Cătălina NUȚA
for the
Degree of Master of Arts in European Interdisciplinary Studies

Academic year 2011/2012

DEPARTMENT OF
EUROPEAN INTERDISCIPLINARY STUDIES

Natolin Best Master Thesis

04 / 2012

ABOUT THE AUTHOR

CĂTĂLINA NUȚA was born in 1986 in the Republic of Moldova, Bender, a town being currently on the territory of the Transnistrian self-proclaimed republic. She holds a Master degree in European Public Administration from the University of Liège (2009-2010) and a Master's degree in European Interdisciplinary Studies – The UE as a Regional Actor Major from the College of Europe, Natolin Campus (2011-2012). Previously, she worked as monitor for the Council of Europe media monitoring mission to Moldova and as project assistant for a common project of UNICEF and the National Center for Child Abuse Prevention. After graduation she started to work as a monitoring assistant at Moldova office of the National Democratic Institute of International Affairs.

COLLEGE OF EUROPE NATOLIN CAMPUS

SCIENTIFIC COMMITTEE

HANNES ADOMEIT, KERRY LONGHURST, GEORGES MINK

Views expressed in the College of Europe publications are solely those of the author and do not necessarily reflect positions of the College of Europe

Published by the College of Europe Natolin Campus

© Cătălina Nuța. All rights reserved.

FUNDACJA KOLEGIUM EUROPEJSKIE

ul. Nowoursynowska 84 · PL-02-792 Warszawa · Poland/Pologne

e-mail: publications.natolincampus@coleurope.eu

First edition: 2013

Printed in Poland

Graphic design and layout: Wojciech Sobolewski

ISBN 978-83-63128-02-9

STATUTORY DECLARATION

I hereby declare that this thesis has been written by myself without any external unauthorised help, that it has been neither submitted to any institution for evaluation nor previously published in its entirety or in parts. Any parts, words or ideas, of the thesis, however limited, and including tables, graphs, maps etc., which are quoted from or based on other sources, have been acknowledged as such without exception.

Moreover, I have also taken note and accepted the College rules with regard to plagiarism (Section 4.2 of the College study regulations).

DÉCLARATION SUR L'HONNEUR

Je déclare sur l'honneur que ce mémoire a été écrit de ma main, sans aide extérieure non autorisée, qu'il n'a été déposé auparavant dans aucune autre institution pour évaluation, et qu'il n'a jamais été publié, dans sa totalité ou en partie. Toutes parties, mots ou idées, aussi limités soient-ils, y compris des tableaux, graphiques, cartes, etc. qui sont empruntés ou qui font référence à d'autres sources bibliographiques sont présentés comme tels, sans exception aucune.

Je déclare également avoir pris note et accepté les règles relatives au plagiat (section 4.2 du règlement d'études du Collège).

KEY WORDS

de facto states · human rights · conflict resolution · democratization
Abkhazia · Transnistria · European Union · financial assistance

CĂTĂLINA NUȚA

Human Rights in Internationally Unrecognized Entities:

The Cases of Abkhazia and Transnistria.
What Role for the European Union?

Table of Contents

List of Accronyms and Abbreviations	VIII
Summary	IX
Preface of the Master Thesis Supervisor	XI
Introduction: The Natolin Best Master Thesis	XVI
Introduction	1
Chapter 1. The Quiet Superpower Europe? The EU Conflict Resolution Strategy Through Human Rights Promotion	5
1.1 'Civilian Power' Europe?	7
1.2 The EU as Catalyst for Conflict Transformation through the Promotion of Human Rights	11
Emergence of the EU Conflict Prevention Policy	12
Institutions	13
Financial Instruments for Peacebuilding Activities	14
1.3 EU Policy towards Conflict Areas on Post-Soviet Space	17
Chapter 2. Human Rights in Abkhazia and Transnistria: Imitation of Democratic Statehood	21
2.1 Abkhazia: Human rights versus Ethnocracy	23
2.1.1 Civil and Political Rights under Abkhaz Ethnic Dominance	24
Freedom of Expression	24

Freedom of Movement	25	
Right to Political Participation	27	
Freedom of Assembly and Association	28	
2.1.2 Social, Economic and Cultural Rights: Ethnic Georgians Living in Limbo		31
The Right to Nationality	31	
Right to Education	33	
2.2 Transnistria: Human Rights versus Political Fragmentation		36
2.2.1 Civil and Political Rights: Uphill Struggle for the Legitimation of Transnistrian Statehood		37
Freedom of Expression	37	
Freedom of Movement	39	
Right to Political Participation	40	
Freedom of Assembly and Association	42	
2.2.2 Social, Economic and Cultural Rights: Education in the Mother Tongue versus State- Building Strategies		44
2.3 Human Rights in Internationally Unrecognized Entities – Contradiction of Terms?		50
<hr/>		
Chapter 3. The EU as Catalyst for the Protection of Human Rights in <i>De Facto</i> States		57
3.1 Institutions and Instruments for Human Rights Promotion in Abkhazia and Transnistria		57
3.1.1 Institutions Involved		57
The European Commission Assistance	57	
The European Parliament – Condemnation of Human Rights Violations	59	
Council Sanctions	59	
European Union Special Representatives	60	
3.1.2 Financial Instruments		61
European Community’s Humanitarian Aid Office (ECHO)	61	
European Initiative for Democracy and Human Rights (EIDHR)	62	
Development and Co-operation Instrument (DCI)	64	
Instrument for Stability (IfS)	65	
3.2 Impact and Effectiveness of EU Actions		67
3.3 Constraints on the EU Support to Human Rights Promotion in Abkhazia and Transnistria		70

Conclusion	73
-------------------	-----------

Bibliography	76
---------------------	-----------

Annexes	86
ANNEX 1. Map of Georgia and its Separatist Regions	86
ANNEX 2. Map of Western Georgia	87
ANNEX 3. Administrative Division of Abkhazia after 1998	88
ANNEX 4. Map of Moldova and its Separatist Territory of Transnistria	89
ANNEX 5. Interview with Dr. Nicu Popescu	90
ANNEX 6. Projects to Support the Population of Abkhazia	92
1. EC Economic Rehabilitation Programmes for Georgia/Abkhazia	93
2. EIDHR Micro-Projects	93
3. Decentralised Cooperation	94
4. ECHO Humanitarian Aid Programme	95
5. Instrument for Stability	96
Confidence and Peace-Building Projects	97
Dialogue and mediation projects in the South Caucasus	97
ANNEX 7. EU Assistance to Projects in Transnistria	98
Confidence building measures (CBM packages)	98
Projects financed through CBM packages	98

List of Acronyms and Abbreviations

CBM	Confidence Building Measures
CFSP	Common Foreign and Security Policy
CSO	Civil Society Organisation
CSP	Country Strategy Paper
DCI	Development and Co-operation Instrument
EC	European Commission
ECHO	European Community Humanitarian Aid Office
EEAS	European External Action Service
EIDHR	European Initiative for Democracy and the Protection of Human Rights
ENP	European Neighbourhood Policy
ESDP	European Security and Defence Policy
EU	European Union
EUSR	European Union Special Representative
IDP	Internally Displaced People
IfS	Instrument for Stability
NGO	Non-Governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
PMR	Pridnestrovskiaia Moldavskaia Respublica (Transnistria)
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees

Summary

The European Union emphasizes ‘civilian power’ as the preferred method of conflict resolution. This master thesis analyses and evaluates EU’s civilian power role in ‘frozen’ conflict areas. Specifically, it focuses on its human rights and democracy promotion in *de facto* states through a comparative study of the EU’s engagement in Abkhazia and Transnistria.

The research was conducted predominantly on the basis of analysis of the academic literature exploring the topic of *de facto* states as actors in international relations but also as subjects of a democratization process. The scientific debates could be summarized as concluding that democratization does not require an internationally recognized, sovereign status of a state. But such a conclusion may be inapplicable to the specific field of human rights within a state with ‘problematic sovereignty’ and the influence external actors can hope to exert.

In order to address the problem, the legal stipulations and political declarations of the European Union were used as sources. The legal provisions and the actual practice of the self-proclaimed states are to serve as examples of human rights violations imposed from the top political level.

The structure of the work is as it follows: the *first chapter* provides for a theoretical framework by drawing on the concept of ‘civilian power’ and its applicability to the EU and its relations with *de facto* states.

The *second chapter* presents an overview of the main human rights violations occurring on the territory of the *de facto* states of Abkhazia and Transnistria in order to assess the extent to which deviations from internationally accepted norms are occurring and what, in general, could be done to remedy this state of affairs, and whether a regime respectful of human rights can exist in a *de facto* state.

The *third chapter* assesses specifically the abilities and capabilities of the EU as a civilian international actor to make an impact on human rights in both regions and evaluates the extent to which its human rights approach could improve the chances of conflict resolution.

The thesis arrives at a number of conclusions. First, whereas the element that influences most the attitudes and policies of unrecognized states seems to be the nature of their state-building projects, given the right policies externally it is quite possible that the

regimes in question will adopt policies more in conformity with international norms. Second, the comparative analysis of the EU engagement in Abkhazia and Transnistria demonstrates that the EU's chances to play a civilian role in conflict settlement are much higher in case of Transnistrian dispute since the reasons for the separation of the break-away entity from Moldova are primarily political. In the Abkhazian case, as also the war of 2008 showed, the efforts of the EU to settle the conflict through the increasing respect of human rights standards failed because the roots of the conflict lie in ethnic differences between the two opposed sides.

Preface of the Master Thesis Supervisor

HANNES ADOMEIT, PH.D. (COLUMBIA UNIVERSITY)
PART-TIME PROFESSOR
COLLEGE OF EUROPE, NATOLIN CAMPUS, WARSAW

The thesis analyses and evaluates the role of the European Union as a ‘civilian power’ in ‘frozen’ conflict areas. Specifically, it focuses on the EU’s human rights and democracy promotion in *de facto* states through a comparative case study of the organisation’s engagement in Abkhazia and Transnistria. The central issue concerns the effectiveness of the EU’s civilian approach to conflict resolution through the promotion of human rights.

The relevance of the topic is evident. The eastern dimension of the European Neighbourhood Policy (ENP), *i.e.* the Eastern Partnership, and the conclusion of Association Agreements and Deep and Comprehensive Free Trade Areas (DCFTAs) as their central element, have run into stiff competition with Russia’s integration projects – the Customs Union, the Single Economic Space (SES) and the Eurasian Union. For both Georgia and Moldova, the ‘protection’ which Russia has accorded to the breakaway entities of Abkhazia, South Ossetia and Transnistria creates serious impediments to economic and social development and full cooperation with the EU. Furthermore, since Putin in his third term as president has embarked on a roll-back of democratic principles and human rights in Russia and conducted a more assertive policy on post-Soviet space, such obstacles have grown in importance.

The author is fully conscious of the resulting constraints on EU engagement in the separatist republics. She argues nevertheless that the necessity for engagement is incontrovertible; that previous efforts have at least to some extent been successful; and that there is scope for further involvement. Having grown up and being a resident in Transnistria, she is eminently qualified to discern discrepancies between, on the one hand, EU intentions and the separatist authorities’ propagandist claims and, on the other hand, life for ordinary citizens. Furthermore, her language abilities – Romanian being her mother tongue and sharing Russian as the *lingua franca* on post-Soviet space – have permitted her profitably to use primary sources pertaining to both Transnistria and Abkhazia. Another reason for including her work in the Best Theses series lies in the fact reliable information about developments in the two secessionist entities and the engagement there of the EU is scarce so that her work is breaking new empirical ground.

Several analytically and politically important findings stand out. These can be stated as follows: The element that most influences the attitudes and policies of the two (and, by extension, other) unrecognized states, provides the framework for possible democratic processes and respect for human rights and scope for assistance policies by external actors, including the EU, is the nature of the state-building projects of the *de facto* states. Concerning the EU's assistance efforts, at least in the Abkhaz case, they have had a significant and positive impact. However, in neither of the cases have EU policies and projects contributed to conflict resolution.

In Abkhazia, the relative success of the EU's engagement has been due in part to the organisation's relatively greater financial commitments but mainly and paradoxically to the fact that the state-building process in Abkhazia is driven by ethno-nationalism. This became conceivable only after more than 200 000 ethnic Georgians fled the separatist region and Abkhaz ethnicity gained a bigger share in the total population, rising from 17.8% before the 1993 war to 50% according to the 2011 census conducted by Sukhumi. Having in this way gained more legitimacy, Abkhazia claimed independence on the basis of the right of nations to self-determination and as compensation for the alleged human rights violation by the metropolitan state. Moreover, the claim to independence is shared by other minorities living in the secessionist entity, notably Armenians and Russians.

Because of this and the fact that, from a political perspective, there is no risk of fractionalization, and given the relative weakness of state institutions, optimum conditions were created for the development of political pluralism and a vibrant civil society. Conversely, the presence of ethnic Georgians living predominantly in the Gali district has been an irritant for Abkhazia's state-building project. It poses the risk of fragmentation on the basis of ethnicity. The denial of civil and human rights of the ethnic Georgians has been one of the consequences of this; and whereas the EC played a crucial role in the development of civil society and the promotion of civil and political freedoms in Abkhazia, the assumption among EU officials that the support for the construction of democratic political institutions and a pluralistic society would have a 'spill-over' effect and lead to the improvement of the situation of ethnic Georgians turned out not to be valid.

In Transnistria, in contrast, the state-building project lacks convincing legitimation that could unite its citizenry. Tiraspol's initial project based on linguistic differentiation was abandoned for a primarily economic motivation. This economic aspect is visible in all the actions undertaken by the separatist authorities. They have been able, up to a point, to 'buy' popular support or at least acquiescence by pointing to the allegedly low prices

for commodities, especially for gas and electricity. Furthermore, the breakaway republic possesses a relatively well functioning economy, strong institutions and, in particular, a hardened military and internal security establishment. This creates the necessary conditions for a 'top down' enforcement of unity, which in turn is beneficial for the region's elite and its interest in the preservation of the *status quo*. These interconnections also help to explain why the rulers suppress civil and political rights. Democratization in the separatist republic would create the risk of political fragmentation, which would threaten the state-building project.

These differences also are some of the reasons why, in comparison with Abkhazia, there has been much lesser involvement by the EU in Transnistria. Given the confluence of existing industrial capacities, smuggling, Russian subsidies in the form of contributions to the state budget as well as the free delivery of gas,¹ and thus relatively affordable commodities for the population, there has been no humanitarian crisis and less need to ask for Western assistance. But it is also true that the Tiraspol authorities are still wedded to the Soviet experience minus Marxist-Leninist ideology but with the extensive control of politics, the economy and society internally, and externally the portrayal of threats and the cultivation of a siege mentality. They have, therefore, been much less open to cooperation with the EU.

Given the right policies of the EU and member states, the author argues, it is quite possible that the regimes in question will adopt policies more in conformity with international norms. Furthermore, she concludes, since the reasons for the separation of Transnistria from Moldova are primarily political rather than ethnic, as they are in Abkhazia, the EU's chances to play a constructive and effective role in conflict settlement are higher in the former dispute than in the latter.

There is reason to doubt that this theoretical possibility will translate into practical reality. This is because of the fact that the hopes attached to the *revirement* at the top political level in Transnistria after the December 2011 presidential elections and that the

1 Russian natural gas to Transnistria – about 3 billion m³ annually – is formally supplied on the basis of contracts between Gazprom, the Moldovan government and Moldovagaz. Although the price of US\$392 per 1000 m³ of gas is one of the highest among Gazprom's customers, for many years Transnistria has not paid a cent or kopek for its share of that raw material commodity. By now, the separatist republic's gas debt has accumulated to US\$3.5 billion. However, in view of the fact that the Russian company owns 50% plus one share in Moldovagaz, and manages 13.44% of the shares held by Transnistria (the remaining 35.33% stake is owned by the Moldovan government), the debt is largely a debt of Gazprom to itself; see Agata Wierzbowska-Miazga, 'Russia's Energy Ultimatum to Moldova', *East Week*, 30(306), 19.09.2012, <http://www.osw.waw.pl/en/publikacje/eastweek/2012-09-19/russia-s-energy-ultimatum-to-moldova> (accessed on 09.01.2013).

then new government under Yevgeny Shevchuk would adopt different, *i.e.* ‘reformist’, policies and be more open to dialogue with Chisinau and the West than its predecessor, turned out to be misplaced. Internally, Tiraspol has accorded the Kremlin more control by the appointment of a new deputy head of Transnistria’s internal security service, aptly named KGB, who previously served in Dagestan as deputy director of the FSB. The authorities in Tiraspol have even gone beyond Putin’s course in Russia (*e.g.* discrediting NGOs that receive money from abroad as ‘foreign agents’) by prohibiting the foreign funding of NGOs altogether. Concerning international affairs, in November 2012, Shevchuk approved a new foreign policy concept which aims at Transnistria’s complete economic, cultural and ultimately also political integration with the Customs Union, the SES and the projected Eurasian Union as the separatist region’s top priority. Conversely, again contrary to hopes previously held in Brussels, Tiraspol has refused to take part in the negotiations between the EU and Moldova on DCFTA, arguing that Transnistria’s accession to the deep and comprehensive trade regime or any major part of the *acquis communautaire* would be harmful because it is incompatible the policy of legal harmonisation with the Russian Federation.

The importance and topicality of the issues addressed in the thesis have been underlined by recent judgments and cases pending in front of the European Court of Human Rights (ECHR). These concern the interconnected issues of human rights violations in Abkhazia and Transnistria; *de facto* political and administrative control of the unrecognized entities; the legal accountability of external actors; and possible roles and responsibilities of European institutions, including the EU.

The applications on human rights abuses in *Abkhazia* currently pending before the ECHR concern the right to property of ethnic Georgians who have been deprived of their houses in the wake of the armed conflict. Since 2007, there are three cases pending in front of the Court against the Georgian state: *Mekhuzla v. Georgia*,² *Sanaia v. Georgia*,³ and *Dvalia and Goguia v. Georgia*.⁴ Another noteworthy case and currently pending judgment is that of *Mamasakhlisi v. Georgia and Russia*,⁵ which addresses the *de jure* responsibility of the metropolitan state (Georgia) and the *de facto* control of the Russian

² European Court of Human Rights, Press Unit, *Georgia. Country Profile*, Echr.cor.int, July 2012. Retrieved on 10 March 2013 at http://www.echr.coe.int/NR/rdonlyres/85D304FC-762A-4BA1-94DD-34F4D7BBEA00/0/PCP_Georgia_en.pdf. I am indebted to Cătălina Nuța for providing the information on the ECHR cases.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

state over the actions of the secessionist authorities. This case concerns the complaint by a Georgian national convicted by a Russian military court but refused access to legal assistance.

The question regarding the extra-territorial application of the European convention on Human Rights had been addressed earlier in cases concerning the *Transnistrian* breakaway region. A corresponding ruling of the ECHR case law was the judgment delivered in 2004 in the case of *Ilascu and Others v. Moldova and Russia*.⁶ For the first time, by a Grand Chamber judgment, the ECHR recognized responsibility of the protector state, that is, Russia, for human rights violations occurring in the separatist territory. This ruling was confirmed by the recent ECHR Grand Chamber judgments in the case of *Catan and Others v. Moldova and Russia*.⁷ The applicants were professors, students and parents from the Moldovan-administered but Transnistrian-based schools who had complained to the court about the infringement by the separatist authorities of their right to education using the Latin script. The ECHR found that Transnistrian territory was under Russian Federation's jurisdiction as it could not survive without the strong political, economic and military support of the protector state. Furthermore, the ECHR found that Moldova did not violate the right to education of the above-mentioned schools as it made considerable efforts to support them.

To conclude, the cases in front of the ECHR concerned only a limited number of violations that occurred on the breakaway territories. However, the judgments are of extraordinary importance. The Court recognized the extra-territorial applicability of the European Convention on Human Rights and it held the protector state accountable for human rights violations in separatist *de facto* states.

6 Case of *Ilascu and Others v. Moldova and Russia*, Application No.48787/99, European Court of Human Rights, Judgment of 8 July 2004, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61886> (accessed on 08.01.2012).

7 Case of *Catan and Others v. Moldova and Russia*, Applications nos. 43370/04, 8252/05 and 18454/06, European Court of Human Rights, Judgment of 19 October 2012, <http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-114082> (accessed on 08.01.2012).

Introduction: The Natolin Best Master Thesis

PROF. GEORGES MINK

DIRECTOR OF STUDIES

COLLEGE OF EUROPE (EIS PROGRAMME, NATOLIN CAMPUS)

DIRECTEUR DE RECHERCHE AU CNRS (FRANCE)

The College of Europe (CoE) was the world's first university institute of postgraduate studies and training specialised in European affairs. Its origins date back to the 1948 Hague Congress. Founded in Bruges (Belgium) in 1949 by leading European figures such as Salvador de Madariaga, Winston Churchill, Paul-Henri Spaak and Alcide de Gasperi, the idea was to establish an institute where university graduates from many different European countries could study and live together. The Natolin campus of the College of Europe in Natolin, Warsaw (Poland) was established in 1992 in response to the revolutions of 1989 and in anticipation of the European Union's 2004 and 2007 enlargements. The College of Europe now operates as 'one College - two campuses'.

The European Interdisciplinary Studies (EIS) programme at the Natolin campus invites students to view the process of European integration beyond disciplinary boundaries and offers them a well-rounded understanding of the European Union. Students are awarded a 'Master of Arts in European Interdisciplinary Studies.' This programme takes into account the idea that European integration goes beyond the limits of one academic discipline and is designed to respond to the increasing need for experts who have a more comprehensive understanding of the European integration process and European affairs.

The EIS programme is open not only to graduates in Economics, Law or Political Science, but also to graduates of History, Communication Studies, Languages, Philosophy, or Philology who are interested in pursuing a career in European institutions or European affairs in general. This academic programme and its professional dimension prepare graduates to enter the international, European and national public sectors as well as non-governmental and private sectors. For many, it also serves as a stepping stone towards doctoral studies. Recognised for its academic excellence in European studies, the Natolin campus of the College of Europe has endeavoured to enhance its research activities. A programme aimed at producing high-quality research on EU internal and external policies in line with the specificities of the EIS academic programme was designed in 2010. This has been joined by the recent creation of two Chairs; the European Parliament Bronislaw Geremek European Civilisation Chair and the European Neighbourhood Policy Chair.

Beyond research and policy-oriented workshops and conferences, a new series of Publications has been created. The first issues were published in 2011, including a series on the EU and the neighbourhood as well as the inaugural “Natolin Best Master Thesis” publications. In order to get their Masters degree all students are required to write a Thesis within the framework of one of the course they follow during the academic year. The research theme chosen by the student or proposed by the Professor supervising the Thesis must be original and linked to European policies and affairs. An interdisciplinary approach is also encouraged. Masters theses are written either in French or in English, the two official languages of the College of Europe, often not the native language of the students. A scientific committee selects the Best Masters Theses among more than 100 produced on the campus every year. By publishing them, we are proud to disseminate some of the most interesting research produced by our students throughout the wider European studies academic community.

Introduction

The reputation of the EU in the world is a good one, based on our strong values of freedom and democracy, the rule of law, and the respect of human rights [...] The EU must pull its weight in areas of crisis and conflict. This is the responsibility of a global actor, but is also sound policy for the security of Europe.¹

The European continent is generally perceived as an area of democracy, rule of law and human rights. The respect for fundamental freedoms and rights is an intrinsic norm for the majority of European countries, either members of the EU or aspiring to that status. The EU has made the promotion of human rights one of the cornerstones of its foreign policy. The Council of Europe membership is common to all the states of the continent, with the exception of Belarus, and offers to Europeans an efficient remedy against the violations of their rights. Yet, on the map of European system of human rights defence there are a few ‘black holes’, areas of impunity and lack of responsibility – the unrecognized states that appeared in the aftermath of Soviet Union’s collapse. Besides all the mystifications that are usually circulating around these political anomalies on the international scene, there is the dramatic reality of the population living in limbo in the places that do not exist *de jure* but that have achieved *de facto* independence.

Researchers often focus on the topic of ‘frozen conflicts’ generated by the appearance of *de facto* states and the possible solutions to the conflicts. Their approach remains related to the politics and follows the pattern of a classical international relations theory. Only recently, some scholars started to explore the democratization processes occurring behind the imaginary curtain that separates the *de facto* states from the conventional international scene. And even fewer academic works have been dedicated to the analysis of the situation of common people living in isolated, highly autocratic and economically underdeveloped *quasi*-state entities. Whereas for many scholars the legal situation in the

1 Catherine Ashton, ‘Quiet diplomacy will get our voice heard’, *Times Online*, 17 December 2009

self-proclaimed states is more a virtual concept, the repercussions of the legal vacuum are felt on a daily basis by the population living inside such a regime.

This is also one of the motivations of this author for having decided on the topic. She was born in Bender on the right (western) bank of the Dniestr river in historical Bessarabia, but currently being a part of Transnistrian self-proclaimed republic, went to School No. 19 (since 2002 called Alexandru cel Bun Lyceum) in that city and continues to be a resident there. For that reason, she has been able to experience first-hand the wide gap between the official discourse of the separatist authorities and the actual state of affairs.

Part of that experience is the realization that the engagement of international actors in states having a 'problematic sovereignty' has some important political and legal limitations. It is even more valid for organisations such as the European Union (hereinafter EU), which combines both supra-nationality and inter-governmentalism. Following this, the research questions of this work are whether the EU can play a role in the human rights promotion in the conflict areas alias *de facto* states of Abkhazia and Transnistria and whether the civilian approach to conflict resolution through the promotion of human rights is fruitful.

One could assume that the EU has little leverage to intervene in the contested areas and to promote democratic principles there as it should always balance between the promotion of democratic norms and the respect of the principle of territorial integrity without consolidating in parallel the statehood of the unrecognized entity. Hence, there are little chances to impose democratic changes through bottom-up approaches, including the support of civil society organisations (hereinafter CSOs). As regards the EU effectiveness in conflict resolution by peaceful means, one could assume that the geopolitical interests that are frequently at stake in such contested areas would impede the EU intervention in the field of democratization. In order to find out whether these assumptions are valid and what factors are influencing the effectiveness of the EU assistance, two case studies, Abkhazia and Transnistria, were chosen for the research. Whereas the EU's task of the promotion of democracy and human rights applies to both entities, the academically and politically challenging issue lies in the differences between them: distinct state-building projects and different geopolitical challenges, demographic problems as well as different levels of pluralism and behavior towards minorities.

The methodology of the research will be three-folded. First, the thesis will adopt a normative approach by presenting and examining the concept of civilian power attributed to the EU as international relations actor and the extent to which it can intervene in the peaceful settlement of conflict through the promotion of democratic norms, including

human rights values. Second, a systemic approach will be useful for the analysis of the probability that a democratization process can be set in motion despite the fact that the *de facto* states are vigorously attempting to safeguard state sovereignty. Finally, a comparative approach will be used in order to identify the specificities of human rights violations in the two cases of Abkhazia and Transnistria. The same comparative method will be used later for the analysis of the EU policies in each of the two regions.

The research starts with the examination of theoretical debates around the concept of 'civilian power Europe' and the component of conflict prevention policy through the promotion of universal norms, such as human rights. At the end of the first chapter, the question of peculiarities of EU relation towards internationally unrecognized states will be addressed but also the limits of EU intervention in contested areas. This chapter will serve as a theoretical framework for the further analysis of the EU policies' impact and effectiveness.

The second chapter presents an overview of the main human rights violations occurring on the territory of the *de facto* states of Abkhazia and Transnistria. This will lay the basis for an analysis of the probability that changes in the human rights sphere in these entities can be achieved. In order to outline better the differences in the self-proclaimed regimes of Abkhazia and Transnistria, the description of human rights is divided in two categories: civil and political rights, and social, economic and cultural rights.

The last chapter will examine the capabilities of the EU as an international actor using a civilian approach to conflict resolution and to exert an impact on the human rights situation in the two selected regions and to contribute to a peaceful settlement of conflicts.

The research is based on the analysis of a wide range of literature. The most important sources consulted on the empirical parts of the topic, however, are the works by Nicu Popescu, Nina Caspersen and Tomáš Hoch. The theoretical framework of a 'civilian power Europe' is mainly based on the analysis of publications of Ian Manners, Andrew Moravcsik, Emma J. Stewart and Jan Orbie. The research will also frequently refer to the legal provisions of the EU and the official statements of the European bureaucracy. The EU legal documents will serve as well for the evaluation of the EU assistance role in the two separatist regions. The reports of international non-governmental organisations (hereinafter NGOs) such as Human Rights Watch, the International Crisis Group and Freedom House will serve as the main source for the description of the human rights violations occurring in the Abkhaz region. The description of abuses occurring in Transnistria is based on OSCE reports but also on the personal experience of the author. The thesis has also employed, although more sporadically and with a degree of caution

because of their dubious quality, reports by the self-proclaimed regimes and official documents of Abkhazia and Transnistria. Generally, the different types of source used have allowed a multi-perspective approach to answering the main research questions.

Chapter 1. The Quiet Superpower Europe? The EU Conflict Resolution Strategy Through Human Rights Promotion

The EU is well placed for a credible promotion of peace and stability through peaceful means. The initial project of Franco-German reconciliation, which served as an important basis for the European integration process, has proved its success and viability. On 9 May 2010, the EU celebrated 60 years of peace on the European continent – a product of the so-called ‘low politics’ with spillover effects on the general integration and stabilization on the European continent. The European project itself is a reaction to the devastation of the First and Second World Wars.

The European Union prides itself for the application of ‘soft power’ in the world. Opposed often to the United States with its proclivity to use military force, the EU emphasizes and is often sought for its ‘soft’ instruments of conflict prevention, crisis management and conflict resolution. However, its real influence on the global politics has been questioned. The ineffectiveness of ‘quiet’ EU diplomacy is epitomized by the famous phrase characterizing the EU as an ‘economic giant but a political dwarf’. Scholars insist on the capacity of one country to intervene in ‘hard’ politics and security issues, as peace and war, as a unit for measuring the power. However, this opinion is disputable as the power of a state cannot be measured only in terms of its military potential. Thus, Moravcsik insists that the EU does have the status as a superpower in the world. He argues that the power of influence of the Europeans over the politics of peace and war is as great as that of the United States.² Contrary to the United States using ‘hard’ means for intervening in situations of crisis, the EU employs ‘soft’ instruments of conflict settlement and peace advancement in the world. The High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, underlined in one of her first speeches after the her inauguration in this new position, the prominence of

2 Andrew Moravcsik, ‘The Quiet Superpower’, *Newsweek International*, 17 June 2002.

‘soft’ means in the European foreign policy: ‘I believe that a lot can be achieved with quiet diplomacy.’³

The aim of the following chapter is to provide for a general analytical framework for research. As the protection of human rights in the unrecognized entities of Abkhazia and Transnistria is highly related to the conflict prevention and conflict resolution process, the research will be centered on the role that the EU plays or could play. The chapter will describe the concept of ‘civilian power Europe’ in order to introduce later the civilian approach of the EU in the conflict settlement and peace-building process and will present the relevant actors and instruments in the human rights promotion and conflict settlement policies of the EU. Then it will bring into focus the EU policy towards the unrecognized states. This part will serve as a basis for the upcoming evaluation of the effectiveness of the EU engagement without recognition in human rights promotion in the *de facto* states of Abkhazia and Transnistria.

³ Ashton, *op. cit.*

1.1 'Civilian Power' Europe?

The features of the European foreign policy have produced the notion of 'civilian power' defining the EU's diplomatic activity. The Cold War context, the polarization of the world, and the unique institutional nature accounted for the EU's limited capacity to develop its own military potential. It could play a role on the international scene only through peaceful means. At the beginning of 1970s, François Duchêne introduced the concept of 'civilian power' defining the European Community as a 'civilian group long on economic power and relatively short on armed forces.'⁴ Duchêne argued that the European Community should stay loyal to 'its inner characteristics [...]': civilian ends and means, and a built-in sense of collective action.'⁵ Contrary to the United States' covert of overt military interventions, say, in Cambodia, Vietnam, Zaire and Nicaragua in the 1970s, the EU played mostly a peace-keeping and peace-building role. As Moravcsik has stated, the EU could affirm its superpower function through keeping the peace, rebuilding the economy and promoting democracy.⁶ He affirmed that the international community has tended to underestimate the role and the influence of EU foreign policy, because it is 'nearly invisible.'⁷

The concept of 'civilian power' introduced by Duchêne was later developed by Galtung, and by Maull and Kirste. Galtung accentuated the structural power of the EU, in particular, on its neighbors and the developing countries.⁸ Maull and Kirste defined it as an actor 'whose conception of its foreign policy and behavior is bound to particular aims, values, principles, as well as forms of influence and instruments of power, in the name of a civilization of international relations.'⁹

The status of the EU as a 'civilian power' was debated also in the 1980s. Hedley Bull called into question the concept, arguing that the EU could not be regarded a power at all since it did not (then) have any military potential¹⁰ and was dependent on the military protection of

4 Elsa Tulmets, 'A Soft Power with Civilian Means: Can the EU Bridge its Capability-Expectations Gap in the ENP?', in: Laure Delcour & Elsa Tulmets (eds.), *Pioneer Europe? Testing EU Foreign Policy in the Neighbourhood*, Baden-Baden, Nomos, 2008, p. 157

5 *Ibid.* Some of these characteristics were defined as 'equality, justice and tolerance' and an 'interest for the poor abroad'; as quoted by Jan Orbie, 'A Civilian Power in the World? Instruments and Objectives in European Union External Policies', in: Jan Orbie (ed.), *Europe's Global Role. External Policies of the European Union*, Aldershot, Ashgate, 2008, p. 6

6 Moravcsik, 'The Quiet Superpower', *op. cit.*

7 *Ibid.*

8 Orbie, *op. cit.*, p. 6

9 Tulmets, *op. cit.*, p. 158.

10 *Ibid.*, p. 157.

the United States.¹¹ Once the Common Foreign and Security Policy (hereinafter CFSP) and European Security and Defence Policy (ESDP) were launched, in the 1990s, the scholars Karen Smith and Adrian Treacher stated that the idea of ‘civilian power Europe’ had come to an end.¹² The emergence of CFSP and the militarization of the European external action called into question that status. However, the position of the majority of scholars still is that this development had not essentially changed the civilian status of the EU.

The idea of a European Union as a ‘normative power’ provoked important debates in the academic environment by the end of 1990s and the beginning of 2000s. Launched by Ian Manners in 2002, the emergence of this concept was due to the changes introduced in the EU external policy, notably by the Treaty of Amsterdam and Treaty of Nice, and the addition of conditionality in EU external relations. The concept of ‘normative power’ defines a state capable to influence through ideas rather than through material or physical incentives.¹³ However, it does not strongly differ from the precedent notion of ‘civilian power’, as Manners himself argued because of 9/11 and the global securitization policy with all its consequences for European foreign policy.

As Jan Orbie has argued, the concept of ‘civilian power’ is comprehensive and includes the notions of normative ‘Scandinavian’ type power combined with the features of an economic and political power. From his point of view, the EU is playing an important role by promoting its values and ideas in the world: democracy, human rights, and sustainable development. It cannot be reduced to a status of a peripheral state, which defines the norms, but is a powerful actor in the international diplomacy.¹⁴

Mauil had defined ‘civilian power Europe’ as conducting a five-dimensional policy manifested through:

1. constraint and monopolization of the use of force/ promotion of peaceful conflict resolution;
2. promotion of rule of law and institutions;
3. promotion of culture of non-violence;
4. promotion of social fairness/distributive justice;
5. promotion of participatory decision.¹⁵

¹¹ Orbie, *op. cit.*, p. 8.

¹² Tulmets, *op. cit.*, p. 157.

¹³ Ian Manners, ‘What kind of power? European Foreign Policy’, *Journal of European Public Policy*, Vol. 13, No. 2, 2006.

¹⁴ Orbie, *op. cit.*, p. 10-12

¹⁵ Tulmets, *op. cit.*, p. 158.

In Robert Kagan's terms, the EU uses its power of attraction and, in contrast to the United States and its 'weapons of mass destruction', the EU is wielding 'weapons of mass attraction';¹⁶ in opposition to the power of the United States whose power 'comes from Mars', the EU disposes of a force coming 'from Venus'.¹⁷ Specifically, the EU is regarded as exercising civilian power through the accession perspective, foreign aid and peacekeeping forces.

Concerning the attractiveness of potential accession to the common European market, with the subsequent use of the four freedoms, as well as the eventuality of membership in the common currency area, balances the hardship of the integration process and the acquisition of the *acquis communautaire*, including the values and principles of the EU. As for foreign aid, this tool is being applied when the membership perspective is lacking. In this context, it is worth noting that the EU is the biggest provider of development assistance in the world. In 2007, the EU member states and the European Commission (hereinafter EC) had a share of 50 per cent of international financial aid, thereby surpassing the United States with its share of 20 per cent.¹⁸ The European financial assistance is important as it contributes to peaceful conflict resolution in the short and medium term and, in the long run, to sustainable development of areas affected by conflicts. As for the latter, the EU finances nuclear safety programs, landmine clearance operations and instruments of democratization.¹⁹

However, since the accession perspective and foreign aid are not always available the EU has also embarked on peacekeeping operations by sending Civilian Crisis Management Missions to hotspots on the earth. The data provided by Moravcsik show that, at the beginning of the century, for instance, the share of the European contribution to peacekeeping troops was ten times bigger than that of the United States;²⁰ in Kosovo, 84 per cent of the troops and in Afghanistan about 50 per cent of the forces were European.²¹

Even at this stage, it is possible to advance some conclusions regarding the means that can be employed by the EU in order to improve respect for human rights in the two separatist entities chosen as case-studies. Although the general use of 'soft means' for

16 Patten quoted in Tulmets, *op. cit.*, p. 136.

17 Quoted in Tulmets, *op. cit.*, p. 136.

18 Andrew Moravcsik, 'Europe: The Quiet Superpower', *French Politics*, Vol. 7, No. 3/4, September-December 2009, p. 412.

19 *Ibid.*

20 *Ibid.* Data for 2002.

21 *Ibid.*

the transformation of conflicts is generally recognized as a characteristic feature of EU foreign policy, the way these means are applied is also peculiar: in contradiction to the 'stick strategy' pursued through economic or diplomatic sanctions, the EU generally prefers the use of the 'carrot' strategy in order to promote its values.²² Nevertheless, this general strategy is not applicable to internationally unrecognized states because of the difficulty of requiring and enforcing conditionality that applies in the relation with states functioning under the international order.

To conclude, it is fair to say that the European practice in conflict prevention and settlement process is distinct from that of the United States. Designed for the long run, the EU is investing in the peaceful methods, notably development assistance and democracy-building. As Moravcsik has argued, in fifty years, the European Union may be perceived by historians a contributor to world peace through 'soft' power equal to that of the United States through the application of 'hard' instruments.²³

In the following sections, the research will describe in more detail the European use of 'soft' and 'civilian' means of conflict transformation in order to introduce the more specific focused analysis of EU policies towards post-Soviet *de facto* states.

²² Hill quoted in Orbie, *op. cit.*, p. 13.

²³ Moravcsik, 'The Quiet Superpower', *op. cit.*

1.2 The EU as Catalyst for Conflict Transformation through the Promotion of Human Rights

The link between conflict prevention and the promotion of human rights and democracy is abundantly clear. Just as denying basic rights fans the flames of conflict, helping to guarantee those rights can prevent conflict arising in the first place.²⁴

This statement by Christopher Patten is probably the most concise expression of the inextricable link between conflict prevention and resolution, and the respect for democratic principles and the promotion of human rights. The human rights violations are often at the source of the escalation of conflicts and this aspect of conflict prevention and resolution is rightfully reflected in the policy of the EU.²⁵ From the construction of a peaceful post-conflict future, the human rights respect is regarded as a guarantee for a sustainable peace, or in EU terms, 'structural stability'.²⁶ This is explained by the Commission as a 'situation involving sustainable economic development, democracy and respect of human rights, viable political structures, and healthy social and environmental conditions, with the capacity to manage change without having resort to violent conflicts'.²⁷ Even if the link between conflict prevention and resolution and structural stability is indirect, the dependence of peaceful post-conflict conditions on the respect of democratic principles, including human rights, is undeniable.

This part of the chapter will first present a brief historical perspective on the emergence of the EU's conflict prevention policy as a response to the changes in post-Cold War Europe and an overview of the EU institutions and instruments engaged in conflict prevention and resolution. As the exhaustive presentation of the EU actors and tools is beyond the scope of the research, the following will encompass only instruments relevant to the purpose of the study, above all the means employed for structural changes and the transformation of conflict.

²⁴ Christopher Patten, Commissioner for External Relations quoted in Sybilla Fries, 'Conflict Prevention and Human Rights', Vincent Kronenberger & Jan Wouters (eds.), *The European Union and Conflict Prevention. Policy and Legal Aspects*, The Hague, Asser Press, 2004, p. 238.

²⁵ Secretary General/High Representative & European Commission, *Improving the Coherence and Effectiveness of the European Union Action in the Field of Conflict Prevention*, Report, Nice, 7-9 December 2000

²⁶ Commission of European Communities, *The European Union and the issue of conflicts in Africa: peace-building, conflict prevention and beyond*, SEC (96) 332 final, Brussels, 6 March 1996.

²⁷ *Ibid.*

Emergence of the EU Conflict Prevention Policy

The conflict prevention aspect of European foreign policy is relatively recent. It was developed in the 1990s in response to the end of the Cold War, the disintegration of the USSR, conflicts on post-Soviet space but mainly in reaction to the Balkans war. Nonetheless, conflict prevention is deeply connected with the essence of the EU as a successful reconciliation project and thus is linked to core EU values such as liberty, democracy and the respect for human rights.²⁸ The evolution of the European approach towards conflict prevention is also driven internally but at the same time it is related to the creation of an EU international identity.²⁹

Furthermore, the establishment of the CFSP by the Maastricht Treaty marked the appearance of the conflict prevention aspect of the CFSP since it listed as one of its objectives the goal 'to preserve peace and strengthen international security'.³⁰ Among the five overlapping goals of the foreign policy, the Maastricht Treaty mentioned 'democracy and the rule of law, including human rights'.³¹ This was important as, from the very beginning, it linked the preservation of peace to democracy and human rights protection.³² Since then, conflict prevention has developed further and assumed a crucial role in the external actions of the EU. In June 1992, at the Lisbon European Council, it was explicitly included in the range of the EU external activities. One year later, the Brussels European Council concluded with the draft of a Stability Pact having as its objective conflict prevention in Central and Eastern Europe. The notion of the EU as having a role in conflict prevention was not limited to the European Council but was shared also by the Commission. By the mid-1990s, the latter established link a between development aid and the prevention of conflicts, which in turn marked the beginning of the structural conflict prevention policy of the EU.³³ Subsequent treaties extended the military competences of the EU in times of crisis under the CFSP, while the Commission continued the elucidation of the conflict prevention competences of the EU's external service by issuing in 2001 the *Communication on Conflict Prevention*. This document outlined the instruments at the EU's disposal by separating them for the first time

²⁸ Manners, *op. cit.*, p. 243.

²⁹ Emma J. Stewart, *The European Union and Conflict Prevention. Policy Evolution and Outcome*, Berlin, Transactions Publishers, 2006, p. 80.

³⁰ European Union, 'Treaty on the European Union', *Official Journal of the European Union*, C 191, 29 July 1992, Title V, art. J.1(2).

³¹ *Ibid.*, art. J.1(3).

³² Stewart, *op. cit.*, p. 96.

³³ *Ibid.*, p. 97.

according to long-term and short-term measures. Later this classification of conflict prevention capacities of the EU was developed into a three-class one:

- structural long-term ('projecting stability prevention');
- mid-term (early warning and analysis);
- direct short-term operational ('reacting quickly to nascent conflicts').³⁴

The Swedish European Council Presidency continued the evolution of the EU approach to crisis management. Thus, the Göteborg European Council of June 2001 declared that conflict prevention would be pursued 'as one of the main objectives of the EU's external relations'.³⁵ This prioritization continued in 2003 with the adoption of the *European Security Strategy* – a document of an outstanding importance for the region and for the two case studies of this research. Secondly, the conflict prevention stipulations were included in European Neighbourhood Policy (ENP) Action Plans. Criticism of the EU has often taken the form that there is creeping militarization of its external actions. The present research contests this opinion by demonstrating that the EU is still engaged in long-term structural policy towards the conflict areas, not only in short-term operational programs.

Institutions

Regarded from an institutional level, the implementation of the EU's conflict prevention policy is two-headed, carried out by the Commission and the Council. The responsibilities are divided depending on the power and authority attached to each institution. Both the Commission and the Council are engaged in analysis and early warning; operational processes are under the prerogative of the Council as they involve political decisions; and the Commission is responsible mainly for the structural changes involving a long-term engagement. It is also the Commission's responsibility to ensure long-term changes through the EU's aid programmes. In addition to the initial objective mitigating the causes of the conflict dismantling, the aid provided by the EU is strongly linked by conditionality clauses to the values promoted at international level – democracy, human rights and good governance.³⁶ According to the European Commissioner for Development and Humanitarian Aid, Poul Nielson, the civilian power of the EU is

³⁴ *Ibid.*, p. 93 & Göteborg European Council, *EU Programme for the Prevention of Violent Conflicts*, June 2001.

³⁵ Göteborg European Council, *EU Programme for the Prevention of Violent Conflicts*, *op. cit.*

³⁶ Stewart, *op. cit.*, p. 100.

mainly based on the development aid provided in the scope of conflict prevention and is the greatest contribution that the EU can make in this field.³⁷

The Amsterdam Treaty introduced the function of the EU Special Representative (hereinafter EUSR) for the EU missions in trouble spots. Under the auspices of the High Representative for Foreign Affairs and Security Policy, the Special Representatives were until now deployed in the following regions: Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Central Asia, Sudan, Moldova, the Middle East, the South Caucasus, Afghanistan, the African Union, the Horn of Africa, Kosovo, the Southern Mediterranean Region, and the African Great Lakes Region. Ten of these twelve Special Representatives are still in place. Their role is to make the actions of the EU more visible, to ensure increased coherence of the EU's involvement in conflict regions, to promote the EU's policies and interests and to contribute to a peaceful crisis settlement through the consolidation of peace, stability and rule of law.³⁸

Financial Instruments for Peacebuilding Activities

The most important financial assistance is provided to conflict areas through the humanitarian aid and programs on democratic development and human rights promotion instruments rather than through the CFSP budget. The latter is barely sufficient to cover the increased conflict management activities of the EU and offers only € 2.803 million per year (2010).³⁹ As stated before, the EU remains the most important international donor in the world with a sum of € 46 billion (2007) of development funds per year.⁴⁰ In this context, the financial instruments for development and democratic values promotion are of primary importance.

The EU instruments for external assistance are geographical in scope and thematic. Regarding the former, they consist of the Council regulations that allow the funding for third countries in different areas. The programming of the assistance is subject to Country Strategy Papers (CSPs), which give an overview of the economic, political and social situation of the state in question. The human rights aspect is dealt with in the description of the country's adherence to international treaties and the degree of respect

³⁷ Poul Nielson, *Building Credibility: The Role of European Development Policy in preventing conflicts*, Speech made at the Foreign Policy Centre, London, 8 February 2001.

³⁸ Council of the EU, *EU Special Representatives*.

³⁹ Council of the EU, *Final update of the 2010 CFSP Budget*, 5230/11, Brussels, 12 January 2012.

⁴⁰ Commission of the European Communities, *The EU – a global partner for development. Spending up progress towards the Millennium Development Goals*, COM(2008) 177/3, Brussels.

for civil freedoms.⁴¹ The CSP serves as basis for the assessment of areas to be funded by the EU, with limited participation of the partner country. Part of the CSP is a 'check-list for root causes of conflict' which includes indicators concerning the respect for civil and political freedoms, religious and cultural rights as well as 'other basic rights'.⁴² It also checks for the extent to which there are indicators for the presence of civil society and freedom of the media.⁴³ However, the consistency of the EU policy towards conflict prevention and post-conflict peace-building is questionable as in some cases (e.g. the CSP for Georgia) there is a lack of elucidation of the EU's role.⁴⁴

As regards thematic instruments, these are applied through Council regulations providing aid in a specific country. Contrary to the geographical tools, the thematic measures avoid the participation of the third country government in the decision-making concerning grants, and financing is carried out through NGOs or international organisations.⁴⁵

The instruments available for the conflict prevention policy are also classified in accordance with their perspective, as to whether they are long-term structural or short-term operational. In the first case, the EU policy is aimed at strengthening 'society socially and economically, which may have a stabilizing effect in situations where there is a tangible risk of armed conflict breaking out'.⁴⁶ The mechanisms used by the EU are usually the political dialogue and the fight against organized crime, trafficking and money laundering.⁴⁷ The instruments for human rights promotion available to the EU in external actions under the political dialogue mechanism are one of the most prominent tools in the enhancement of sustainable stability, along with development aid, trade and economic cooperation policies and environmental policies.⁴⁸

Regarding the short-term instruments, the EU uses three distinct mechanisms in order to implement its operational tasks: diplomatic measures, political dialogue and sanctions.⁴⁹

41 Fries, *op. cit.*, pp. 240-41.

42 Javier Niño-Pérez, 'Conflict Indicators Developed by the Commission – the Check-list for Root Causes of Conflict/Early Warning Indicators', in: Vincent Kronenberger & Jan Wouters (eds.), *The European Union and Conflict Prevention. Policy and Legal Aspects*, The Hague, Asser Press, 2004, p. 17.

43 *Ibid.*

44 Stewart, *op. cit.*, p. 111.

45 Fries, *op. cit.*, p. 241.

46 Javier Niño-Pérez, 'EU instruments for conflict prevention', Vincent Kronenberger & Jan Wouters (eds.), *The European Union and Conflict Prevention. Policy and Legal Aspects*, The Hague, Asser Press, 2004, p. 94.

47 *Ibid.*, p. 96.

48 *Ibid.*, p. 95.

49 *Ibid.*, p. 97.

It is important to note at this point that the relation between human rights and conflict prevention policies is seen from two opposite perspectives. Under the former policy, whereas human rights violations are seen as a *cause* of conflict under human rights policy they are often regarded as a *consequence* of the conflict.⁵⁰ However, the respect of fundamental rights as a prerequisite for the structural stability is a standard that contributes to the objective of conflict prevention as such.

To conclude this section, the above discussion has shown the weakness of EU mechanisms to prevent and manage conflict. First, fragmented decision-making enhances incoherence of EU policies, requiring better inter-institutional coordination. This is of primary importance in situations of crisis and conflict. Second, the EU conflict prevention policy stays often at a declaratory level, which is weakening the role of the EU as an influential actor in conflict management. Nevertheless, the EU has a strategic perspective by investing more in long-term projects that are best placed in order to address the primary sources of the conflict and ensure sustainable development.⁵¹ However, synergy between the operational and structural intervention is the keystone of a successful mission.

The next section will assess the forms and the scale of the EU's involvement in post-conflict zones in the area of former Soviet Union. The phenomenon of *de facto* states on the post-Soviet territory will be dealt with first. Then follows an examination of EU policies vis-à-vis these entities, focusing both on the strengths and weaknesses of the EU's approaches.⁵²

50 Fries, *op. cit.*, p. 248.

51 Niño-Pérez, 'EU instruments for conflict prevention', *op. cit.*, p. 100.

52 Defined by Oisín Tansey as 'unrecognized entities that aspire to political independence and have some form of political regime in place'; in: Oisín Tansey, *Sovereignty, Democracy and Non-state Entities*, SGIR, 2007.

1.3 EU Policy towards Conflict Areas on Post-Soviet Space

The EU, as a global actor committed to the promotion of peace, democracy, human rights and sustainable development, is generally seen as a credible and ethical actor in situations of instability and conflict and is thus well placed to mediate, facilitate or support mediation and dialogue processes.⁵³

The armed conflicts that broke out after the dismantling of the USSR resulted in the appearance of new actors on the regional political scene – a number of new states claiming the recognition of their independence from the international community: Pridnestrovian Moldavian Republic (Pridnestrovskaia Moldavskaia Respublika, hereinafter Transnistria or PMR), Abkhazia, South Ossetia, and Nagorno-Karabakh. Even if the roots of the separation vary from one case to another, the common point of all the pseudo-states is their separation from their parent states and either a search for international recognition as independent political states (Abkhazia and allegedly Transnistria) or the opportunity to integrate into the patron state (South Ossetia into Russia and Nagorno-Karabakh into Armenia).

Despite the institutional capability they claim, the image of separatist states is generally negative, with epithets abounding such as ‘outlaw territory’, ‘black hole’ and ‘base for organized crime, human trafficking and smuggling’ etc. Because of their international unrecognized status, the pseudo-states are isolated both economically and physically. Economic restrictions and sanctions are often applied both by the parent states and the international community. Foreigners rarely invest or establish enterprises there, except firms and businessmen of the patron state. Exceptions are the humanitarian organisations providing support for the conflict-affected population.⁵⁴ Regarding physical isolation, the *de facto* states, all of them, except Abkhazia, lack air or sea connection with the outside world. In addition, their citizens enjoy the right to travel only if they have a passport from an internationally recognized state. This ‘double isolation’, both in relation to the parent state as well as to the outside world, is obviously an important factor for the economic deprivation of these regions and decrease in life quality of their inhabitants. Thus, for instance, the GDP per capita in the *de facto* states is lower than in their parent countries.⁵⁵ Isolation is often associated with the threat of regional instability

53 Council of the European Union, Concept on Strengthening EU Mediation and Dialogue Capacities, 15779/09, Brussels, 2009.

54 Tomáš Hoch, ‘EU Strategy towards Post-Soviet De Facto States’, Contemporary European Studies, Vol. 2, 2011, p. 74.

55 *Ibid.*

and humanitarian problems.⁵⁶ Nevertheless, since they are for the most part supported financially by their patron state, the political goal of international recognition prevails over economic rationales.

Concerning engagement of the EU in conflict management in unrecognized states, Nina Caspersen has advanced three main arguments in favor of EU action:

- human security needs;
- development needs;
- the need for global security.⁵⁷

Such perceived requirements have shaped the EU engagement in the so-called ‘frozen conflicts’, including the ‘engagement-without-recognition strategy’ launched in 2009 in reaction to the 2008 war between Georgia and Russia. This strategy is defined as an apolitical approach, oriented primarily towards rehabilitation, support of civil society in the fields of democracy and human rights, and confidence building measures. In a long term, this approach should induce change from within and from the ‘bottom up’ and is supposed to bring the rebel regions closer to the EU and its values without committing the EU to their recognition.⁵⁸ The approach is significant as it allows the EU to play a more important role in the region by hampering Russia to exercise absolute control over the separatist states. This objective should be pursued in spite of possible opposition by the legitimate government which has to approve the financing of European activity on the territory of the separatist regions. It also allows the EU to play a greater role in the area of its main strength as, for instance, supporting civil society. That approach works well with the unrecognized entities because the participation of NGOs from the separatist regions gives the latter a forum and a modicum of recognition while at the same time providing the parent state with the possibility indirectly to conduct a dialogue with the self-proclaimed authorities.⁵⁹ This tactic is also cost-effective to the EU as it allows it to play an important role as a ‘civilian power’ without compromising the principle of territorial integrity.

The principle of territorial integrity has consistently shaped EU actions towards unrecognized states. The problem is, however, that the EU’s engagement in the separatist

56 Nina Caspersen and Antje Herrberg, *Engaging Unrecognized States in Conflict Resolution: An Opportunity or Challenge for the EU?*, Crisis Management Initiative, IFP Mediation Cluster, December 2010, p. 8.

57 *Ibid.*, p. 10.

58 Hoch, *op. cit.*, p. 79.

59 Caspersen & Herrberg, *op. cit.*, p. 13.

territories may nevertheless be seen by the parent state as a violation of its territorial integrity – unless the latter specifically asks for intervention and assistance by the EU. In fact, the involvement of the EU has always been subject to approval from the parent state.

Nevertheless, Caspersen listed a three-folded problem as regards the engagement-without-recognition policy. First, the *de facto* state may perceive this policy to be oriented towards reintegration. Second, is overcoming interference by the patron state in order to make a significant shift in the position of *de facto* authorities. Third, an effective assistance policy could improve the sustainability of the separatist region and impede the finding of a solution to the conflict and achievement of reintegration.⁶⁰

The political framework for the EU partnership with most of the former Soviet states, the ENP, does not include any provision concerning policy on separatist entities. The current engagement of the EU, as mentioned, in general is founded on the principle of territorial integrity.⁶¹ This has substantial implications for the form of European financial assistance for the contested territories but it also often implies a negative perception of the EU as a neutral donor, as usually it is perceived from the *de facto* authorities as a backer of the metropolitan state's interests. Additionally, the ENP Action Plans establish partnership relations only between the EU and the parent state, which creates an asymmetry and induces even stronger mistrust from the part of *de facto* states.

In addition to the ENP political framework, the EU created the European Peace-building Liaison Office (EPLO) that unites all the NGOs working in the field of conflict prevention and peace-building. However, its usefulness and sustainability is controversial.

In spite of all overlapping political frameworks, the EU still lacks a coherent approach to conflict resolution in its neighbourhood. The 2003 European Security Strategy marked the beginning of the EU engagement in the region, setting broad aims for European foreign policy, including the establishment of a circle of well-governed states around the EU. The further launch of the ENP provided the EU with an additional tool for conflict management – the ENP Action Plans, which are according to Hoch the 'best elaborated instruments for conflict resolution and the support of civil society and peace-building' through a soft policy approach⁶². Within the ENP framework, the civil society role in the peace-building process was emphasized and encouraged by numerous projects.

60 Nina Caspersen, *Unrecognized States. The Struggle for sovereignty in the Modern International System*, Cambridge, Polity Press, 2012, pp. 143-44.

61 Hoch, *op. cit.*, p. 69.

62 *Ibid.*, p. 76.

However, the ENPI, which is the financial instrument for ENP implementation, does not make any reference to the specific field of conflict transformation.⁶³

The overall pessimistic evaluation of the European engagement in the conflict transformation in *de facto* states within the framework of the ENP is mainly due to the insufficient implementation of goals of the EU policy towards separatist regions. As for the case of Abkhazia, Popescu discerned the most important objectives pursued by the EU to be as follows:

- reduction of financial dependence of Abkhazia from Russia;
- strengthening the credibility of the EU;
- the spreading of European values;
- confidence-building between the central government of Georgia and the *de facto* administration of Abkhazia.⁶⁴

Although these goals were defined for the Abkhaz region, they could easily be applied to other separatist regions. Correspondingly, Hoch added to this list the goals of achievement of security in the region through conflict resolution, respect for the principle of territorial integrity, support for democratization processes and the creation of a civil society and the establishment of cooperation with neighbouring countries.⁶⁵ The achievement of such goals and their sustainability will be subject to further assessment of the European policies of conflict transformation in *de facto* states of Abkhazia and Transnistria. Before that, however, it is necessary to focus on the state of affairs concerning human rights in the two cases.

63 Natalia Mirimanova, 'Civil Society Building Peace in the European Neighbourhood: towards a new framework for joining forces with the EU', *MICROCON Policy Working Paper 10*, March 2010, p. 4

64 Nicu Popescu, 'Europe's Unrecognized Neighbours. The EU in Abkhazia and South Ossetia', *CEPS Working Document*, No. 260, March 2007.

65 Hoch, *op. cit.*, p. 83.

Chapter 2. Human Rights in Abkhazia and Transnistria: Imitation of Democratic Statehood

The choice of the case studies for this research was motivated mainly by the opportunity they offer to compare the distinct contexts of *de facto* states from the post-Soviet area. The comparative approach will permit analysis of the effectiveness and the perspective of the EU engagement in conflict resolution through peaceful means. At this stage, it is important to mention the different international contexts faced by the separatist states of Abkhazia and Transnistria. Even if in both cases Russia is the patron state, the relationship between Moscow and the self-proclaimed authorities differs, depending on the state-building and independence projects of the separatist states. Hence, in the Abkhazian case, the objective of gaining independence is guiding the *de facto* authorities attempt to obtain a more differentiated approach to conflict settlement, including a more important European involvement in order to counterbalance the Russian influence. In contrast, the Transnistrian independence project is rather unclear as the official statements claiming independence from Moldova run parallel to an internal propaganda that emphasizes substantial support from and potential integration into Russia. The proportion of Slavic population in the region was one of the factors which influenced this differentiation from the Abkhazian case. These diverging situations have also to a great extent shaped the internal situation in both separatist republics, including the respect for human rights.

The following description will center on general violations of human rights occurring on a daily basis and affecting the life of common people. It will attempt to demonstrate that the scope of violation of certain human rights (civil and political, and economic, social and cultural) in the two separatist regions depends on the different state-building strategies adopted by the self-proclaimed authorities. This will lead to an analysis of the question as to whether a regime respectful of human rights in countries with 'problematic sovereignty' can be created. In that context, obstacles will be examined which are encountered by international actors, such as the European Union, in their attempts at cooperation with separatist territories in the promotion of democratic principles and

human rights. This section will also be important to determine the prerequisites for cooperation of unrecognized states with the external partners.

2.1 Abkhazia: Human rights versus Ethnocracy

Human rights violations that occur in Abkhazia are strongly linked to its state-building strategy. By endeavoring to create a nation-state, the Abkhazs attempt to impose their ethnic domination over a multi-ethnic population. The relative absence of political fragmentation but also the preexistence of certain forms of societal organisations favoured the establishment of a more or less pluralistic political scene and strong civil society. In contrast, the ethnic Georgians, concentrated in the district of Gali, historically inhabited by them, are constantly oppressed in the exercise of their fundamental rights.

In order to establish the fact of Abkhaz ethnocracy, it is instructive to look at demographic data. According to the last census conducted when Georgia was part of the Soviet Union in 1989, the total number of the population of the then Autonomous Republic of Abkhazia amounted to 525 061 people, of which the Abkhaz constituted only 17.8 per cent, while 45.7 per cent were Georgian, 14.6 per cent Armenian and 14.3 per cent Russian.⁶⁶ Undoubtedly, as a result of the 1992-1993 conflict and the Georgian-Russian war in 2008, the ethnic distribution changed. According to the 2011 census carried out by the Abkhaz authorities, the total population had decreased to 240 705 inhabitants, 50.8 per cent of which are Abkhaz, 17.93 per cent Georgian (Mingrelian)⁶⁷, 17.39 per cent Armenian, and 9.17 per cent Russian.⁶⁸ The very fact that the Abkhaz were, conveniently for the claim of legitimacy of rule, proclaimed to be just barely over 50 per cent of the population, arouses suspicion that the results were falsified.

The war of 1992-1993 resulted in the displacement of a large number of Georgians. The figures vary from 149 000 to 200 000 people who were forced to leave Abkhazia, many of them from the Gali region.⁶⁹ In March 1999, the authorities of the self-proclaimed independent republic allowed Georgian refugees to return to the Gali district.⁷⁰

66 Nicu Popescu, 'Abkhazie, Ossétie du Sud : Cruelle démographie', *Courrier International*, No. 846, January 2007, pp. 18-24 and *Ethno-Caucasus: Ethnodemography of the Caucasus. Data on the Population Census, and Ethnographic Maps*. Retrieved on 3 March 2012 at <http://www.ethno-kavkaz.narod.ru/rnabkhazia.html>.

67 Mingrelians are a subethnic group of Georgians, living in the Samegrelo region but also in Gali district of Abkhazia. Due to the fact that their language is not a literary one, the Mingrelians are bilingual, speaking both Mingrelian and Georgian.

68 'Численность населения Абхазии составляет 240 705 человек' (The Population of Abkhazia Amounts to 240 705 Inhabitants), *Apsny Press*, 28 December 2011.

69 Human Rights Watch, *Living in Limbo. The Rights of Ethnic Georgian Returnees to the Gali District of Abkhazia*, 2011, p. 1.

70 According to UNHCR before the 1992-1993 conflict, 96% (from a population of 76 688 people) of Gali's inhabitants were ethnic Georgians

However, they also declared that they could not guarantee the safe and dignified return of Georgians to regions other than Gali.⁷¹ Furthermore, those Georgians who chose to return to their homes in the Gali region cannot enjoy fully all their rights and they are subject to constant discrimination.

The total number of the population of the Gali district is highly politicized and subject to manipulation. According to data provided by the Georgian government to Human Rights Watch, since 1999 only approximately 45 000 people have returned to the district and 5 000 people commute on a regular basis between Gali and Georgian uncontested areas.⁷² In contrast, in 2011 the Abkhaz authorities provided a figure of 30 437 people for the total population of the Gali district.⁷³

2.1.1 Civil and Political Rights under Abkhaz Ethnic Dominance

Freedom of Expression

Freedom of expression on the territory of the Abkhaz separatist state is limited. Despite the independence of some media, they are under constant pressure from the *de facto* authorities. According to the 2010 Freedom House report, the main sources of information in the Abkhaz region are the electronic media, partially state-owned, as well as the main broadcasting media.⁷⁴ Over time, the control over the media in electoral campaigns has increased. For instance, during the 2009 campaign, a private company was without explanation refused the license to broadcast.⁷⁵ Until 2004, the private televisions and radio stations were denied the right to broadcast political news and programs. Now, even some live news can be broadcast.⁷⁶ As for Russia, its influence on public opinion in Abkhazia has been asserted through the ubiquity of Russian channels on Abkhaz territory. All the media broadcast the most negative information on the current situation in Georgia.

Conflict over the transmission of Georgian TV channels in the Abkhaz region is permanent. Mutual accusations concerning illegal diffusion of channels abound. In

71 ODIHR, OSCE, *Report on the Violations of Human Rights in the Conflict Zones*, 4 October 2007.

72 Human Rights Watch, *Living in Limbo*, *op. cit.*, p. 22.

73 *Ibid.*

74 Freedom House, *Freedom in the World 2010: Abkhazia Overview*, 2010.

75 Article 19, *A Survey of Access to Information in Abkhazia and its impact on People's Lives*, London, June 2007, p. 15.

76 *Ibid.*

September 2010, Sukhumi took unilateral action and stopped the broadcasting of Georgian channels in the Gali district of Abkhazia, with the State Communications Inspection of Abkhazia removing the transmitters of Georgian TV.⁷⁷ The Sukhumi-based authorities justified their action by stating that the 'Georgian TV channels have no license from the Abkhaz State Communication Inspection, therefore their broadcasting in the territory of the Abkhazian Republic is illegal'.⁷⁸

Freedom House has stated that the printed media are also influential in the region and that they enjoy a certain extent of independence. Two private papers, *Chegemskaya pravda* and *Novaya gazeta*, are critical of the government, and they supported the opposition in the 2009 elections. Moreover, the popular radio *Soma* as well enjoys a certain amount of freedom of expression.

Freedom of Movement

Gali district inhabitants rely on their ability to commute across the administrative border with Georgian uncontested territories. According to Human Rights Watch, the Georgian inhabitants of the Gali district have a wide range of reasons for crossing the administrative border over the Inguri river. These include:

- the receipt of allowances for internally displaced persons (IDPs) distributed by Georgian government;
- the preference of many Gali residents for security reasons to live permanently in uncontested areas of Georgia and return to Gali only in order to take care of their fields or property;
- strong family ties across the dividing line;
- children studying in the schools near the border;
- high-school graduates that continue their university studies in uncontested Georgia;
- the fact that because of the poor condition of the roads connecting the lower Gali area and Gali town, many inhabitants of this region prefer to make trips to Zugdidi in 'core' Georgia rather than to Gali.⁷⁹

77 'Broadcasting of Georgian TV channels was stopped in Gali district of Abkhazia', *Caucasian Knot*, 22 September 2010.

78 'Sukhumi Regime suppresses Broadcasting of Georgian TV-companies', *Web Portal on Human Rights in Georgia*, 22 September 2010.

79 Human Rights Watch, *Living in Limbo, op. cit.*, pp. 40-41.

Before the outbreak of war in South Ossetia and the attendant escalation of tensions between the Georgian and Abkhazian authorities in August 2008, there were between 3 000 and 5 000 ethnic Georgians crossing the administrative border on a daily basis.⁸⁰ Four or five official and around a dozen of unofficial border crossing points were functioning.⁸¹ Furthermore, the border was relatively porous and the crossing of the border was easily possible by paying a little bribe to border guards. The rules for the transition of the administrative boundary were relatively relaxed and people could use a wide range of documents in order to make a trip across the border.

After the August 2008 conflict the situation changed substantially: the border was officially closed for one year and a half after which time the Russian military began to exert joint control over the border together with Abkhaz forces. During the transition period, the crossing of the border was allowed only for persons possessing an Abkhaz or a Soviet passport with a Gali residency stamp.⁸² Residents of other parts of Abkhazia have to apply for a special crossing permit, issued only for humanitarian purposes.⁸³ After the Russian troops started to exercise joint control, the rules for crossing the border were again relaxed. At the moment, there is only one crossing point over the Inguri river, but, according to Russian officials, by the end of the consolidation of Russian border mission in 2011 there were supposed to be five crossing points. Even if the procedures are easier and faster, the population is still required to obtain a crossing permit issued only in the administrative center of Gali district – the town of Gali. The procedure for obtaining the permit is burdensome. It requires of the residents of the communities near the border to make a trip to Gali town, which, as mentioned, is onerous because of the poor road infrastructure. Furthermore, the permit is valid only for one-round trip and is to be used within a month from its issue.⁸⁴ For all of these reasons, people prefer to take bypass roads despite the risk of being captured by the Russian forces and transferred to Abkhaz authorities in Gali and to pay a fine for unauthorized crossing of the border. Another option used is to pay a bribe to the Abkhaz border guards.

The situation of ethnic Georgians of Gali district possessing a Georgian passport only is even more problematic. They cannot obtain special crossing permits, so each time they cross the border they take bypass roads at their own risk. In case they are captured

⁸⁰ *Ibid.*, p. 23.

⁸¹ *Ibid.*, p. 42.

⁸² *Ibid.*, p. 43.

⁸³ *Ibid.*

⁸⁴ *Ibid.*, p. 44.

by the border guards, they have to pay an exorbitant fine of around \$ 2 000 for illegal border crossing or face detention and imprisonment.⁸⁵

To make matters worse, the right of free movement is restricted not only for the residents of the region. International organisations are also denied crossing the Abkhazian border. According to the OSCE, the UNHCR is the only NGO among the international NGOs allowed to have access to Abkhaz territory.⁸⁶

Finally, it is important to underline that the border regime imposed on the Abkhaz region by the *de facto* authorities has had an overwhelming impact on different aspects of everyday life of people and has especially affected the Gali residents' economic, social and cultural rights. The wars have led to a significant deterioration of life in the Abkhaz region and the economic situation of its population overall. According to the OSCE's ODIHR, 90 per cent of Abkhazia's residents are considered economically vulnerable.⁸⁷ This is true in particular for the life and income of people who before the war made a living from selling their agriculture production on the other side of the border.

Right to Political Participation

The nascent civil society, relative political pluralism and freedom of media are the developments that justify the qualification of Abkhaz statehood as relatively free.⁸⁸ In fact, the pluralism of the Abkhaz state is surprising. However, this positive feature only benefits one part of the population, the ethnic Abkhaz, despite the fact that they are only a 'dominant minority' in the region. Since its democratic regime is valid only for one ethnicity, isolating and limiting the participation in political processes of others, the analysts qualify the unrecognized state as an 'ethnocracy'.⁸⁹ This state of affairs is codified in Abkhazia's Constitution of 1999. Thus, for instance, Article 49 stipulates that only ethnic Abkhaz are eligible to run for president.⁹⁰ The so-called minorities living in the secessionist territory do not enjoy full rights to political participation and proportional representation in the state institutions. Armenian and Russian inhabitants

85 *Ibid.*, p. 46.

86 ODIHR, OSCE, *Human Rights in the War-Affected Areas Following the Conflict in Georgia*, 27 November 2008, p. 64.

87 *Ibid.*

88 see Freedom House reports qualifying Abkhazia as a 'partly free' entity (ranked 5 out of 7, where 1 represents the most free and 7 the least free country): Freedom House, *Freedom in the World 2011: Abkhazia overview*, 2011.

89 See the definition in the section 'Human rights in *de facto* states: contradiction of terms?'

90 Article 49 of the Constitution of the Republic of Abkhazia, 1999.

of Abkhazia are under-represented in the political structures.⁹¹ The representation of ethnic Georgians is even worse – they are unable to vote if they do not possess an Abkhaz passport. As an Abkhaz journalist correctly stated: ‘Abkhazians are the only part of the population that lives in freedom’.⁹²

Freedom of Assembly and Association

Many European officials and researchers consider the complete lack of democracy and human rights in secessionist entities to be the norm.⁹³ However, this consideration is relative, as the separatist states in their quest for international recognition play the card of ‘democratic principles’ and make some effort to introduce a shadow of democracy within their political and social systems. In fact, Abkhazia’s development in the field of civil society is quite surprising taking into account the context – a region affected by civil war; isolated geographically, economically and politically due to its lack of international recognition; and having to cope with problems of demography. The local leaders claim even to have one of the most democratic political and social systems in the South Caucasus.⁹⁴

The activism of the Abkhaz civil society is the result of a range of different factors: internal (the weak regime of *de facto* government, the relatively poor region, the economic deprivation due to the war, and societal organisations that were founded during the war and the post-period)⁹⁵, but also by external support provided to the Abkhaz NGOs. According to the local activists, there are a total of ten to fifteen NGOs, five to six of which are very prominent.⁹⁶ The areas covered by the local NGOs are diverse, ranging from purely humanitarian and social problems to political and economic issues. The local civic organisations participate actively in the politics of the region. An example is the NGO coalition ‘For Fair Elections’ formed before the 2004 elections. However, the civil society organisations are not allowed to monitor elections.

The development of the Abkhazian civil society organisations intensified considerably after the formation of the Bagapsh government. The areas in which they started to be

91 Nicu Popescu, *Democracy in Secessionism: Transnistria and Abkhazia’s Domestic Policies*, Open Society Institute, Center for Policy Studies, Central European University, 2006, p. 19.

92 Quoted in *Ibid.*, p. 20.

93 This has been noted by Popescu in: *Democracy in Secessionism, op. cit.*, p. 4.

94 *Ibid.*, p. 14.

95 Interview with Nicu Popescu, Senior Research Fellow and Head of ECFR’s Programme on Russia and Wider Europe, 9 March 2012 (see Annex 5).

96 Popescu, *Democracy in Secessionism, op. cit.*, p. 16.

more active were now more political in nature. They included the protection of human rights defense in the judicial system; wider access to information; promotion of the concept of human security; and promotion of the Abkhaz language.⁹⁷

Abkhaz civil society organisations actively promote the cause of independence of their republic and despite some internal disagreements they share common positions with the central government. In conjunction with Georgian civil society organisations, Abkhaz CSOs also played an important role in the mitigation of the conflict and the political dialogue organized by international mediators after 1998.⁹⁸ In that year, violence broke out in the Gali district, resulting in a new administrative border delimitation of the district and the reduction of the district's territory by one half. This is also the year of the beginning of EU involvement in the Abkhaz conflict, with the first EU funding granted for conflict settlement through confidence building measures.

It is important to mention in this context the presence of a number of Russian-supported NGOs in the region. Evidently, they represent the foreign policy interests of the Russian Federation and refrain from criticizing the Russian government or Russian actions. In Abkhazia, they have little credibility, referred to often as GONGOS, or 'government supported' NGOs – in this case, they are strongly connected to and supported by the Russian government. They are active in the humanitarian and social welfare areas. In general, the Russian community, of which they are part, is highly organized and benefits from large financial assistance by the Russian Federation. Testifying to the fact of the strong organisational links between the Russian community, the Kremlin and the Abkhaz authorities, the chairman of the Russian diaspora's organisation is also the deputy head of the Abkhaz *de facto* government.

The active involvement of Russia in the development of the civil society in the region puts at risk the relative independence of Abkhazia from its patron state. Democratization processes are called into question if the Russian-supported, pseudo-NGO activists were to be successful with their attempts at eventual integration of this separatist state with Russia.⁹⁹ In order to counteract such a development, as the 2011 Freedom House report noted, in 2009 and 2010 civil society organisations of the separatist state mounted demonstrations against what they saw as the region's increasing dependence on Russia.¹⁰⁰

97 Nicu Popescu, 'The EU and Civil Society in the Georgian-Abkhaz Conflict', *MICROCON Policy Working Paper*, No. 15, June 2010, p. 13.

98 *Ibid.*, p. 12.

99 *Ibid.*, p. 17.

100 Freedom House, *Freedom in the World 2011: Abkhazia Overview*, 2011. However, they also protested against the award of citizenship to some ethnic Georgian returnees.

Despite the mistrust by Sukhumi-based authorities of the civil actors and their financial donors from Western countries, prior to the August 2008 war the development of civil society was not impeded to any significant extent by legal or administrative means. After the war, however, the situation of the local NGOs changed dramatically. The *de facto* authorities changed perspective on the status of their entity – for them, the conflict was now solved. Abkhazia's independence, in their view, had become reality after its recognition by the Russian Federation (followed by Nicaragua, Venezuela, Nauru, Vanuatu and Tuvalu). There were, according to the new perspective, no more significant issues to discuss with Georgian authorities. In the words of an Abkhaz official: 'There is nothing to discuss or decide with Georgia. Everyone in Georgia – including the most moderate of moderates – is against our independence. I don't want to talk to them.'¹⁰¹ After the war, too, rather than involving itself in the promotion of independence, Abkhaz civil society concentrated on domestic issues, orienting its efforts towards the organization of the country according to concepts of democracy and pluralism. This vision was reflected perfectly by the following declaration of an Abkhaz activist: 'For us, the main question now is what kind of state do we want to build? We need to focus on democratization. That is why our efforts will be directed at promoting administrative reform, judicial reform and protection of property rights.'¹⁰²

However, Popescu, who analyzed the Abkhaz civil society development after the August 2008 conflict, looks at such efforts more pessimistically. This is due mainly to what he sees as the lack of young representatives of the CSO and the geographical concentration of the NGOs in the Sukhumi area.¹⁰³ To this could be added the lack of a common mission, which disappeared after the recognition of the Abkhazia as an independent state by Russia in 2008. However, it can also be said that the civil society organisations have their own strengths: they emerged as response to local societal needs; their foundation was not driven by donor interests: they are most likely sustainable because of the problems they address; and they benefit from strong societal support. To conclude, Abkhazia has a vibrant and pluralistic civil society that can and does exert leverage over political processes. However, as the next section demonstrates, Georgians rarely benefit from this state of affairs.

101 Popescu, 'The EU and Civil Society in the Georgian-Abkhaz Conflict', *op. cit.*, p. 13.

102 Quoted in *ibid.*, pp. 13-14.

103 *Ibid.*, pp. 14-15.

2.1.2 Social, Economic and Cultural Rights: Ethnic Georgians Living in Limbo

The Right to Nationality

One of the problems encountered by the non-ethnic Abkhaz, but mainly Georgians, is obtaining an Abkhaz 'passport'. This is essentially an identity card which, like its Transnistrian counterpart, bears this designation most likely to elevate its importance and convey the notion that it is valid internationally. Possessing such a document, however, is important because it is the prerequisite for the full enjoyment of rights in the separatist republic. Issued after 2006, with a substantial increase after 2008, Abkhaz passports were meant to replace the outdated Soviet documents still in circulation on the territory.

The main human rights affected by not possessing an Abkhaz passport are property rights; civil and political rights, including the right to vote and to be eligible in elections; the right to work in the public sector; the right to education, as, for instance, to attend high school and university; and the right to free movement. As for the last right, for crossing the administrative border of Abkhazia, be it to 'core' Georgia or to Russia, Soviet passports are still valid.¹⁰⁴ However, as the residents of Abkhazia need an internationally recognized document to travel abroad but are disinclined to use a Georgian passport, the authorities in Moscow and Sukhumi have embarked upon the practice of *passportizatsiya*, or 'passportization', the issuing of Russian citizenship to Abkhaz residents. At present, about 90 per cent of them have a Russian passport.¹⁰⁵

The procedures and rules regulating the issue of passports are stipulated in the Law of the Republic of Abkhazia on Citizenship of the Republic of Abkhazia of 8 November 2005. The right to Abkhaz passport is automatically conferred to all ethnic Abkhazians without regard to residence. For non-ethnic Abkhazians, however, the acquisition of citizenship is possible only if one of two requirements is met, either five years of residence in Abkhazia or the successful completion of a naturalization process with the renunciation of other citizenships. The first option is clearly discriminatory towards Georgians because the five-year residence requirement is counted only after Abkhazia's self-proclaimed independence in 1999. It, therefore, excludes all the ethnic Georgians displaced in the 1992-1993 war.¹⁰⁶ The second possibility, naturalization, is a complex procedure requiring of Georgians to meet an entire range of conditions in addition to

¹⁰⁴ *Ibid.*, p. 34.

¹⁰⁵ Brian Whitmore, 'A Russian Land Grab in Abkhazia?', *Radio Free Europe*, 30 March 2011

¹⁰⁶ Human Rights Watch, *Living in Limbo, op. cit.*, p. 32.

the renunciation of the Georgian citizenship. Article 13 of the above-mentioned law also lists knowledge of the Abkhazian language and the main provisions of the Abkhaz Constitution; uninterrupted residence on the Abkhaz territory for ten years, possession of a legal source of income, and regular tax payments.¹⁰⁷

Concerning the renunciation of Georgian citizenship, this merely requires signing a document with a declaration of the applicant's will to do so. Although the *de facto* authorities of the Abkhaz region do not confiscate the Georgian document and do not require an official confirmation from the Georgian Ministry of Internal Affairs, the anxiety about the unpredictable consequences of the discovery of a Georgian passport in their possession puts the ethnic minority into a constant state of insecurity. In any case, the administrative naturalization process has failed. By 12 October 2009 only 3 522 Gali residents had obtained Abkhaz passports.¹⁰⁸ The failure is due mainly to the few applications received, as Georgians generally prefer to keep their Georgian passports.

The Abkhaz law allows dual citizenship but only Abkhaz and Russian.¹⁰⁹ This implicitly rules out possessing both a Georgian and an Abkhaz passport. In reaction to this, in its Strategy on Occupied Territories, the Georgian government in 2011 proposed an alternative. Identity documents issued by Tbilisi would allow residents of the separatist regions (Abkhazia and South Ossetia) to travel abroad and to benefit from some social services provided by Georgian state. These 'neutral' travel documents do not automatically confer Georgian citizenship and do not depict Georgian state symbols but carry registration number and personal data of the holder, and are printed in a language other than Georgian.¹¹⁰ Persons in possession of such documents are allowed by the amended Georgian Law on Occupied Territories¹¹¹ to enter the breakaway regions without considering this act to be illegal.¹¹² But also, they are can travel abroad, which

107 Article 13 of the 'Law of the Republic of Abkhazia on Citizenship of the Republic of Abkhazia' adopted on 8th November 2005.

108 According to Kimitaka Matsuzato, 'Transnational minorities challenging the interstate system: Mingrelians, Armenians, and Muslims in and around Abkhazia', *Nationalities Papers: The Journal of Nationalism and Ethnicity*, Vol. 39, No. 5, 25 April 2011, p. 818.

109 Article 6 of the 'Law of the Republic of Abkhazia on Citizenship of the Republic of Abkhazia', *op. cit.*

110 'Sukhumi slams Tbilisi's neutral travel documents', *Civil Georgia*, 31 January 2012.

111 Adopted on 23 October 2008, this Georgian law imposes restrictions on the freedom of movement, economic activities and transactions with real estate property rights. Additionally it fixes the responsibility for human rights violations and destruction of cultural heritage on the Russian Federation. Relevant for our research is the later provision, but also the limited right to movement as it considers illegal all the entry to the breakaway regions of Abkhazia and South Ossetia from other border points than Georgians.

112 'Sukhumi slams Tbilisi's neutral travel documents', *op. cit.*

is even more important after some member states of the Schengen area refused to grant visas to applicants with Russian passports but issued in Abkhazia.¹¹³

Predictably, the ‘neutrality’ of the Georgian passports is contested by the so-called Abkhazian Ministry of Foreign Affairs, which underlined that the documents contain the country code of Georgia¹¹⁴. ‘Further recognition’ of neutral travel documents, the ministry stated, ‘will be considered as discrimination of the citizens of the Republic of Abkhazia and seen as another attempt to isolate the people of Abkhazia.’¹¹⁵

This passport issue clearly demonstrates that the Abkhaz conflict, in contrast with that of Transnistria, as will be shown below, is primarily ethnically based; that the policies adopted by the *de facto* authorities in Sukhumi are directed against the ethnic Georgian minority; and that they are oriented towards the building of an ethnically based state. This can be illustrated also by reference to the separatist authorities’ treatment of education.

Right to Education

Prior to the August 2008 war, there were 58 high schools in the Gali region with teaching almost exclusively in Georgian. Now, after the war, there are only 21 secondary schools, attended by a total of 3 026 pupils.¹¹⁶ Only eleven of these schools, located in lower Gali, conduct lessons in Georgian. Instruction in the remaining schools, situated in upper Gali, is in Russian with Georgian as a foreign language – a policy that was introduced in 1995 and implemented ever since.¹¹⁷ If compared to the situation of other minorities, the right to education in the mother tongue of ethnic Georgians in Abkhazia is quite restricted. In comparison, in the 32 Armenian schools it is not prohibited to teach in the Armenian language. In fact, the University of Abkhazia even offers training programmes for teachers to teach in the native language in Armenian schools.¹¹⁸

As for the Georgian schools, faced with manifold restrictions some of them are keeping two registers, are secretly teaching in Georgian but switch to Russian when they are inspected by the *de facto* authorities.¹¹⁹ However, not least because there are insufficient

113 *Ibid.*

114 MFA of the Republic of Abkhazia, *Statement of the MFA of the Republic of Abkhazia* [on the neutral travel documents], 27 January 2012.

115 MFA of Abkhazia, *op. cit.*

116 ODIHR, OSCE, *Human Rights in the War-Affected Areas*, *op. cit.*, p. 64.

117 ODIHR, OSCE, *Report on the Violations of Human Rights*, *op. cit.*

118 ODIHR, OSCE, *Human Rights in the War-Affected Areas*, *op. cit.*, p. 65.

119 Human Rights Watch, *Living in Limbo*, *op. cit.*, p. 49.

numbers of Russian-speaking teachers in the region, the quality of education has suffered.¹²⁰ In addition, education in Russian has become quite difficult for Georgian children as they master the Russian language very poorly. In some schools and in some instances, therefore, with no representative of the Abkhaz administration on the premises, the textbooks used are in Russian but the lessons taught in Georgian.¹²¹ As a consequence, the parents often choose to enroll their children Georgian schools, the numbers of which, however, are constantly decreasing, or move from the Gali region to uncontested areas of Georgia.

The situation of the eleven schools of the lower Gali district that still provide lessons in Georgian can be explained by the fact that the Abkhaz government has no resources to furnish these schools with Russian-speaking teachers.¹²² The fate of these schools is quite uncertain, leaving students and teachers with difficult choices for their future.

Concerning subject matter, geography and history are especially sensitive. The teaching of the Georgian position on these subjects is prohibited and considered as an act of treason. Additionally, if compared to the educational institutions of the uncontested areas of Georgia, the schools in Abkhazia are worse equipped and use outdated books. In spite of the obstacles faced by the teaching staff, however, the Georgian government cannot help very much.¹²³ This is due in part to the fact that the teachers are paid by the Georgian Ministry of Education but in order to receive it they have to cross the border, but this became impossible after the closure of the crossing points.¹²⁴ In 2009, they could obtain salaries from the Abkhaz authorities under the condition, however, that they renounced Georgian citizenship and became Abkhaz citizens. In 2010, Sergey Shamba, the prime minister of the Abkhaz government, declared to Human Rights Watch representatives that jobs ‘in educational institutions should go to citizens of our country’.¹²⁵ This position was reiterated by the head of the education department in Gali district who said: ‘If you don’t want to be a citizen of this country and don’t want to participate in elections, then perhaps, you should not be teaching in a state institution.’¹²⁶ This state of affairs amply illustrates the fact that education is a highly politicized issue.

120 *Ibid.*, p. 3.

121 *Ibid.*, p. 52.

122 *Ibid.*, p. 53.

123 ODIHR, OSCE, *Report on the Violations of Human Rights in the Conflict Zones*, *op. cit.*

124 ODIHR, OSCE, *Human Rights in the War-Affected Areas*, *op. cit.*, p. 65.

125 Quoted in Human Rights Watch, *Living in Limbo*, *op. cit.*, p. 37.

126 *Ibid.*, p. 38.

As for the Georgian language, it is fair to say that its use is regarded by the authorities of the break-away republic as an act of treason. There are numerous cases reported to Human Rights Watch about the prohibition of Georgian songs in schools and the posting of information in Georgian which led to the dismissal of the teachers responsible or to other restrictive measures.¹²⁷

In addition to all the international conventions qualifying the actions of the separatist government as a violation of the right to education, they are also in contravention of the Abkhaz constitution. Article 6 stipulates: ‘The State guarantees to all ethnic groups living in Abkhazia the right to freely use their mother tongue.’¹²⁸ Even if Abkhazia is not subject to international law, its *de facto* status as a state makes it responsible for the actions undertaken within its territory. Similar considerations apply to the second case to be examined, the state of affairs in Transnistria.

¹²⁷ *Ibid.*, p. 55-57.

¹²⁸ Article 6 of Constitution of the Republic of Abkhazia.

2.2 Transnistria: Human Rights versus Political Fragmentation

Despite the general perception of Transnistria as a more valid example of possible democratization and the development of civil society, this unrecognized state is in fact even less democratic and pluralistic than Abkhazia. There is no genuine political opposition and no active civil society, public life being strictly controlled by state security. As in the Abkhaz case, this state of affairs is due to the state-building strategy imposed by the Transnistrian political, economic and military elite. As a project founded as a result of political conflict with the Moldovan central government, the idea of a Transnistrian state was invented by the ruling elite. The dubious ideological ground for the existence of the *de facto* state has required strict control of political and civil society life in order to ensure its survival.

It is of particular importance to mention that the Transnistrian statehood was initially justified by linguistic and partially ethnic rationales. Particularly, the propaganda of a potential threat for the Slavic population of this region that would allegedly occur after an eventual reunification of Republic of Moldova with Romania accelerated anti-Moldovan dispositions in the wake of the Soviet Union's disintegration. But later on, due to the unfounded arguments used by the separatist authorities, economic rationales prevailed in the legitimation of the separation. Even nowadays, the Transnistrian propaganda underlines the allegedly great social benefits enjoyed by the Transnistrian population (higher pensions, lower prices for gas and other commodities, including food). Additionally, the Transnistrian propaganda is fostering a siege mentality by underlining the permanent external threat of 'Romanian invasion', alleged Moldovan nationalist pretensions against the Slavic population of Transnistria and, more generally, Western 'destructive influence'. This context has quite importantly influenced the situation of human rights in this secessionist territory, in the sense that the necessary cohesion around the idea of the creation of a Transnistrian state could be ensured only through restrictions of fundamental human rights such as, for instance, the freedom of expression, freedom of movement, right to political participation and the right to education – the latter, applied to the specific case, in Romanian, which is seen as a threat to the unity of the Transnistrian state.

This section will attempt to demonstrate that the grounds of the human rights violations in Transnistria are mainly political, not ethnically founded. This will serve as a basis for the evaluation of possible EU engagement in the promotion of human rights in that region.

2.2.1 Civil and Political Rights: Uphill Struggle for the Legitimation of Transnistrian Statehood

Freedom of Expression

Freedom of the media in the break-away republic is restricted. Almost all the television channels, radio stations, news agencies and newspapers are state-owned. Despite official data on the effect that only six per cent of the media are owned by the government, the same source provides the information that another 45 per cent are the property of 'state agencies'.¹²⁹ According to independent estimates, however, the state possesses an overwhelming share of the local media. In total, the state owns one TV channel, one radio station, three newspapers in each official language, and one news agency.¹³⁰ The state ownership of sources of mass information is justified by two main reasons. First, it is said to provide the state with a channel to disseminate information about laws adopted. Second, subsidization by the state makes the outlets more accessible and more widespread.¹³¹ However, a declaration of the so-called Ministry of Information gave another reason for the state monopoly of the media, providing at the same time an example of the use of the very same rhetoric employed in Soviet times to create a siege mentality:

A newly fashionable pseudo-democratic assault has occurred in post-Soviet regions, in the wake of which in reality the legislation in several countries has been handed over to a bunch of bought and politically clueless young people and *Lumpenproletariat*.¹³²

Only three newspaper outlets are not owned by the Transnistrian government: *Chelovek i ego prava* (Tiraspol), *Novaya gazeta* (Bender) and *Dobryi den'* (Rybnitsa).¹³³ One TV channel, cable television and a radio station belong to Sheriff, the second-largest company of the *de facto* state.¹³⁴ Despite the stated editorial policy of providing 'positive

129 Miklós Haraszti, The Representative on Freedom of the Media, OSCE, *Assessment Visit to the Transdnistrian Region of the Republic of Moldova. Observations and Recommendations*, 10 March 2005, p. 3.

130 *Ibid.*, p. 4.

131 *Ibid.*, p. 3.

132 Quoted in *ibid.*

133 *Ibid.*, p. 2.

134 Formed in the early 1990s by Viktor Gushan and Ilya Kazmaly, former members of the special services, Sheriff has grown to include nearly all forms of profitable private business and become significantly involved in Transnistrian politics. There is some evidence that the company is run by Igor Smirnov, the former president of the secessionist republic, is run mafia-style and used as a front for money laundering; see Adam Eberhardt, 'The Paradoxes of Moldovan Sports. An insight into the nature of the Transnistrian conflict', *Punkt Widzenia/Point of View*, Ośrodek Studiów Wschodnich im. Marka

news,¹³⁵ Sheriff's media do not dare criticize the local authorities. The same enterprise is the sole internet provider in the PMR and holds a monopoly in the telecommunications industry, justifying fully the name Transnistria as the 'Sheriff republic'.

In 2001, a decree of the PMR 'president' established an editorial committee, including the ministers of justice, security, foreign affairs, and information, which is responsible for the supervision of the electronic and printed media. According to Freedom House, there is no evidence of state control of and interference with the Internet.¹³⁶ However, all Transnistrian media are unanimously providing their audience with the same viewpoint. This includes negative reports of events and developments in Moldova, the European Union and the West, and positive and optimistic perspectives on the PMR and the Russian Federation.

The few independent media are subject to administrative pressure (for instance, tax inspection, exorbitant printing costs, high rent for publication premises etc.), harassment (threats over the telephone to newspaper editors)¹³⁷ and confiscation of independent newspaper editions critical of government policies.¹³⁸ Thus, for instance, in May 2004, the court of Bender issued a sentence on the closure of *Novaya gazeta* and imposed a fine of \$ 5 000.¹³⁹ *Dobryi den* was also sued and ordered to pay a fine in the amount of \$ 30 000. The newspaper is often investigating cases of corruption but is constrained by the refusal of the state authorities to provide information and interference by the state security ministry.

The pressure on independent media is especially severe with regard to the only human rights newspaper in the PMR, *Chelovek i ego prava*. This publication has been the victim of almost constant intimidation and attacks.¹⁴⁰ His co-founders, Alexander Radchenko and Nikolay Buchatsky, have experienced whole intimidation campaigns against them. One of the reasons producing the ire of the regime is that articles critical of the human rights situation in Transnistria have previously appeared in Moldovan media.

Another illustrative case of the limited freedom of expression is the arrest and conviction of Ernest Vardanean, an independent journalist working for the news agency *Novy region*

Karpia/Centre for Eastern Studies.

135 Haraszti, *Assessment Visit to the Transdnestrian Region*, *op. cit.*, p. 5.

136 Freedom House, *Freedom in the World 2010: Transnistria Overview*, 2010.

137 Haraszti, *op. cit.*, p. 2.

138 Freedom House, *Freedom in the World 2005: Transnistria Overview*, 2005.

139 Freedom House, *Freedom in the World 2004: Transnistria Overview*, 2004.

140 Freedom House, *Freedom in the World 2008: Transnistria Overview*, 2008.

and Radio Free Europe/Radio Liberty. In April 2010, he was arrested by the police and charged with high treason. One month later a video appeared in the media that showed him confessing to spying for the Moldovan government. In December of the same year he was convicted to fifteen years in prison. In May 2011, he was liberated by a decree of Transnistrian 'president' Igor Smirnov.

In such a restrictive environment, the majority of journalists, even if they are working for private companies, engage in self-censorship qualified by the OSCE Representative on Freedom of the Media, Miklós Haraszti, as being of a scale 'rarely seen in the OSCE region'.¹⁴¹

In Transnistria the reception of Moldovan TV channels is quite limited. Contrary to that, Russian TV channels can be received almost everywhere. The PMR authorities, however, even control the programmes of the Russian TV channels as well as witnessed, for instance, in 2001 by their blocking the broadcast of a report on Russian channel RTR on organized crime and trafficking of illegal arms in Transnistria.¹⁴²

Foreign journalists, including Moldovans, in order to work on the territory of the Transnistrian republic, are required to be accredited by the Ministry of State Security, which also checks on them.

The self-proclaimed government appeared relatively open to dialogue with the OSCE representatives on cooperation concerning media legislation.¹⁴³ However, the degree of their commitment to liberalization of media is questionable as this would threaten its control of information that the government exercises.

Freedom of Movement

The residents of Transnistria are not living in a completely isolated area. There are regular buses and trains linking this strip of land with the outside world, notably with Moldova, Ukraine and Russia. Due to the small surface area of this *de facto* state, it is sometimes even easier to travel to neighbouring countries than to the capital Tiraspol or other cities in Transnistria – provided, however, that one possesses the passport of an internationally recognized state. The 'passports' issued by the separatist authorities, as well as all documents such as school diplomas, military service records, certificates, etc., are invalid outside Transnistrian borders. This situation of limbo leaves no choice to the

141 Haraszti, *op. cit.*, p. 2.

142 Freedom House, *Freedom in the World 2003: Transnistria Overview*, 2003.

143 Haraszti, *op. cit.*, p. 2.

residents of the self-proclaimed republic other than to apply for citizenship of another country, usually that of Moldova, Ukraine or Russia. Like in Abkhazia, Russia has conducted 'passportization', equipping Transnistrian residents with Russian passports. According to Russian officials, about one fourth of the local population have Russian citizenship,¹⁴⁴ including even previous president Smirnov.¹⁴⁵

Regarding the right to move across the borders of Transnistria, the main obstacle are the illegal border controls exercised by the *de facto* authorities. If for the people having Transnistrian passports the checks are not a big issue, for foreigners, including Moldovan citizens with residence on the west bank of the Dniestr river, they are a burdensome and unpleasant procedure. If they want to cross the border to Transnistria, they need to fill out a form declaring the purpose of their stay and the address of the person or institution hosting them. In addition, until recently the citizens of Moldova were required to pay a fee equivalent to about 60 Eurocents. But even moving out of Transnistria can be a problem. Moldovan citizens who did not fulfill military service in Moldova (!) and foreigners who did not stick to the rules, e.g. left later than declared or lost their registration form, have to pay a fine or bribe the guards to be let through.

Right to Political Participation

Political participation of Transnistrian residents can be two-fold. They can take part in elections to the institutions of the *de facto* state and, provided they possess the corresponding citizenship, to the institutions of internationally recognized states, first and foremost Moldova, Ukraine and Russia. In the first case, the residents are able to vote under the condition of having a local passport. The elections are not monitored by any international organisation or observers from countries other than Russia (and, curiously, Abkhazia and Nagorno-Karabakh) but generally considered undemocratic and unfair.¹⁴⁶ The former president, Igor Smirnov, was elected to this office four times (1991, 1996, 2001 and 2006). In the 2006 elections, he won with 82.4 per cent of

¹⁴⁴ Nicu Popescu thinks that these figures are exaggerated, being more in the range of 15 per cent, Nicu Popescu, 'Outsourcing' de facto Statehood: Russia and the Secessionist Entities in Georgia and Moldova', *EU Neighbourhood Policy, CEPS Policy Briefs*, 20 July 2006, p. 9.

¹⁴⁵ Gary Peach & Maria Danilova, 'Russia's Passport Policy Stirs Fear Among Neighbours', *The Associated Press*, 27 February 2009.

¹⁴⁶ To clarify, Transnistria invites international organisations to send observers. The Moldovan government, however, calls on the international community to ignore the elections there as it considers them to be unconstitutional. As a result, for instance, none of international organizations sent representatives to monitor the presidential elections in December 2011.

votes¹⁴⁷. But he lost the last elections in December 2011 to the leader of the opposition, Yevgeny Shevchuk (76.4 per cent),¹⁴⁸ who represents a softer line towards cooperation with Moldova, contrary to the stubborn position of Smirnov, who has strong personal economic interests in the preservation of Transnistria's *status quo*.

As to the local political scene, until recently it was dominated by one group of people surrounding Igor Smirnov – the leader of the separatist region since 1991. Generally, the official results for voter turnout and the votes received by the frontrunner are very similar to those of elections in the Soviet era. In 1996, for instance, Smirnov defeated his opponent with 72 per cent of the votes;¹⁴⁹ five years later, he was re-elected with more than 80 per cent;¹⁵⁰ and in 2006, he re-occupied the presidential seat after having received with 82.4 per cent of the vote.¹⁵¹ Such results cannot be considered representative of the true state of affairs, and generally it is fair to say that the elections are undemocratic and unfair. Proof of this, among many other things, is the constant pressure put on any genuine opposition. Such opposition has been absent in Transnistria. This is not contradicted by the foundation of political parties in 2006 because the leaders of the secessionist region decided to establish them only to create the illusion of a multi-party system.¹⁵²

Opposition candidates and movements that could constitute a genuine threat to the re-election of Smirnov were constantly banned from electoral participation.¹⁵³ Thus, for instance, in the presidential elections of 2006 the opponent of Smirnov, Andrei Safonov, the co-founder of *Novaya gazeta*, was declared ineligible on the grounds of falsification of signatures needed to register for the ballot.¹⁵⁴ However, the parliamentary elections in 2011 were more significant because they marked a turning point in local politics because the newly created *Obnovlenie* (Renewal) party defeated the *Respublica* (Republic) party backed by the president. The leader of *Obnovlenie*, Yevgeny Shevchuk, occupied the post of speaker of the Supreme Soviet, the PMR parliament, and later became president.

147 Freedom House, *Freedom in the World 2010: Transnistria Overview*, *op. cit.*

148 'Выборы президента ПМР: 100% бюллетеней: за независимость – 76.4%, за "кандидата Кремля" – 20.2%' (Presidential Elections: 100% of Votes Cast – 76.4% for Independence, 20.2% for the 'Kremlin's Candidate'), *Regnum News Agency*, 26 December 2011.

149 Freedom House, *Freedom in the World 2002: Transnistria Overview*, 2002.

150 *Ibid.*

151 Freedom House, *Freedom in the World 2007: Transnistria Overview*, 2007.

152 Popescu, *Democracy in secessionism*, *op. cit.*, p. 7

153 Freedom House, *Freedom in the World 2005: Transnistria overview*, 2005

154 Freedom House, *Freedom in the World 2007: Transnistria overview*, *op. cit.*

The majority of Transnistrian inhabitants are citizens of states recognized internationally and they have the right to participate in the presidential and parliamentary elections there. But their situation varies depending on their second citizenship. Russian citizens have the right to vote in the polling stations open on the territory of the separatist region (for instance, in the last parliamentary elections, 25 stations were opened).¹⁵⁵ The options for Moldovans are much more restricted: the *de facto* authorities do not allow the operation of polling stations on their territory. The citizens of Moldova resident in Transnistria¹⁵⁶ are obliged to exercise their right to vote in polling stations located on the west bank of the Dniestr river. Even more difficult are the conditions for towns or villages, essentially exclaves, on the east bank of the Dniestr under the authority of the Moldovan government. An example is the village of Corjova, located on the east bank of the Dniestr. Each election is another occasion for the *de facto* local authorities to demonstrate their power and influence over Moldovans living on their territory. For instance, during the 2007 mayoral elections in Corjova, the most important candidate was arrested by the Transnistrian police for being in possession of Moldovan electoral documents.¹⁵⁷

Freedom of Assembly and Association

The activity of local civil society organisations is also severely restricted. In general, the NGOs are highly mistrusted by the local authorities and are suspected of collaboration with 'foreign intelligence services', as stated by the head of the ministry of state security.¹⁵⁸ Under Soviet-style propaganda declaring that the West is planning to undermine and destroy the Transnistrian state, the local authorities are trying to denigrate the activities of the civil society:

The West, or more exactly the US, considers it timely to liquidate Transnistrian statehood. The many NGOs are to be used as an instrument of accomplishing a *coup d'état* [...] Youth are brainwashed [...] For example,

155 'Rusia va deschide 25 secții de votare în Transnistria pentru alegerile în Duma de Stat' (Russia Will Open 25 Polls in Transnistria for the Elections to the State Duma'), *In Profunzime*, 25 October 2011

156 After the 2001 census, the Transnistrian authorities declared that out of the total population of the region of 555 347 inhabitants, only 107 600, or 19.4 per cent, hold Moldovan citizenship. However, the Moldovan Ministry of Informational Development declared in 2005 that around 270 000 residents of the separatist region are Moldovan citizens; see Igor Boțan, 'Votul cetățenilor Republicii Moldova din regiunea transnistreană' (The Vote of the Citizens of Republic of Moldova from the Transnistrian region), *E-Democracy Portal*, 14 February 2009.

157 Freedom House, *Freedom in the World 2009: Transnistria Overview*, 2009.

158 Vladimir Antiufeev, 'Запад решил ликвидировать приднестровскую государственность' (The West Has Decided to Liquidate Transnistrian Statehood), *Vremia novostei*, 24 May 2005.

students of the Transnistrian State University are invited to international conferences, they receive grants, etc. [...] We are following this but we know that 90 per cent of the funds provided by the West for financing agents of influence are mismanaged. This is good. Otherwise we would have had more troubles.¹⁵⁹

Such propaganda has been used to justify the ban on foreign funding of NGOs imposed in March 2006. But after some modest protests of the local civil activists, within two months, the law was changed and applied only to politically oriented civil society organisations. However, foreigners (international and foreign associations, foreign states and citizens) are forbidden to establish local NGOs.¹⁶⁰ Some 'third sector' organisations nevertheless have managed to register and open accounts both in Moldova and Transnistria. This opens the doors for financing from abroad.¹⁶¹ CSOs are trying to circumvent the ban on funding by declaring their activities to be apolitical, having mainly a social purpose.¹⁶²

In parallel with NGOs founded 'from below', at the 'grassroots level', there are also so-called *obshchestvennye organizatsii*, or social organisations. If usually civil society organisations appear naturally, on a need-driven basis, in this separatist territory they are mainly artificially established 'from above' and they significant funding from the authorities. Like the 'opposition' political parties in politics, they create the illusion of an active civil network in society. In reality, however, they comply with the orders of the *de facto* government.

In addition to the Transnistrian-based NGOs, there are a number of Moldovan organisations working on the territory of the separatist state, such as the Promo-LEX Association and the Resource Centre of Moldovan Non-Governmental Organisations for Human Rights. Despite their limited access to the Transnistrian territory, they have managed to establish some cooperation between the two banks of the Dniestr river.

To conclude, the extensive restrictions on Transnistrian civil society allow the qualification of this separatist state as a highly authoritarian.¹⁶³ Civil society is constrained in its development and the few organizations that try to shed the limitations resist are under constant pressure from the authorities.

159 *Ibid.*

160 Andrei Mospanov, 'Президент Приднестровья Игорь Смирнов подписал указ о запрете финансирования некоммерческих организаций из-за рубежа' (The President of Transnistria, Igor Smirnov, Signed a Decree Abolishing the Foreign Funding of NGOs), *Olvia press*, 8 March 2006.

161 Popescu, *Democracy in Secessionism*, *op. cit.*, p. 9.

162 *Ibid.*

163 *Ibid.*, p. 5

2.2.2 Social, Economic and Cultural Rights: Education in the Mother Tongue versus State-Building Strategies

The right to education in the language that the parents choose for their children is systematically violated in the Transnistrian region of Moldova. Being perceived as 'domestic enemies' or a 'fifth column', the teachers, parents and pupils of Romanian-language schools are victims of constant discrimination and persecution.¹⁶⁴ According to statistical data of the PMR, in 2003 there were 183 primary schools with 92 000 students. For the 33 per cent of the Moldovan population in the separatist region, however, 'Moldovan' was the language of instruction in only 13.5 per cent of the schools and 'Romanian' in 3.8 per cent.¹⁶⁵

To provide more detail, as a result of Gorbachev's politics of *perestroika*, a language law was adopted in August 1989 by the Moldovan Soviet Socialist Republic (MSSR), proclaiming Romanian as the official language on the basis of the Latin script. After the outbreak of the civil war in the Transnistrian region, the separatist authorities forced the schools to return to teaching in Moldovan on the basis of Cyrillic script; six schools on its territory (Bender, Tiraspol, Rybnitsa, Dubasari, Corjova and Roghi) refused to teach in Moldovan which was declared one of three official languages of the self-proclaimed republic.¹⁶⁶

As ethnic make-up of Transnistria is the same as that of Moldova, although with different shares (Moldovans 38 per cent, Ukrainians 28 per cent and Russians 26 per cent¹⁶⁷), the identity-project cannot be built on ethnic or religious lines.¹⁶⁸ The Transnistrian *de facto* state is thus built on a shaky ideological basis, and as a result the separatist authorities are constantly looking for a more convincing and credible legitimization of their independent state project. The diaspora of Moldovans living in the PMR but conserving its strong ties with the central government are perceived as a potential internal enemy.¹⁶⁹ They

164 Oldrich Andrysek & Mihai Grecu, 'Unworthy Partner: The School Issue as an Example of Human Rights Abuses in Transnistria', *Helsinki Monitor*, Vol. 14, No. 2 (2003), pp. 101-16

165 *Ibid.* The term 'Romanian language' (on the basis of Latin script) will be used here in order to distinguish it from the 'Moldovan language' (on the basis of Cyrillic script). The Moldovan Constitution, however, refers to the state language as Moldovan.

166 In 1992 Transnistria declared Russian, Ukrainian and Moldovan (on the basis of Cyrillic script) its official languages. The use of the Moldovan language with Cyrillic letters was a political decision underlying the continuity of the Soviet policy and affirming the alleged distinction between the Moldovan and Romanian languages.

167 Popescu, *Democracy in Secessionism*, *op. cit.*, p. 9.

168 *Ibid.*

169 Florian Küchler, *The Role of the European Union in Moldova's Transnistria Conflict* (Stuttgart,

consequently became victims of new state linguistic and ethnic *Gleichschaltung* policies. As mentioned, the schools, teachers and pupils are considered a threat to the identity-building project of separatist authorities and some kind of ‘fifth column’ of Moldova in Transnistria.¹⁷⁰ Even if the legitimization discourse of the Transnistrian elites has recently shifted somewhat more to the economic dimension, intimidation and persecution of Romanian-speaking inhabitants has continued. It is important to note in this context that the anti-Moldovan discourse of Tiraspol is conducted mainly by the political elites of the separatist territory. It is not at all characteristic for the average population. There is no question of ethnic conflict at the personal level since the different ethnicities of the region have a long tradition of living together – a state of affairs that did not change substantially after the breakaway of Transnistria and the war of 1992.

Linguistic discrimination at all levels (administrative, legal and practical) began as early as 1992. Its roots lie in the Language Law of the Transnistrian Moldovan Republic (PMR) adopted on 8 September 1992 which officially stigmatized teaching in Romanian, stating that ‘[...] usage of the Latin alphabet implies responsibility as foreseen by the law’.¹⁷¹ Two years later, on 18 August 1994, by an order of the Ministry of Education, instruction in Romanian in all Transnistrian schools was explicitly forbidden.¹⁷² Instruction in Romanian became an act of opposition and resistance to the self-proclaimed authorities. They, in turn, used the struggle against the schools using Romanian as a way to exhibit their power and influence on the territory under their control.¹⁷³

On 20 September 1994, Transnistrian forces occupied the two buildings of Moldovan school No. 19 in Bender. They also expropriated its building under construction where the school was scheduled to move later. For one month, as a sign of protest, some classes were held in front of the mayoralty of the town of Bender, other classes in apartments of students or outside, in parks, for instance. On 25 October 1994, Smirnov, the president of the self-proclaimed republic, signed a decree on the closure of the school. Subsequently,

Idibem-Verlag, 2008), p. 40.

170 Andrysek, *op. cit.*

171 Article 6 On the script of Moldovan language, Закон о языках в Приднестровской Молдавской Республике (Language law of the Transnistrian Moldova Republic), SZMR 92-3, 8 September 1992.

172 Andrysek, *op. cit.*

173 The description and analysis provided in this section is founded upon the reports of the OSCE or articles written by the experts in the Transnistrian question, but mainly it is based on the personal experience of the author, who, as it was already mentioned, was born and lived in Bender, the second largest town of Transnistria. She was attending the school No. 19 from Bender since 1993 to 2005, so she witnessed the most important restrictions imposed on the Moldovan schools by the Transnistrian self-proclaimed authorities through this period.

however, it was reopened and by a decision of the Moldovan government the school came to be financed directly by the central budget, thus was no longer dependent on the financing coming from the local authorities.¹⁷⁴ On 23 November 1994, Moldovan school No. 19 restarted its activities in the two buildings offered by Moldovan authorities: one was the administrative building of the Forestry Authority of Bender district, and the second was an orphanage. In some years, because of the growing number of pupils, there were no sufficient classrooms available, so some classes were obliged to hold courses on the first floor of a garage. The problem of insufficient space forced the school administration to adopt a two-shift schedule, by reducing the hours for individual tutorials or extracurricular activities. The two-shift schedule was sometimes replaced by a one-week-study and one-week-holiday programme. At present, instruction in the three buildings in use does not meet normal standards: laboratories, gym and canteen are lacking, and sanitary facilities are unsatisfactory.

In other cities, the situation of schools, which refuse to hold lessons in Moldovan, is not much better. Thus, in Tiraspol, the City Council has refused to provide the school with additional classrooms, so since 1997 around 800 pupils are studying in three shifts in only nine classrooms whereas thirty-three would be required.¹⁷⁵

In Grigoriopol, in January 1997, around 150 pupils received lessons at home from sixteen teachers.¹⁷⁶ Four years later, 90 per cent of students were following secretly the curriculum of the Moldovan Ministry of Education alongside with that of Transnistria.¹⁷⁷ In 2002, the school was 'reorganized' after which the parents preferred to transfer their children to a Moldovan school controlled by the central government despite the fact that the school is situated eleven kilometers away from the city.¹⁷⁸

In Dubasari, students were taking to the bus every day in order to reach the school in the Moldova-controlled village of Cocieri. In the same situation are the pupils of the school in Grigoriopol, who share the building with the lyceum of Dorotcaia – another village under Moldova central government control.

Since 1994, every year the schools face the threat of denial of their application for the renewal of their licenses. In addition to this, the shut-off of electricity, heating and

174 *Ibid.*

175 *Ibid.*

176 *Ibid.*

177 *Ibid.*

178 *Ibid.*

phone lines has become a common feature.¹⁷⁹ The school buildings do not benefit from necessary renovation works because of the alleged lack of funds and the refusal from the local *de facto* authorities to finance them. This resulting situation is then used by the self-proclaimed authorities to threaten the schools with closure for violating sanitary and fire codes.¹⁸⁰

In addition, teachers, students and parents are subject to a continuous intimidation campaign.¹⁸¹ In the local media, teachers are depicted as ‘enemies of the state’,¹⁸² parents are threatened by the regional state security service with the loss of their jobs¹⁸³ or entitlement to housing;¹⁸⁴ and students and teachers are forced to write explanations as to the reasons why they use the Latin script.¹⁸⁵ Checking up by local authorities of what is going on in classes has become a regular feature of school life, contributing to the constant intimidation of pupils and teaching staff.¹⁸⁶

The authorities of the Transnistrian region have also proposed that schools consider Romanian as a foreign language and teach it optionally like English or French.¹⁸⁷ They refused and thus the schools in Transnistria teaching in Moldovan operate as ‘private institutions’, which allows them to receive financial support from the Moldovan Ministry of Education – a solution negotiated by the OSCE mission in Moldova.¹⁸⁸ In 2003, the OSCE proposed an agreement on changing the status of the schools from private to public.¹⁸⁹ However, the Transnistrian authorities categorically refused.

In July 2004, the situation around the existing six Moldovan schools operating on Transnistrian territory again aggravated: the separatist regime authorities once again suspended their activity. In Tiraspol, the school building was destroyed and school properties were confiscated by the local militia. In Bender, teachers, parents and students

179 *Ibid.*

180 *Ibid.*

181 European Union Presidency, *Declaration on the Closure of Moldovan Schools in Transnistria*, CL04-158EN, Brussels, 28 July 2004.

182 Andrysek, *op. cit.*

183 ‘Moldovan Schools in Transdnistria: An Uphill Battle against “Linguistic Cleansing”’, *OSCE Magazine*, June 2005.

184 Andrysek, *op. cit.*

185 *Ibid.*

186 *Ibid.*

187 *Ibid.*

188 *Ibid.*

189 ‘Moldovan Schools in Transdnistria’, *OSCE Magazine*, *op. cit.*

were maintaining protective vigil over the kindergarten to hold classes. In reaction, electricity power, water and gas supplies were cut by the local authorities. This was the case also for the orphanage in Bender under the control of the central government. The orphans were denied food and water. Although it was provided secretly by local inhabitants, the children nevertheless had to live about a month in unhygienic conditions because their institution was also deprived of energy, water and gas.

In Rybnitsa, the local authorities with the help of the police confiscated a school teaching in Moldovan and newly built with the financial support of the Moldovan government.¹⁹⁰ The school then transferred to a kindergarten belonging to the Metallurgical Plant.

The problems that are faced by the Latin-script schools have resulted in a common case that is currently in front of the European Court of Human Rights and to be heard in front of the Grand Chamber.

According to OSCE estimates, over 4 000 students are studying under such difficult conditions as described above;¹⁹¹ the Moldovan Ministry of Education provides a figure of about 5 000 pupils;¹⁹² according to Andrysek and Grecu, in 2002 in Tiraspol there were about 800 pupils exposed to unfavourable conditions by the PMR authorities, 1 980 in Bender, 740 each in Rybnitsa and Grigoriopol, 620 in Dubasari, 255 in Corjova and 147 in Roghi.¹⁹³ Thirty-two schools accepted to hold lessons in Moldovan under an out-dated curriculum and using out-dated books from the USSR period.¹⁹⁴ Under pressure from the Transnistrian Ministry of Education, the schools in question had to refuse to accept donations of books from the Moldovan government.¹⁹⁵ Considering the perspectives of following a higher education program, the students of thirty-two Moldovan schools using the Moldovan language in Cyrillic script are *a priori* deprived from their right to receive education in their native language as nowhere in the world (even in Transnistria) is there a university teaching in this language on the basis of Cyrillic script.¹⁹⁶ All this has led to a continuous outflow of Moldovan students to Russian and Ukrainian schools. These, by contrast, are better equipped and offer the prospect to continue studies in Kiev

190 OSCE, *Rybnitsa authorities must return confiscated school building, says OSCE Mission Head*, 24 November 2006.

191 'Moldovan schools in Transdnistria', *OSCE Magazine*, *op. cit.*

192 Andrysek, *op. cit.*

193 *Ibid.*

194 Moldovan schools in Transdnistria', *OSCE Magazine*, *op. cit.*

195 US Department of State, Bureau of Democracy, Human Rights, And Labor, *Human Rights Report: Moldova*, 2010, p. 45.

196 'Moldovan schools in Transdnistria', *OSCE Magazine*, *op. cit.*

or Moscow.¹⁹⁷ However, this option is available only to families that can afford the high cost of living in such cities.

The long-term consequences of the repetitive attacks on the Moldovan schools have been tremendous. Many families having the possibility to quit the left bank of the Dniestr have done so, including many qualified teachers. According to the United States Helsinki Commission, the number of students in the Romanian-language schools has decreased 3.2 times since 1989 to 2011 from 5 878 to 1 837.¹⁹⁸ The young teachers generally refuse to work in such oppressive conditions and prefer to teach in other localities. As a consequence, the Transnistrian region suffers a serious 'brain drain'.

The actions against the Moldovan schools are just a part of a broader policy of marginalization and discrimination adopted by the administration of the region. According to data provided by United States Helsinki Commission, the policies conducted by the self-proclaimed administration of the separatist region against ethnic Moldovans have resulted in the decrease of the share of the Moldovan population in Transnistria from about 40 per cent in 1989 to 30.4 per cent in 2004.¹⁹⁹ The processes that occur in the region have been qualified as 'linguistic cleansing' by the OSCE High Commissioner on National Minorities, Rolf Ekeus,²⁰⁰ and even 'soft genocide' by some political analysts, as Vlad Spânu.²⁰¹ Because of the fact that the inhabitants of the region cannot benefit from central government rule and Moscow's perceived geopolitical interests in the region, the same analyst has called the inhabitants of Transnistria 'geopolitical hostages'.²⁰²

197 Andrysek, *op. cit.*

198 Vlad Spânu, *Prospects for Unfreezing Moldova's Frozen Conflict in Transnistria*, The United States Helsinki Commission, 14 June 2011.

199 *Ibid.*

200 OSCE, *OSCE: Linguistic cleansing underway in Transdnistria*, 15 July 2004.

201 Spânu, *op. cit.*

202 *Ibid.*

2.3 Human Rights in Internationally Unrecognized Entities – Contradiction of Terms?

Scholars often argue that democratization is unlikely to happen in unrecognized states. Yet the parent states ask the international community for help in their attempts to democratize the rebel region and to settle the conflict peacefully. There is empirical evidence of relative democracy within the territory of *de facto* states. However, the examples of Abkhazia and Transnistria demonstrate clearly the serious human rights violations committed by separatist authorities.

The rhetoric of separatist leaders is abundant in the invocation of democratic principles. This can be seen in statements such as these, published on the official site of the PMR: ‘Transnistria is an independent republic with a well-functioning democratic government.’²⁰³ Its leaders argue that their *de facto* states deserve international recognition because of their respect for democratic principles. The logic behind this rhetoric is based on the developments in the post-Cold War period. It draws on the fact of international recognition of Yugoslav republics at the beginning of 1990s which, however, was conditional upon the respect of rule of law, democracy and human rights.²⁰⁴ The Copenhagen criteria formulated by the European Communities in 1993 require that states aspiring to membership meet more or less the same set of conditions: ‘guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.’²⁰⁵ International aid is also provided under the conditions of democracy and good governance.²⁰⁶ Sovereignty was understood to be the attainment of ‘legitimate authority based on the maintenance of human rights and democracy.’²⁰⁷ Amongst the separatist entities there is a belief that the full independence can be awarded only to democratic political entities. The building of a democratic *de facto* state, therefore, became a discursive tendency, a rhetorical *leitmotiv* of political speeches, but also having practical implications.

But what about the credibility of the democratic discourse and the actual state of affairs in *de facto* states? It is questionable whether a democratic regime is achievable without sovereignty. This, at least, is the argument developed by Linz and Stepan in their research

203 Quoted in Nina Caspersen, *States without Sovereignty: Imitating Democratic Statehood*, Workshop ‘Making Sense of Unrecognized States’, University of Exeter, 6 March 2009, p. 1.

204 *Ibid.*, p. 9.

205 European Commission, ‘Accession Criteria’, 27 October 2011.

206 Caspersen, *States without Sovereignty*, *op. cit.*, p. 10.

207 Nina Caspersen, ‘Democracy, Nationalism and (Lack of) Sovereignty: The Complex Dynamics of Democratization in Unrecognized States’, *Nations and Nationalism*, Vol. 17 (2), 2011, p. 344.

on the state of democratization in post-communist countries.²⁰⁸ The above analysis of the current human rights situation in two separatist regions of Abkhazia and Transnistria has made it clear that the status of partial sovereignty calls into question the essence of democratic performance and that there is ample room for improvement.²⁰⁹

In order to understand better the situation of lack of democracy, in general, and human rights violation, in particular, both in Abkhazia and Transnistria, it is important to introduce the concept of four elements of sovereignty, as developed by Krasner: *legal* sovereignty, that is, internationally recognized independence; *domestic* sovereignty, which conforms to the notion of 'state capacity' and the ability of the government to decide independently on its own policies; *Westphalian* sovereignty, *i.e.* independence from external influence; and *interdependent* sovereignty, meaning control over trans-border flows.²¹⁰ Since legal sovereignty does not imply the existence of a democratic order given the number of dictatorships and authoritarian regimes in recognized states and interdependent sovereignty is difficult to achieve, it seems that the domestic and *Westphalian* content of sovereignty is the precondition for a democratic regime as it is translated into the capacity of a state to ensure an internal regime independent both of internal institutional struggle and of external actors which could influence the state's ability to define and implement its policies without external interference, affecting the democracy level in exchange for its own geopolitical interests. At this point, one could say that the two separatist entities from Georgia and Moldova are truly qualified as 'puppet' regimes as they are constrained to implement the policies of Russia on whom they are entirely dependent. As it was shown, the Russian policies in the Southern Caucasus as well as Eastern and South-eastern Europe shape the domestic policies of the local Abkhaz and Transnistrian government to the detriment of the universal principle of respect for human rights.

Regarded from a nationalism perspective, *de facto* states are often driven by ethno-nationalism and the will to create a (*quasi*-)national state. However, the legitimation behind these state-building projects is generally questionable. Consequently it is necessary to ensure artificially popular consent and cohesion around the independence objective. The two case studies are perfect illustrations of state-building projects although driven by different ideas. In case of Abkhazia, the principle of national self-determination

208 Juan J. Linz & Alfred Stepan, *Problems of Democratic Transition and Consolidation*, Baltimore, The Johns Hopkins University Press, 1996, pp. 17-18.

209 Caspersen gives as examples the cases of Taiwan and Somaliland, Caspersen, 'Democracy, Nationalism and (Lack of) Sovereignty', *op. cit.*

210 Krasner quoted in Tansey, *op. cit.*, pp. 5-6.

determines the Abkhaz motivation for sovereignty. In case of Transnistria, as it would not be possible to create a state defined by ethnicity because of the multi-ethnic population of the region and the lack of animosity among the minorities there was a need to build a myth justifying the existence of such a state. As mentioned, the initial rationale for the creation of the Transnistrian state was the ethnic/linguistic differences between the inhabitants of the two banks of the Dniestr. But in the Transnistrian propaganda, the economic rationale nowadays prevails,²¹¹ which, besides the accent put on the allegedly lower cost of living in Transnistria, proclaims that the Transnistrian state has deep-rooted popular support: '[Transnistria] was democratically founded, by referendum of its citizens to protect minority rights. And the future will be democratic too.'²¹² To that extent, 'democratization' of the self-proclaimed state has become an additional argument for international recognition in addition to the principle of self-determination.

Further, perhaps paradoxically, the very nature of *de facto* states can provide a frame for democratic processes and respect for human rights. Taking the example of Abkhazia, it is obvious that it is driven by an ethnic-nationalistic idea. However, the building of a nation-state became conceivable only after more than 200 000 ethnic Georgians fled the region and the residents of Abkhaz ethnicity gained a bigger share in the total population of the region.²¹³ Gaining this way more legitimacy, the region claimed its independence on the basis of the right of nations to self-determination, and additionally the claim for a 'remedial' independence based on alleged human rights violation by the metropolitan state. The claim to independence, furthermore, is shared also by other minorities living in Abkhazia: Armenians and Russians. The presence of ethnic Georgians of the Gali district, therefore, is an irritant for the state-building project. It poses the risk of fragmentation on the basis of ethnicity. Oppression and the violation of human rights of the ethnic Georgians, therefore, are the consequence. However, given the fact that from a political perspective there is no risk of fractionalization, as the objective of independence is shared by all political actors, and given the relative weakness of state institutions, in Abkhazia optimum conditions were created for the development of a pluralistic political scene and the nascence of a vibrant and influential civil society.

In contrast, the Transnistrian state-building project lacks convincing legitimation uniting its population. As mentioned, the initial project based on linguistic differences

211 Popescu, *Democracy in Secessionism: op. cit.*, pp. 9-12.

212 Official site of PMR quoted in Caspersen, 'Democracy, Nationalism and (Lack of) Sovereignty', *op. cit.*, p. 349.

213 17.8 per cent before the 1993 war, and 50 per cent according to the 2011 census, see *Ethno-Caucasus: Ethnodemography of the Caucasus. Data on the Population Census, and Ethnographic Maps, op. cit.*

was abandoned for an economic motivation. In fact, since the leaders need to 'buy' popular support the economic aspect is visible in all their actions undertaken. One of the arguments used is that the consumers allegedly enjoy low prices for commodities, especially for gas.²¹⁴ In addition to the attempt at fostering a siege mentality and constantly raising the specter of external threat, the authorities permanently remind the population of the strong Russian economic and political support. Contrary to Abkhazia, Transnistria possesses strong institutions and, in particular, a strong military and internal security establishment. This creates the necessary conditions for a 'top down' enforcement of unity, which in turn serves the interest of the ruling elite in the preservation of the *status quo*. These interconnections also explain why the regime suppresses civil and political rights and why, in its perception, democratization would create the risk of fragmentation and threaten the state-building project. This was perfectly well illustrated by the retreat of Shevchuk, then the main opposition leader, from the 2006 presidential elections. 'For us', he said, 'the main priority is to resist external threats and to preserve Transnistria as a state.'²¹⁵ In part, the external threat is related to the specter raised the authorities in Tiraspol of eventual reunification of Moldova with Romania. In the perspective of the ethnic Russians, this would drastically diminish their share in the reunified country and their political influence. Additionally, the *de facto* Transnistrian state claims to defend itself against an inimical outside Western world and its 'malicious' influence. The motivation on the grounds of so-called Moldovan language, which was developed initially under Soviet regime, can be considered to be an ineffective attempt by the Tiraspol-based authorities to create an image of Transnistria as a defender of Moldovan identity under the 'threat' of eventual reunification of Moldova and Romania and a submersion of Moldovan culture and language under Romanian influence.

To conclude, this chapter illustrated the different human rights violations occurring in Abkhazia and Transnistria according to civil and political rights, as well as economic, social and cultural rights. In the first case, in Abkhazia, relative political pluralism and an active civil society was possible to appear under a weak regime in a relatively united nation. Under external pressure, too, the government felt constrained and able to

214 Whereas the claim for low prices of commodities in general is dubious, it does apply to natural gas: Transnistrian population has to pay only \$ 92 per 1 000 cubic meters of gas in comparison with a price of \$ 392 per 1 000 m³ charged to Moldova; see V. Chirila, 'Why do we need Transnistria?', *Info-Prim Neo*, 21 December 2011. In spite the fact that there is only one supply company in Moldova, this situation is technically possible as partially the gas is transited to the west bank of Dniestr through Transnistria. Thus, the separatist authorities can deliver the gas to the population of the east bank at the price they consider 'affordable'.

215 Quoted in Caspersen, *States without Sovereignty, op. cit.*, p. 16

maintain respect for civil and political rights or at least to preserve a ‘civic facade’.²¹⁶ To that extent, it is possible to qualify the regime as a form of ‘failed authoritarian rule’.²¹⁷ However, the secessionist republic’s demographic make-up created a conflict between the ‘ethnos’ of self-determination and the ‘demos’ of democracy which was ‘resolved’ by the establishment of ‘ethnocracy’.²¹⁸ Its features are a strong and influent civil society and a pluralistic political scene but ethnic exclusivity, priority accorded to rights of the (Abkhaz) ethnic plurality over the rights of the (Georgian) minority. Furthermore, the Abkhaz unrecognized entity is hardly in a position to become a democratic state: it lacks both *domestic* and *Westphalian* sovereignty.

The fragile situation of civil and political rights in Transnistria can be explained by the ruling elite’s perception of the risk of disintegration if democratisation were to be introduced in conditions of weak legitimation of statehood. Democratisation as well as active and independent civil society organisations, in the separatists’ view, would lead to the fragmentation of the united front that they would like to achieve and present to the outside world. But the rights of ethnic Moldovans are also violated on the basis of a fictitious ethnic and linguistic argument that is meant to prove the distinctiveness of Transnistrian Moldovans from west bank Moldovans. If analyzed in Krasner’s perspective, this separatist state lacks mainly a *Westphalian* sovereignty, whereas a certain degree of *domestic* independence is guaranteed. In Popescu’s terminology, it can also be qualified as ‘highly authoritarian’.²¹⁹

Finally, democratization of *de facto* states faces additional obstacles in comparison with internationally recognized ‘transition’ countries. First, the status of the unrecognized state forces international actors to interact with them via the parent state. This gives the latter the possibility to interfere with and influence the interaction. Additionally, the lack of international recognition drives the *de facto* states towards their patron and protective power. Thus, both Abkhazia and Transnistria are closely linked to and dependent on Russia by security guarantees, issuing of passports (‘passportization’) to residents and direct contributions to the budget, including to the pension fund as

216 Caspersen, ‘Democracy, Nationalism and (Lack of) Sovereignty’, *op. cit.*, p. 352.

217 Popescu, *Democracy in Secessionism*, *op. cit.*, p. 18.

218 Definition given by Sammy Smooha: ‘a non-civic form of democracy in which citizenship is extended to all, but the ‘in-group’ enjoys a superior position; it is a ‘distinct but diminished type of democracy’ propelled by ethnic nationalism, which can be seen as a compromise between nationalism and democracy’, quoted in Caspersen, *Unrecognized State*, *op. cit.*, p. 95.

219 Popescu, *Democracy in Secessionism*, *op. cit.*, p. 5.

part of 'humanitarian assistance'.²²⁰ The support is rewarded by the client *de facto* state allowing and/or the patron state asserting a role in the internal politics and policies of the separatist regions. In both cases, the patron is indifferent if not averse to the client's invocations of democratic principles and human rights. International support for internal democratic change, as shall be seen, is difficult, entirely lacking in Transnistria but significant in Abkhazia. There is growing international interest in the domestic affairs of these outsiders of international politics and an increase in the role of the EU as a civilian actor. How these factors combine in the two cases is the subject of the following chapter.

220 Caspersen, 'Democracy, Nationalism and (Lack of) Sovereignty', *op. cit.*, p. 347.

Chapter 3. The EU as Catalyst for the Protection of Human Rights in *De Facto* States

It is often suggested that democratization in *de facto* states is a precondition for peaceful conflict resolution. This perspective appears also to find confirmation in the civilian approach of the EU towards conflicts. However it is questionable whether the existence of a system with a high level of respect for democratic principles such as the rule of law, good governance and human rights leads to conflict transformation. What follows is an analysis of the involvement of European institutions in the promotion of human rights and its effectiveness as part of the EU conflict prevention policy. In the process, a distinction will be drawn between symbolic and high-intensity actions undertaken by the EU in the separatist regions

3.1 Institutions and Instruments for Human Rights Promotion in Abkhazia and Transnistria

3.1.1 Institutions Involved

The European Commission Assistance

The involvement of the European Union in Abkhazia is impressive: between 1997 and 2006 this region received €25 000 000 of assistance.²²¹ In 2005, the European Commission (EC) started a rehabilitation programme.²²² The objectives of the projects were mainly to improve the living conditions of the population through the economic rehabilitation of the region. The EC financed the reconstruction of important objects, such as the Inguri Hydro Power Plant. Some other projects addressed initiatives such as income-generation

²²¹ Popescu, *Democracy in Secessionism: op. cit.*

²²² see Annex 6

activities and the improvement of living conditions of people affected by war and civil society development.²²³

The involvement of the EC in the area was strongly affected by the 2008 conflict. Access to the population of Abkhazia became even more difficult. However, compared to South Ossetia, the Abkhaz region is still more open to cooperation with the EU. One of the factors involved in this relative success may be the personal involvement of the European Commission Delegation in Tbilisi.²²⁴

The level of involvement of the EU in Transnistrian human rights issue is much less significant than in the Abkhaz case. If in the latter, the initiative for engagement came mainly from the part of the EU, in the Transnistrian case no concrete actions were conducted for a long time despite appeals by the Moldovan government, which sees the democratization of its separatist region as prerequisite for a peaceful settlement and eventual reintegration of the region.

To take an example, in 2005, the Moldovan parliament launched an appeal to the Council of Europe, the OSCE and the EU for engagement for democratization in Transnistria.²²⁵ But no actions followed until 2009 when the EU initiated its strategy of 'non-recognition and engagement' addressing the problem of *de facto* states. In the same year, the EC started to finance projects in the Transnistrian region, mainly in the field of confidence building measures (CBMs). According to the information provided by the EU External Action Service (EEAS), the confidence building measures became an essential plan of the EU assistance to Moldova.²²⁶ Until the present, two assistance packages have been implemented, their objective being the support for civil society and the establishment of greater confidence in the relations between Chisinau and Tiraspol.

However, Nicu Popescu has noted the lack of active personal involvement in the solution of Transnistrian issue by the EU Delegation in Chisinau.²²⁷ And it is very well illustrated by the fact that the EU engagement on the eastern bank of the Dniestr river was not initiated by the EU representatives on the ground but started only after a general change in the EU's policy towards *de facto* states.

223 *Ibid.*

224 Popescu, 'The EU and Civil Society', *op. cit.*, p. 25

225 Caspersen, *Unrecognized States*, *op. cit.*, p. 136.

226 See Annex 7.

227 Popescu, 'The EU and Civil Society', *op. cit.*, p. 25.

The European Parliament – Condemnation of Human Rights Violations

Concerning issues of democracy and human rights in Abkhazia and Transnistria, the European Parliament (hereinafter EP) has played more of a symbolic role. It was relatively active in adopting a strong position on topics such as the organization of elections and referenda. In its resolutions, the EP underlined in particular the necessity of holding free and fair elections, criticizing in the process the authorities in Tiraspol. In its ‘Resolution on Moldova (Transnistria)’ in 2006, the EP deplored that ‘the repressive regime in Transnistria does not allow for the free expression of the popular will’.²²⁸ In the same year, the EP adopted two resolutions on human rights abuses in Transnistria, stating that the regime was motivated by ‘lack of respect for fundamental freedoms and human rights’²²⁹ and condemning the ‘repression, harassment and intimidation by the Transnistrian regime of representatives of the independent media, citizens criticizing the self-proclaimed Transnistrian authorities and the members of the NGOs and of the opposition’. The EP also ‘deeply deplores’ the unwillingness of the *de facto* authorities to comply with the decision of the European Court of Human Rights on the liberation of political detainees Ivantoc and Petrov-Popa.²³⁰

Regarding Abkhazia, the EP adopted a number of resolutions on human rights. In its resolution of November 2011 it departed from all such previous documents as it officially recognized Abkhaz territory as occupied by the Russian Federation. This implicitly has made the Kremlin responsible for human rights violations occurring in Abkhazia.²³¹

Council Sanctions

European Council sanctions can be regarded as the most high-intensive actions against the *de facto* authorities applied to rectify human rights abuses. In the Transnistrian case, the reasons for corresponding decisions were the continuous pressure on Latin-script schools and the impediments to the freedom of movement. The Council has imposed restrictions on the movement of certain members of the self-proclaimed authorities

²²⁸ European Parliament, ‘Resolution on Moldova (Transnistria)’, *Official Journal of the European Union*, C 313 E/428, 20 December 2006.

²²⁹ European Parliament, ‘Resolution of 12 July 2007 on Human Rights Violations in Transnistria (Republic of Moldova)’, *Official Journal of the European Union*, C 175 E/613, 10 July 2008.

²³⁰ European Parliament, ‘Resolution on Human Rights in Moldova, and in Transnistria in Particular’, *Official Journal of the European Union*, C 291E, 30 November 2006.

²³¹ European Parliament, *Resolution of 17 November 2011 containing the European Parliament’s recommendations to the Council, the Commission and the EEAS on the negotiations of the EU-Georgia Association Agreement*, 2011/2133(INI).

by Common Position 2008/160/CFSP, which were extended in 2009, 2010 and 2011. It is noteworthy to mention that such instruments are not used against the leadership of Abkhazia, despite much stronger violations against the ethnic minorities' rights and their freedom of movement. Probably, such sanctions were not imposed on the political leaders of Abkhazia as this could have served to trigger even more hatred between the Abkhaz and Georgians; and, certainly, the sanctions will not erase the ethnic conflict deeply rooted in the society.

European Union Special Representatives

The EUSR for the South Caucasus and the Crisis in Georgia was established on 2003 with Heikki Talvitie as the first holder of office. In 2006, he was replaced by the Swedish diplomat Peter Semneby, and the current EUSR, Philippe Lefort, was appointed by the Council Decision 2011/518/CFSP. His mandate includes, among other things, the development of contacts with governments, parliaments, the judiciary and civil society in the three Southern Caucasian countries; the encouragement of these countries to cooperate in the areas of common interest; the contribution to the peaceful conflict resolution; and the development and implementation of confidence building measures. In the present context, it is to be noted that the mandate also pertains to checking on the 'implementation of the EU human rights policy and EU Guidelines on Human Rights, in particular with regard to children and women in areas affected by conflicts, especially by monitoring and addressing developments in this regard'.²³²

The provisions on Human Rights policy of the EU are horizontal. They apply to all the mandates of the EUSR and thus also to Moldova, including Transnistria. The first EUSR to Moldova appointed was Adriaan Jacobovits de Szeged, with the mandate to contribute to the settlement of the conflict in line with EU policy objectives and in cooperation with the OSCE.²³³ The second EUSR was Kálmán Mizsei (15 February 2007 – 28 February 2011), who received the same mandate as his predecessor but with special provisions concerning the new policies of the EU launched towards Moldova: ENP and EUBAM.²³⁴ The dialogue promoted by the EUSR is conducted at a high

²³² Council of the EU, 'Council Decision (2011/518/CFSP) of 25 August 2011 appointing the European Union Special Representative for the South Caucasus and the crisis in Georgia', *Official Journal of the European Union*, L 221/5, 27 August 2011.

²³³ Council of the EU, 'Council Joint Action (2005/265/CFSP) of 23 March 2005 appointing a Special Representative of the European Union for Moldova', *Official Journal of the European Union*, L 81, 30 March 2005.

²³⁴ Council of the EU, 'Council Joint Action (2007/107/CFSP) of 15 February 2007 appointing the Special Representative of the European Union for Moldova', *Official Journal of the European Union*,

political level, through (EU, Moldova) bi- and tri-lateral dialogues (EU, Moldova and Transnistria), without any guarantee, however, that the PMR authorities will comply with the recommendations and the projects proposed. In February 2011, the post of EUSR for Moldova was absorbed along with three other EUSR missions to the recently established European External Action Service. Nowadays, the former EUSR mandate is split between the EEAS and the EU Delegation in Chisinau.

To conclude, the EU is relatively reluctant to actively involve itself in the conflict settlement process. It makes use of predominantly low-intensity instruments, such as political dialogues, declarations, EP resolutions and the appointment and activities of the EUSRs. It is reluctant as regards the utilization of high-intensity instruments such as sanctions, used only in Transnistrian case on the grounds of infringement of the right to education and freedom of movement. The lack of such sanctions against the Abkhaz authorities is questionable if one considers the constant and violent oppression of ethnic Georgians living on Abkhaz territory. Contrary to that, the EU chose the 'bottom up' promotion of human rights in this *de facto* state by funding projects in order to support civil society, and enhancing the confidence building process. However, the effectiveness of this approach is questionable regarding both the protection of minority rights and conflict settlement.

3.1.2 Financial Instruments

European Community's Humanitarian Aid Office (ECHO)

With a constantly increasing budget (€ 1.1 billion in 2011),²³⁵ the European Community's Humanitarian Aid Office is providing assistance to people in need all over the world. It is ensuring protection, emergency assistance for victims of natural disasters and armed conflicts outside Europe. The DG ECHO has provided assistance to 80 countries outside the EU, including 39 countries and territories in crisis situation.²³⁶ DG ECHO works in close cooperation with a wide range of international organisations and NGOs among which the International Committee of the Red Cross, the UNHCR and the World Food Programme.²³⁷

L 46/59, 16 February 2007.

235 European Commission, Humanitarian Aid & Civil Protection, *Financial resources*, 29 November 2011

236 European Commission, Humanitarian Aid & Civil Protection, *DG Humanitarian Aid funded operations*, 19 July 2011.

237 Joris Voorhoeve, *From War to the Rule of Law. Peacebuilding after Violent conflicts*, Amsterdam, Amsterdam University Press, 2007, p. 160.

In the initial phase of EU engagement in the Abkhaz region, the EC used primarily the instruments for humanitarian assistance in order to address the basic needs of the population deprived by the atrocities of the 1992-1993 war and its consequences. The EU funding started in 1997 after the political agreement between the EU and Georgia, and addressed the immediate needs of the population. In 2003, the EU started the funding of civil society development through other financial modalities and by 2006 it became the largest donor in the region with a total sum of € 25 000 000 provided during nine years.²³⁸ Recent financing of projects in humanitarian field are oriented towards the reconstruction of shelters and the liquidation of food insecurity for people affected by the 2008 war.²³⁹

There are no data on the volume of assistance provided through this instrument to the Transnistrian region. Nonetheless, we can assume that the EC did not allow funding for people affected by war in this area of Moldova as there is much less humanitarian need, given the fact that this *de facto* state has a ‘relatively well functioning economy and industry’,²⁴⁰ as well as cheap public facilities. Additionally, the war of 1992 affected the civilian population of the region much less than the Abkhazian war. However, a ‘relatively well functioning economy and industry’ does not necessarily mean a decent quality of life for the citizens when the profits are kept by a limit number of ‘influential’ persons at the top.

ECHO support, however, addresses emergency situations and ensures the accomplishment of short-term goals but is not aimed at contributing to comprehensive change in the society affected by conflict. Nevertheless, it is an important instrument to tackle rapidly and efficiently the needs of the population in crisis and to prepare the basis for long-term oriented projects and providing sustainable development.

European Initiative for Democracy and Human Rights (EIDHR)

The European Initiative for Democracy and Human Rights is the tool for the promotion of democratic principles and human rights in countries outside the EU. The EIDHR budget of € 1.104 billion within the 2007-2013 financial framework²⁴¹ is distributed to

238 Popescu, ‘The EU and Civil Society’, *op. cit.*

239 See Annex 6.

240 Interview with Dr. Nicu Popescu, *op. cit.*

241 European Commission, Directorate General for Development and Cooperation – EuropeAid, *European Instrument for Democracy & Human Rights (EIDHR)*, 17 February 2012.

the projects implemented on a big scale with funding of at least € 1 million.²⁴² In total, with a budget overall of € 472.4 million, EIDHR spends about € 100 million annually on initiatives in the field of democratization, human rights and conflict prevention.²⁴³ In the period of 2007-2010, with a total budget of € 331 million, 1 239 projects were financed through EIDHR for the promotion and protection of human rights all over the world.²⁴⁴ Geographically, EIDHR areas of responsibility are divided into seven zones. On the ranking list of projects implemented, 147 projects in 2007-2010, the EU's Eastern Neighbourhood and Russia take fifth place.²⁴⁵

As it was stated in the Communication on the European Union's Role in Promoting Human Rights and Democratization in Third Countries, the EIDHR is guided in its funding and choice of countries by four priorities:

- democratization, good governance and the rule of law;
- abolition of the death penalty;
- the fight against torture and impunity, and support for international tribunals and criminal courts;
- and the struggle against racism and xenophobia.²⁴⁶

The EIDHR Strategy Paper for 2007-2013 also points out the priority areas for financial support in the upcoming years:

- human rights and fundamental freedom in countries and regions where they are most at risk;
- abolition of the death penalty;
- the fight against torture;
- support to Human Rights Defenders;
- and support for civil society campaigns of the ICC.²⁴⁷

²⁴² Voorhoeve, *op. cit.*, p. 160.

²⁴³ *Ibid.* and European Commission, *Equal Rights Worldwide, The European Instrument for Democracy and Human Rights 2007-2010*, Activity Report, Brussels, 2011.

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid.*

²⁴⁶ European Commission, *The European Union's Role in Promoting Human Rights and Democratization in Third countries*, Communication to the Council and the European Parliament, COM (2001) 252 final, Brussels, 8 May 2001.

²⁴⁷ European Commission, *European Instrument for Democracy and Human Rights. Strategy Paper 2011-2013*, C (2010) 2432, 21 April 2010.

The EIDHR response strategy for 2011-2013 states that the approach to be adopted should be 'conflict sensitive' and have as its main objective the tackling of 'root causes'.²⁴⁸

In Abkhazia, the funding of projects under the EIDHR financial instrument started in 2002. Assistance was provided for small initiatives which, however, did not make important changes in the situation of human rights and democracy on the territory of this *de facto* state.

In Transnistria, the EIDHR financial instrument was not used, even though the European Parliament's DG External Policies of the Union suggested in 2008 that such a facility should be employed more actively in that region in order to boost the democratization process.²⁴⁹

Development and Co-operation Instrument (DCI)

The Development and Co-operation Instrument is used to finance development assistance programmes of the EU. It replaced the previous NGO Co-financing and the Decentralised Co-operation Instrument. In the 2007-2013 financial framework, its budget amounts to € 16.9 billion, which is almost sixteen times higher than the budget of EIDHR. Numerous other geographic and thematic programmes are covered by DCI, ranging from the Millennium Development Goals to trade and regional integration; and from governance, democracy and human rights as well as support for institutional reforms to assistance in post-conflict situations and to fragile states.²⁵⁰

This instrument was the most prominent financial modality for funding the projects in the Abkhaz region. It is oriented towards civil society development and the enhancement of cooperation between the NGOs and the local authorities. It has provided support for the emergence of a strong and influent civil society in the local political debate. The projects implemented under European financing were of a relatively long duration, lasting from twelve to thirty-six months, and had a long-term perspective. Parallel to the strengthening of the Abkhaz civil society organisations, the EU initiated some platforms for dialogue between the CSOs from both sides of the conflict through confidence building measures.

²⁴⁸ European Commission, *EIDHR. Strategy Paper*, *op. cit.*

²⁴⁹ European Parliament, DG External Policies of the Union, *Analysis of the EU's Assistance to Moldova*, Briefing Paper, November 2008, p. 4.

²⁵⁰ European Commission, Directorate General for Development and Cooperation – EuropeAid, *Development and Co-operation Instrument (DCI)*, 17 February 2012.

Instrument for Stability (IfS)

The Instrument for Stability is designed to address global security and development challenges. It has a budget of € 2.062 billion for the period 2007-2013²⁵¹ to be used for short-term responses to crisis escalation or recovery measures after a natural disaster; for long-term activities, it is allocated to assist in the struggle against the proliferation of weapons of mass destruction, consolidation of response to transnational threats and capacity building before or after a conflict.

The use of IfS in Abkhazia intensified after the August 2008 war and addressed a different range of issues of both an operational and structural nature. One part was oriented towards immediate help for returnees to the Gali district, with a complementary project for the development of civil society in this district. On the whole territory of Abkhazia, the projects addressed social and psychological counseling needs, the enhancement of youth participation, and the building of a strong society with respect for human rights.²⁵²

In Transnistria, the EU financial assistance was concentrated on the promotion of confidence building measures. Financed through ENPI financial instrument, CBMs have become an essential part of the overall EU assistance to Moldova. Until the present, there have been three CBM packages, with a constantly increasing budget. The corresponding figures are as follows:

- CBM I - € 1 700 000
- CBM II - € 2 000 000
- CBM III - € 12 000 000
- CBM IV (planned) - € 28 000 000.²⁵³

The most important projects of the first CBM packages were oriented towards the improvement of the infrastructure in the localities on the both banks of the Dniestr.²⁵⁴ However, parts of the projects receiving financing from the European Union are those that enhance civil society and the building of confidence between the Moldovan and Transnistrian societies.²⁵⁵ Besides the enhancement of civil society, CBMs can create

²⁵¹ European Commission, DG Development and Co-operation – EuropeAid, *Instrument for Stability*, 17 February 2012.

²⁵² See Annex 6.

²⁵³ European External Action Service, *EU support to confidence-building measures in Transnistria* (unpublished), 25 April 2012.

²⁵⁴ See Annex 7.

²⁵⁵ See Annex 7.

a forum for discussion between professionals from the both banks of the Dniestr and lead to the dismantling of stereotypes. The conflict prevention approach through the development of NGO capacities and the promotion of dialogues is an obvious strategy adopted by the EU in order to influence peaceful conflict settlements. However, the question arises as to whether this approach can be considered to be effective and, measured against its own objectives, successful. This question will be examined in the following section.

3.2 Impact and Effectiveness of EU Actions

In order to assess the impact and effectiveness of EU projects in the field of human rights promotion in the two *de facto* states, it is necessary to return to the violations of human rights described in the previous chapters. As it was shown, the types of violation occurring in Abkhazia and Transnistria are different in their purpose and direction, and dependent on the state-building strategy adopted by the self-proclaimed state.

In the Abkhazian case, the demography of the region determined the state-building strategy of self-proclaimed government. The Abkhaz gradually changed from being the 'dominant minority' in the former Autonomous Republic of Abkhazia to a plurality – but only after the repression of ethnic Georgians, the physical threat experienced during 1992-1993 war and subsequent discriminatory measures adopted by the Abkhaz regime which, all combined, forced them to flee. As the political project of an Abkhaz nation-state is shared by the majority of the population in the break-away republic, fragmentation along ethnic lines threatened the state-building project of the Abkhaz. This perceived risk has led to the further targeted oppression of ethnic Georgians.

However, Abkhazia's claim to independence is based not only on the principle of self-determination but also on the respect for democratic principles. Against this background, it is easier to understand the EU's rationale for supporting civil society in Abkhazia, including the funding of the local CSOs. In fact, it has been argued that EU funding has been 'crucial in developing civil society'.²⁵⁶ Two factors are of importance. First, the EU's assistance, compared to other funding available for Abkhazia, has a long-term perspective and ensures a certainty for the development of NGOs' operational capacity once initial difficulties related to bureaucracy and application procedures have been overcome. Second, the EU gives priority in its funding decisions to 'moderate' CSOs, thereby contributing to the development of a pluralistic political scene.

Regarding the funding of other type of projects in Abkhazia, at the beginning, the EU concentrated on those that would address the urgent needs of the population. However, as it is stated in the regulations on financial instruments such as ECHO, the aim of these specific and short measures is also to prepare the ground for subsequent structural change. The later assistance provided through the Development and Co-operation Instrument and the Instrument for Stability was crucial for the development of a long-term strategy. The two instruments were used to finance important reconstruction projects but also contributed to the emergence of influential civil society organisations. The contribution

256 Popescu, 'The EU and Civil Society', *op. cit.*, p. 23.

of the EU was also oriented toward the assistance to internally displaced persons and enhancement of the dialogue between both sides of the conflict.

To conclude, the above analysis of role of institutions confirms that the EC played a crucial role in the development of civil society and the promotion of civil and political freedoms in Abkhazia. This, as mentioned, has been due mainly to the strong personal engagement of the EC Delegation in Tbilisi, which has also seen to it that the EU's cooperation with the Sukhumi authorities would continue. The other institutions, that is, the Council and the European Parliament, are involved only in a symbolic way and have not contributed substantially to the improvement of the human rights situation in this *de facto* state. Funding has attempted as well to change the economic situation of the population through some income-generating and shelter rehabilitation projects. In general, however, few projects have been designed to benefit the inhabitants of Gali, whose rights are strongly infringed. The assumption among EU officials that the support for the construction of democratic political institutions and a pluralistic society would have a 'spill-over' effect and lead to the improvement of situation of ethnic Georgians has turned out not to be valid. The state-building project of the Abkhazian state is rooted in ethno-nationalism and does not allow the representation of the positions of ethnic groups opposed to the nation-state project itself.

Similarly, the EU's conflict prevention policy through assistance to democracy and human rights in the separatist zone was unsuccessful. This is indicated by the EU's inability to prevent the escalation of conflict between Abkhazia and the Georgian central government and the radicalization of the society and political elites in both parts of the country before the August 2008 war.²⁵⁷ In fairness, however, escalation and polarization have been due also to factors outside the EU's influence, first and foremost Russia's destructive role.

In Transnistria, the state-building project follows a top-down pattern but the elites nevertheless have to ensure a certain level of popular support in order to guarantee the viability of their *de facto* state. The risk of fragmentation on political grounds has led to constraints on civil and political rights, as well as of social and cultural rights. Even if some of the above-mentioned rights are generally restricted, the main target are still the ethnic Moldovans, whose rights to political participation and to education are violated as they are the primary source of political opposition to the regime. Suppression of political opposition and prevention of the appearance of an independent civil society have become central features of the policies of the regime in Tiraspol.

²⁵⁷ *Ibid.*

EU funding of projects in Transnistria is for the support of the civil society sector. This path follows the 2004 proposal of Moldovan NGOs of the so-called '3D' strategy for the solution of the Transnistrian problem, that is, demilitarization, decriminalization and democratization. The '3D' strategy for civil society activists on both banks of the Dniestr river includes transformation of the human rights situation in the region through promotion of international human rights standards; free information flows; freedom of expression, and free and fair elections.²⁵⁸ However, it is doubtful that the projects oriented towards the improvement of the infrastructure, which in contrast with the Abkhazian case was not destroyed during the war of 1992, would influence positively the relations between the banks of the Dniestr as they could lead to the consolidation of the self-proclaimed regime.

It is still too early to assess the impact and the effectiveness of the EU policies in the civil society sector. As Tiraspol's state-building project is promoted mainly by political and economic elites of the region and enjoys only partial popular support, the risk of political fragmentation, from the perspective of the ruling elites, is considerable. In this regard, a well-oriented EU funding could only contribute in the long term to the democratization of the would-be state and the fair representation popular will in the governing bodies.

²⁵⁸ Vlad Spânu, *3D Strategy: Demilitarization, Decriminalization, Democratization*, Moldova Foundation, November 2004.

3.3 Constraints on the EU Support to Human Rights Promotion in Abkhazia and Transnistria

The specificities of the EU engagement with *de facto* states in general were discussed in the first chapter. In this part of the research we will add some particularities of Abkhazia and Transnistria which made difficult the delivery of the EU assistance to the human rights promotion within the territory of these separatist entities.

The engagement of the EU with the two *de facto* states and conflict zones has been a difficult endeavour. In both cases, the intervention of the EU has been subject to parent-state approval. If in case of Moldova, the central government itself invited the EU to take an active role in the democratization process of its secessionist region, in Georgia's Abkhazia, the EU met many more obstacles for an effective involvement. Problems arose not only in Sukhumi but also in Tbilisi. In fact, some Georgian officials have openly stated that they would prefer that the EU would end its funding of projects in Abkhazia.²⁵⁹ This position can be explained by the fear that European aid could lead to the consolidation of Abkhaz institutions and *volens volens* even advance international recognition. Consequently, Georgian have allowed European aid to be given only under two conditions, (1) that the assistance would not contribute to the consolidation of the separatist regime and (2) that would not lead to the establishment of official contact between the Abkhaz regime and the international community.²⁶⁰

However 'consolidation' may be defined, the necessity for the EU to receive Tbilisi's green light for assistance reached its apogee in 2008, when the Law on Occupied Territories was adopted by the Georgian parliament. In its initial version, the law made it impossible to provide any humanitarian assistance from abroad because it prohibited all entry of persons to Abkhazia regardless of the purpose of the visit. It also prohibited all cargo to be shipped to the separatist region, a prohibition that could also be applied to humanitarian aid.²⁶¹

Additionally, the assistance provided by the European Union has been a constant subject of political sensitivity on both sides of the conflict.²⁶² On the one hand, the EU was forced to pay attention to the respect of principle of territorial integrity of Georgia but, on the

²⁵⁹ Céline Francis, *Conflict Resolution and Status. The Case of Georgia and Abkhazia (1989-2008)*, Antwerpen, VubPress, 2011, p. 260.

²⁶⁰ *Ibid.*, p. 270.

²⁶¹ Council of Europe, European Commission for Democracy through Law, *Opinion on the Law on Occupied Territories of Georgia*, No. 515/2009, 17 March 2009.

²⁶² Popescu, 'The EU and Civil Society', *op. cit.*, p. 24.

other, had to face the independence aspirations of the Abkhaz authorities, who would neither accept a project stating that Abkhazia is part of Georgia nor accept the funding from the Georgian budget.²⁶³ To overcome such difficulties, the future of EU assistance depends very much on the existence of strong personalities in the EU missions on the ground capable of negotiating acceptable conditions for EU funding.

The *de facto* political entities also have to take into account and coordinate policies with their patron state. In Abkhazia, this included the massive phenomenon of ‘passportization’, direct assistance to the budget supplementing social spending. Competition between the patron state and the EU is evident, and this could also negatively affect Europe’s possibilities to foster democratic development and human rights in Abkhazia. The self-proclaimed state needs the approval or at least cannot deviate substantially in domestic affairs from the interests and the political structure of the patron state on which it depends economically. It is, indeed, a problem to be reckoned with, given Russia’s turn away from European values after the December 2011 Duma and March 2012 presidential elections.

In Transnistria, EU assistance does not encounter the same level of constraint as in Abkhazia. First, the central government of Moldova will not impede the EU’s engagement in the region. In fact, it is on its initiative that the EU has involved itself in the would-be state. Secondly, the Moldovan institutions will not only fail to oppose democratization processes on the east bank of the Dniestr river but support ‘3D’ strategies which could lead to broader political representation and thus increase the chances for a peaceful settlement of the conflict.

The obstacles are raised by the Transnistrian authorities. First, the political and economic elites want to preserve their power and influence and they think they can only do so by limiting the right of the population to free and unfettered political participation.

There is a risk that the governing class of this *de facto* state will continue to raise obstacles to the emergence of a pluralistic political scene. *Revirement* at the top level after the December 2011 presidential elections seemed to promise that the new government under Shevchuk would adopt different policies: it appeared to be more open to internal change and dialogue with Chisinau than its predecessor. However, even after six months of being in office, the government failed to amend the law prohibiting foreign funding of NGOs and embark on significant steps to improve popular participation.

263 *Ibid.*

The EU has been quite reluctant to involve itself in Transnistria also for other reasons. This includes, as mentioned, the absence of a real need for humanitarian aid. Given the relative self-sufficiency of the *de facto* state's economy, it is doubtful that the EU's reluctance to engage itself more fully is motivated geopolitically.²⁶⁴ However, again the degree of commitment of the EU's diplomatic representation of the EU in Chisinau is important for the extent and the quality of Europe's activity in the secessionist region.²⁶⁵ Taking into account that the EU Delegation to Moldova was opened only in 2005, it has taken some time for the appearance of Transnistrian internal affairs on the agenda of the EU in Moldova. This, too, is one of the differences between the two cases as the EU Delegation to Georgia was opened already in the 1990s.

²⁶⁴ Interview with Nicu Popescu, *op. cit.*

²⁶⁵ *Ibid.*

Conclusion

The international community has an increasing interest in the engagement with unrecognized states. But the legal remedies for the infringement of fundamental rights on the territory of *de facto* states are often an *a posteriori* solution. They do not guarantee compliance of the self-proclaimed authorities with international norms and standards. Even more, the legal international framework can only be applied to international state actors. Unrecognized *de facto* states can be accused politically but not be brought to justice. It is, therefore, imperative to adopt an *ex ante* approach and create a sustainable democratic environment that would prevent human rights abuses in the first place.

The comparative analysis of the two cases resulted in the identification of several differences in the state-building projects of the two entities, which explain the difference in the approaches of the EU. Additionally, the comparative approach served as the basis for an examination of the effectiveness of the EU engagement policy with the post-Soviet *de facto* states.

Whereas state building in Abkhazia is founded on ethnic nationalism, in Transnistria the *de facto* state is to serve the personal interests of political and economic elites. These differences have shaped the nature of human rights violations occurring in the two regions: whereas in Abkhazia, because of its demographic make-up, the abuses of human rights are mainly ethnically oriented, while the restrictions on civil and political rights are insignificant, in Transnistria, the uncertain legitimation of the would-be state has led to the limitation of civil and political rights in order to prevent the risk of political fragmentation. In addition to internal factors that influence the (non-)respect of certain rights, external factors also play a role. These consist in the different relationships with the patron state, *i.e.* the Russian Federation, and the interest of the major international actors, particularly the EU, to engage in the peaceful conflict settlement.

In these two distinct contexts, the form and impact of EU assistance has varied: in Abkhazia, the initial operational assistance for meeting humanitarian needs was gradually transformed to active support for the development of an active civil society

and some confidence building measures; in Transnistria, EU funding started much later and has targeted mainly confidence building projects that would lead to the creation of a common forum for dialogue of representatives from the both banks of the Dniestr river.

As for the main actors of the EU's approach to conflict management, the role of the Commission has been decisive. From all the European institutions, it had the major role in engaging with the conflict zones through the initiation of projects and their financing and implementation. Concerning sanctions, the most powerful tools at the disposal of the EU, these were only rarely used in response to human rights violations in the Transnistrian region. In the Abkhaz case, this instrument was never used.

As for the instruments applied for the human rights promotion in the two *de facto* states, the most relevant have been EU assistance to Abkhazia. These were mainly designed to provide humanitarian relief to the population and economic rehabilitation. Support given to civil society organisations was to assist in the construction of a pluralistic political scene but also to build bridges between the two sides of the conflict. The first objective was achieved but it led to the consolidation of the local civil and political structures and did not contribute to the achievement of the latter aim. This is true for the period before the August 2008 war as witnessed by the EU's inability to prevent the escalation of conflict between Abkhazia and the Georgian central government and the radicalization of the society and political elites in both parts of the country. It also applies, however, to the post-war state of affairs. And whereas the efforts for the advancement of human rights have had some positive effects in the social and political spheres of public life in Abkhazia, the EU did not have enough leverage to achieve structural changes to benefit the ethnic minorities. In particular, it was unable to do much to improve the desolate state of affairs of ethnic Georgians in Gali district.

In the case of Transnistria, it is too early to evaluate the impact and the effectiveness of the EU assistance as it started only in 2009. However, it is fair to say that the confidence building measures directed towards the population on both sides of the Dniestr have some chance of success as they can lead to the dismantling of negative stereotypes. However, as regards the development of the civil society on the east bank of the Dniestr, given the confluence of both internal and external obstacles, positive results should not be expected very soon. Theoretically, the situation could change if international actors were to gain more leverage on decision-making of the Transnistrian authorities by increasing the amount of aid. In practice, however, the regime is likely to reject any conditionality that would link economic and financial benefits to political concessions.

Nevertheless, in both cases, it is more the nature of the conflict that determines any solution, or more particularly, the human rights situation, not the actions of the EU. The EU can adapt to concrete situations and offer support in a beneficial preexisting environment but it can hardly create the pre-conditions for a peaceful settlement and even can contribute involuntarily to the consolidation of the separatist authorities.

Bibliography

PRIMARY SOURCES

Official documents

1. Council of the European Union, 'Council Decision (2011/518/CFSP) of 25 August 2011 appointing the European Union Special Representative for the South Caucasus and the crisis in Georgia', *Official Journal of the European Union*, L 221/5, 27 August 2011.
2. Council of the European Union, 'Council Joint Action (2005/265/CFSP) of 23 March 2005 appointing a Special Representative of the European Union for Moldova', *Official Journal of the European Union*, L 81, 30 March 2005.
3. European Commission, 'Accession Criteria', 27 October 2011. Retrieved on 19 March 2012 at http://ec.europa.eu/enlargement/enlargement_process/accesion_process/criteria/index_en.htm.
4. European Parliament, 'Resolution on Human rights in Moldova and in Transnistria in particular', *Official Journal of the European Union*, C 291E, 30 November 2006
5. European Parliament, 'Resolution on Moldova (Transnistria)', *Official Journal of the European Union*, C 313 E/428, 20 December 2006
6. European Parliament, 'Resolution of 12 July 2007 on human rights violations in Transnistria (Republic of Moldova)', *Official Journal of the European Union*, C 175 E/613, 10 July 2008.
7. European Parliament, *Resolution of 17 November 2011 containing the European Parliament's recommendations to the Council, the Commission and the EEAS on the negotiations of the EU-Georgia Association Agreement*, 2011/2133(INI).
8. European Union, 'Treaty on the European Union', *Official Journal of the European Union*, C 191, 29 July 1992.
9. Göteborg European Council, *EU Programme for the Prevention of Violent Conflicts*, June 2001.
10. Georgian Parliament, *The Law of Georgia On Occupied Territories*, 431-IIsm 23 October 2008.

11. Ministry of Foreign Affairs of the Republic of Abkhazia, *Statement of the MFA of the Republic of Abkhazia [on the neutral travel documents]*, 27 January 2012. Retrieved on 7 April 2012 at <http://www.mfaabkhazia.net/en/node/1244>.
12. Закон «О Гражданстве Республики Абхазия» (Law of the Republic of Abkhazia on Citizenship of the Republic of Abkhazia), N 200-с, №720-с-XIV, 29 November 2002.
13. Закон о языках в Приднестровской Молдавской Республике (Language law of the Transnistrian Moldova Republic), SZMR 92-3, 8 September 1992.
14. Конституция Республики Абхазия (Constitution of the Republic of Abkhazia), 26 November 1994, modified 3 October 1999.

Interviews

1. Interview with Dr. Nicu Popescu, Senior Research Fellow and Head of ECFR's Programme on Russia and Wider Europe, 9 March 2012

SECONDARY SOURCES

Books

1. CASPERSEN, Nina, *Unrecognized States. The Struggle for Sovereignty in the Modern International System*, Cambridge, Polity Press, 2012.
2. FRANCIS, Céline, *Conflict Resolution and Status: The Cases of Georgia and Abkhazia (1989-2008)*, Antwerpen, VubPress, 2011.
3. KÜCHLER, Florian, *The Role of the European Union in Moldova's Transnistria Conflict*, Stuttgart, Idibem-Verlag, 2008.
4. LINZ, Juan J. & Alfred STEPAN, *Problems of Democratic Transition and Consolidation*, Baltimore, The Johns Hopkins University Press, 1996.
5. STEWART, Emma J., *The European Union and Conflict Prevention. Policy Evolution and Outcome*, Berlin, Transactions Publishers, 2006.
6. VOORHOEVE, Joris, *From War to the Rule of Law. Peacebuilding after Violent Conflicts*, Amsterdam, Amsterdam University Press, 2007.

Scientific Articles

1. ANDRYSEK, Oldrich & Mihai GRECU, 'Unworthy Partner: The School Issue as an Example of Human Rights Abuses in Transdnestria', *Helsinki Monitor*, Vol. 14 (2), 2003, pp. 101-116. Retrieved on 1 February 2012 at <http://www.soviet-medals-orders.com/images/Publ/andrysek&grecu4.htm>.
2. CASPERSEN, Nina & Antje HERRBERG, *Engaging Unrecognized States in Conflict Resolution: An Opportunity or Challenge for the EU?*, Crisis Management Initiative, IFP Mediation Cluster, December 2010. Retrieved on 19 January 2012 at <http://www.initiativeforpeacebuilding.eu/pdf/1012CMI.pdf>.

3. CASPERSEN, Nina, 'Democracy, Nationalism and (Lack of) Sovereignty: The Complex Dynamics of Democratization in Unrecognized States', *Nations and Nationalism*, Vol. 17 (2), 2011, pp. 337-56.
4. CISCEL, Matthew H., 'Uneasy Compromise: Language and Education in Moldova', Aneta Pavlenko (ed.), *Multilingualism in Post-Soviet Countries*, Bristol, MPG Books Ltd., 2008, pp. 99-122
5. EBERHARDT, Adam, 'The Paradoxes of Moldovan Sports. An insight into the nature of the Transnistrian conflict', *Punkt Widzenia/Point of View*, Ośrodek Studiów Wschodnich im. Marka Karpia/Centre for Eastern Studies. Retrieved on 9 April 2012 at http://www.osw.waw.pl/sites/default/files/punkt_widzenia_26_en.pdf
6. FRIES, Sybilla, 'Conflict Prevention and Human Rights', in: Vincent Kronenberger & Jan Wouters (eds.), *The European Union and Conflict Prevention. Policy and Legal Aspects*, The Hague, Asser Press, 2004, pp. 237-70.
7. HOCH, Tomáš, 'EU Strategy towards Post-Soviet De Facto States', *Contemporary European Studies*, Vol. 2, 2011, pp. 69-85.
8. MANNERS, Ian, 'Normative Power Europe Reconsidered: Beyond the Crossroads', *Journal of European Public Policy*, Vol. 13, No. 2, 2006, pp. 182-99.
9. MANNERS, Ian, 'Normative Power Europe: A Contradiction of Terms?', *Journal of Common Market Studies*, Vol. 40, No. 2, 2002, pp. 235-58.
10. MANNERS, Ian, 'What Kind of Power? European Foreign Policy', *Journal of European Public Policy*, Vol. 13, No. 2, 2006. Retrieved on 19 April 2012 at <http://www.tandf.co.uk/journals/access/rjpp.pdf>.
11. MATSUZATO, Kimitaka, 'Transnational Minorities Challenging the Interstate System: Mingrelians, Armenians, and Muslims in and around Abkhazia', *Nationalities Papers: The Journal of Nationalism and Ethnicity*, Vol. 39, No. 5, 25 April 2011, pp. 811-31. Retrieved on 10 April 2012 at <http://dx.doi.org/10.1080/00905992.2011.599376>.
12. MIHALKANIN, Edward, 'The Abkhazians. A National Minority in their Own Homeland', in: T. Bahcheli & B. Bartman & H. Srebrnik (eds.), *De facto States. The Quest for Sovereignty*, New York, Routledge, 2004.
13. MORAVCSIK, Andrew, 'Europe: The Quiet Superpower', *French Politics*, Vol. 7, No. 3/4, September-December 2009, pp. 403-22. Retrieved on 19 April 2012 at <http://www.palgrave-journals.com/fp/journal/v7/n3/full/fp200929a.html>.
14. NIELSON, Poul, *Building Credibility: The Role of European Development Policy in Preventing Conflicts*, Speech at the Foreign Policy Centre, London, 8 February 2001.
15. NIÑO-PÉREZ, Javier, 'Conflict Indicators Developed by the Commission: The Check-List for Root Causes of Conflict/Early Warning Indicators', in: Vincent Kronenberger & Jan Wouters (eds.), *The European Union and Conflict Prevention. Policy and Legal Aspects*, The Hague, Asser Press, 2004, pp. 3-20.

16. NIÑO-PÉREZ, Javier, 'EU Instruments for Conflict Prevention', in: Vincent Kronenberger & Jan Wouters (eds.), *The European Union and Conflict Prevention. Policy and Legal Aspects*, The Hague, Asser Press, 2004, pp. 93-119.
17. ORBIE, Jan, 'A Civilian Power in the World? Instruments and Objectives in European Union External Policies', in: Jan Orbie (ed.), *Europe's Global Role. External Policies of the European Union*, Aldershot, Ashgate, 2008.
18. PARMENTIER, Florent, 'The ENP Facing a *de facto* State. Lessons from the Transnistrian Question', in: Laure Delcour & Elsa Tulmets (eds.), *Pioneer Europe? Testing EU Foreign Policy in the Neighbourhood*, Baden-Baden, Nomos, 2008, pp. 203-16.
19. POPESCU, Nicu, 'Europe's Unrecognized Neighbours. The EU in Abkhazia and South Ossetia', *CEPS Working Document*, No. 260, March 2007. Retrieved on 19 November 2011 at www.ceps.eu/ceps/download/1307.
20. POPESCU, Nicu, 'The EU and Civil Society in the Georgian-Abkhaz Conflict', *MICROCON Policy Working Paper*, No. 15, June 2010. Retrieved on 3 March 2012 at http://www.microconflict.eu/publications/PWP3_NM_NP.pdf.
21. POPESCU, Nicu, *Democracy in Secessionism: Transnistria and Abkhazia's Domestic Policies*, Open Society Institute, Centre for Policy Studies, Central European University, 2006. Retrieved on 8 December 2011 at <http://www.policy.hu/news/NPopescu-PS/22>.
22. POPESCU, Nicu, 'Outsourcing' *de facto* Statehood: Russia and the Secessionist Entities in Georgia and Moldova', *EU Neighbourhood Policy, CEPS Policy Briefs*, 20 July 2006. Retrieved on 2 March 2012 at <http://www.ceps.eu/book/outourcing-de-facto-statehood-russia-and-secessionist-entities-georgia-and-moldova>
23. TULMETS, Elsa, 'A 'Soft Power with Civilian Means: Can the EU Bridge its Capability-Expectations Gap in the ENP?', in: Laure Delcour & Elsa Tulmets (eds.), *Pioneer Europe? Testing EU Foreign Policy in the Neighbourhood*, Baden-Baden, Nomos, 2008, pp. 133-60.

Press articles

1. ANTIUFEEV, Vladimir, 'Запад решил ликвидировать приднестровскую государственность' ('The West Decided to Liquidate Transnistrian Statehood'), *Vremia Novostei*, 24 May 2005. Retrieved on 1 March 2012 at <http://www.vremya.ru/2005/89/5/125787.html>.
2. ASHTON, Catherine, 'Quiet Diplomacy Will Get Our Voice Heard', *Times Online*, 17 December 2009. Retrieved on 19 April 2012 at <http://www.jordipujol.cat/files/articles/times47.pdf>.
3. BOȚAN, Igor, 'Votul cetățenilor Republicii Moldova din regiunea transnistreană' (The Vote of the Citizens of Republic of Moldova from the Transnistrian region), *E-Democracy Portal*, 14 February 2009. Retrieved on 9 April 2012 at <http://www.e-democracy.md/monitoring/politics/comments/20090214/>

4. 'Broadcasting of Georgian TV Channels was Stopped in Gali District of Abkhazia', *Caucasian Knot*, 22 September 2010. Retrieved on 9 April 2012 at <http://kalmykia.eng.kavkaz-uzel.ru/articles/14543/>.
5. HOWE, Amanda, *Outskirts of EU: Latin-script Students Face Persecution in Break-away Republic of Transnistria*, 7 June 2008. Retrieved on 20 January 2012 at <http://europeancourier.org/90.htm>.
6. MORAVCSIK, Andrew, 'The Quiet Superpower', *Newsweek International*, 17 June 2002. Retrieved on 19 April 2012 at <http://www.princeton.edu/~amoravcs/library/quiet.pdf>.
7. MOSPANOV, Andrei, 'Президент Приднестровья Игорь Смирнов подписал указ о запрете финансирования некоммерческих организаций из-за рубежа' ('The President of Transnistria Igor Smirnov Signed a Decree Abolishing the Foreign Funding for NGOs'), *Olvia press*, 8 March 2006. Retrieved on 1 March 2012 at <http://www.olvia.idknet.com/ol101-03-06.htm>.
8. PEACH, Gary & Maria DANILOVA, 'Russia's Passport Policy Stirs Fear Among Neighbours', *The Associated Press*, 27 February 2009. Retrieved on 15 November 2011 at http://www.sptimes.ru/index.php?action_id=100&story_id=28370.
9. POPESCU, Nicu, 'Abkhazie, Ossétie du Sud : Cruelle démographie', *Kommersant, Courier International*, No.846, 18-24 January 2007.
10. 'Rusia va deschide 25 secții de votare in Transnistria pentru alegerile in Duma de Stat' ('Russia will Open 25 Polls in Transnistria for the Elections in the State Duma'), *In Profunzime*, 25 October 2011. Retrieved on 11 March 2012 at <http://www.inprofunzime.md/stiri/politic/rusia-va-deschide-25-de-sectii-de-votare-in-transnistria-pentru.html>.
11. SPÂNU, Vlad, *Prospects for Unfreezing Moldova's Frozen Conflict in Transnistria*, The United States Helsinki Commission, 14 June 2011. Retrieved on 19 February 2012 at <http://politicom.moldova.org/news/vlad-spanu-residents-of-moldovas-transnistria-are-geopolitical-hostages-221884-eng.htm>.
12. SPÂNU, Vlad, *3D Strategy (Demilitarization, Decriminalization, Democratization)*, Moldova Foundation, November 2004. Retrieved on 29 February 2012 at <http://foundation.moldova.org/pages/eng/136/>.
13. WHITMORE, Brian, 'A Russian Land Grab in Abkhazia?', *Radio Free Europe*, 30 March 2011. Retrieved on 9 April 2012 at http://www.rferl.org/content/a_russian_land_grab_in_abkhazia/3542144.html.
14. 'Численность населения Абхазии составляет 240 705 человек' ('The Population of Abkhazia is 240 705 inhabitants'), *Apsny Press*, 28 December 2011. Retrieved on 15 April 2012 at <http://apsnypress.info/news/5084.html>.
15. 'Выборы президента ПМР: 100% бюллетеней: за независимость - 76,4%, за "кандидата Кремля" - 20,2%' ('Presidential Elections: 100% of the Vote Processed - 76,4% for Independence, 20,2% for the Kremlin's Candidate'), *Regnum News Agency*, 26 December 2011. Retrieved on 11 March 2012 at <http://www.regnum.ru/news/fd-abroad/moldova/1483475.html>.

Institutional authors

1. 'Moldovan Schools in Transdniestria. An Uphill Battle against "Linguistic Cleansing"', OSCE Magazine, June 2005. Retrieved on 29 February 2012 at <http://www.osce.org/secretariat/15962>.
2. Council of Europe, European Commission for Democracy through Law, *Opinion on the Law on Occupied Territories of Georgia*, No. 515/2009, 17 March 2009.
3. Commission of European Communities, *The European Union and the Issue of Conflicts in Africa: Peace-building, Conflict Prevention and Beyond*, SEC (96) 332 final, Brussels, 6 March 1996.
4. Council of the European Union, 'European Security and Defence Policy: the Civilian Aspects of Crisis Management', *European Security and Defence Policy Factsheet*, August 2009.
5. Council of the European Union, *Concept for EU Monitoring Missions*, 14536/03, Brussels, 28 October 2003.
6. Council of the European Union, *Concept on strengthening EU mediation and dialogue capacities*, 15779/09, Brussels, 2009.
7. Council of the European Union, *EU Special Representatives*. Retrieved on 20 April 2012 at <http://www.consilium.europa.eu/policies/foreign-policy/eu-special-representatives.aspx?lang=en>.
8. Council of the European Union, *Final update of the 2010 CFSP Budget*, 5230/11, Brussels, 12 January 2012.
9. European Commission, Directorate General for Development and Cooperation – EuropeAid, *European Instrument for Democracy & Human Rights (EIDHR)*, 17 February 2012. Retrieved on 19 March 2012 at http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm.
10. European Commission, Directorate General for Development and Cooperation – EuropeAid, *Development and Co-operation Instrument (DCI)*, 17 February 2012. Retrieved on 19 March 2012 at http://ec.europa.eu/europeaid/how/finance/dci_en.htm.
11. European Commission, Directorate General for Development and Cooperation – EuropeAid, *Instrument for Stability (IfS)*, 17 February 2012. Retrieved on 19 March 2012 at http://ec.europa.eu/europeaid/how/finance/ifs_en.htm.
12. European Commission, *Equal Rights Worldwide, The European Instrument for Democracy and Human Rights 2007-2010*, Activity Report, Brussels, 2011.
13. European Commission, *European Instrument for Democracy and Human Rights. Strategy Paper 2011-2013*, C(2010)2432, 21 April 2010.
14. European Commission, *European Neighbourhood and Partnership Instrument, Georgia. Country Strategy Paper, 2007-2013*.

15. European Commission, Humanitarian Aid & Civil Protection, *DG Humanitarian Aid funded operations*, 19 July 2011. Retrieved on 20 April 2012 at http://ec.europa.eu/echo/funding/key_figures/echo_en.htm.
16. European Commission, Humanitarian Aid & Civil Protection, *Financial resources*, 29 November 2011. Retrieved on 20 April 2012 at http://ec.europa.eu/echo/funding/budget_en.htm.
17. European Commission, *The European Union's Role in Promoting Human Rights and Democratization in Third countries*, Communication to the Council and the European Parliament, COM (2001) 252 final, Brussels, 8 May 2001.
18. European Commission, DG Development and Co-operation – EuropeAid, *EI-DHR. Promoting Democracy & Human Rights Worldwide, 2000-2006*. Retrieved on 2 February 2012 at <http://www.eidhr.eu/files/dmfile/EIDHRInitiativeCompendium-14-07-10.pdf>.
19. European Commission, DG Development and Co-operation – EuropeAid, *Instrument for Stability*, 17 February 2012. Retrieved on 2 February 2012 at http://ec.europa.eu/europeaid/how/finance/ifs_en.htm.
20. European External Action Service, *EU Support to Confidence-Building Measures in Transnistria* (unpublished), 25 April 2012.

European Union Delegation to Georgia, *EU assistance to people affected by conflict in Georgia – Overview*, December 2010. Retrieved on 2 February 2012 at http://eeas.europa.eu/delegations/georgia/documents/projects/overview_post_conflict_ec_assistance_dec2010_en.pdf
21. European Union Delegation to Georgia, *EU Assistance to People Affected by Conflict in Georgia – Overview*, October 2011. Retrieved on 2 February 2012 at http://eeas.europa.eu/delegations/georgia/documents/projects/conflictassistance_2011overview_en.pdf.
22. HARASZTI, Miklós, The Representative on Freedom of the Media, OSCE, *Assessment Visit to the Transdnestrrian Region of the Republic of Moldova. Observations and Recommendations*, 10 March 2005. Retrieved on 7 November 2011 at <http://www.osce.org/fom/14399>.
23. ODIHR, OSCE, *Human Rights in the War-Affected Areas Following the Conflict in Georgia*, 27 November 2008. Retrieved on 18 January 2012 at <http://www.osce.org/odihr/35578>.
24. ODIHR, OSCE, *Report on the Violations of Human Rights in the Conflict Zones*, 4 October 2007. Retrieved on 7 November 2011 at <http://www.osce.org/odihr/27773>.
25. OSCE, *OSCE: Linguistic Cleansing Underway in Transdnestrria*, 15 July 2004. Retrieved on 29 February 2012 at <http://www.osce.org/hcnm/56534>.
26. OSCE, *Rybnitsa Authorities Must Return Confiscated School Building, Says OSCE Mission Head*, 24 November 2006. Retrieved on 29 February 2012 at <http://www.osce.org/moldova/47951>.

27. Secretary General/High Representative & European Commission, *Improving the Coherence and Effectiveness of the European Union Action in the Field of Conflict Prevention*, Report, Nice, 7-9 December 2000.
28. UN Country Team in Georgia, *UN Facilitated Review of Socioeconomic Needs in Abkhazia, Georgia*, Final Report, March 2008. Retrieved on 9 April 2012 at <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp178374.pdf>.
29. US Department of State, Bureau of Democracy, Human Rights, and Labor, *Human Rights Report: Moldova*, 2010. Retrieved on 29 February 2012 at <http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154439.htm>.
30. UNDP Moldova, *Support to Confidence Building Measures*. Retrieved on 25 April 2012 at <http://www.undp.md/projects/Community.pdf>.

Internet sources

1. Article 19, *A Survey of Access to Information in Abkhazia and its impact on People's Lives*, London, June 2007. Retrieved on 18 January 2012 at <http://www.article19.org/data/files/pdfs/publications/abkhazia-foi-report.pdf>.
2. CASPERSEN, Nina, *States without Sovereignty: Imitating Democratic Statehood*, Workshop 'Making Sense of Unrecognized States', University of Exeter, 6 March 2009. Retrieved on 20 January 2012 at www.esrc.ac.uk/my.../7of5a7c6-a74b-4858-bf65-b3166fdfe4ba.
3. CHIRILA, Victor, *Why Do We Need Transnistria?*, Info-Prim Neo, 21 December 2011. Retrieved on 1 March 2012 at <http://www.apc.md/libview.php?l=en&idc=152&id=1594>.
4. Global Security, *Georgia Military Guide, Map of Georgia and its separatist regions*.
5. Retrieved on 1 March 2012 at <http://www.globalsecurity.org/military/world/georgia/images/georgia-area.gif>.
6. *Ethno-Caucasus : Ethnodemography of Caucasus. Data on the population census and ethnographic maps* (<http://www.ethno-kavkaz.narod.ru/rnabkhazia.html>)
7. Freedom House, *Freedom in the World 2002: Transnistria Overview*, 2002. Retrieved on 1 March 2012 at <http://www.freedomhouse.org/report/freedom-world/2002/transnistria>.
8. Freedom House, *Freedom in the World 2003: Transnistria Overview*, 2003. Retrieved on 1 March 2012 at <http://www.freedomhouse.org/report/freedom-world/2003/transnistria>.
9. Freedom House, *Freedom in the World 2004: Transnistria Overview*, 2004. Retrieved on 1 March 2012 at <http://www.freedomhouse.org/report/freedom-world/2004/transnistria>.
10. Freedom House, *Freedom in the World 2005: Transnistria Overview*, 2005. Retrieved on 1 March 2012 at <http://www.freedomhouse.org/report/freedom-world/2005/transnistria>.

11. Freedom House, *Freedom in the World 2007: Transnistria Overview*, 2007. Retrieved on 1 March 2012 at <http://www.freedomhouse.org/report/freedom-world/2007/transnistria>.
12. Freedom House, *Freedom in the World 2008: Transnistria Overview*, 2008. Retrieved on 1 March 2012 at <http://www.freedomhouse.org/report/freedom-world/2008/transnistria>.
13. Freedom House, *Freedom in the World 2009: Transnistria Overview*, 2009. Retrieved on 1 March 2012 at <http://www.freedomhouse.org/report/freedom-world/2009/transnistria>.
14. Freedom House, *Freedom in the World 2010: Abkhazia Overview*, 2010. Retrieved on 1 March 2012 at <http://www.freedomhouse.org/report/freedom-world/2010/abkhazia>.
15. Freedom House, *Freedom in the World 2010: Transnistria Overview*, 2010. Retrieved on 1 March 2012 at <http://www.freedomhouse.org/report/freedom-world/2010/transnistria>.
16. Freedom House, *Freedom in the World 2011: Abkhazia Overview*, 2011. Retrieved on 1 March 2012 at <http://www.freedomhouse.org/report/freedom-world/2011/abkhazia>.
17. Freedom House, *Freedom in the world. The Arab uprisings and their global repercussions*, 2012. Retrieved on 2 February 2012 at: http://www.freedomhouse.org/sites/default/files/inline_images/FIW%202012%20Booklet--Final.pdf
18. Freedom House, *Freedom in the world. The Authoritarian Challenge to Democracy*, 2011. Retrieved on 7 November 2011 at: http://www.freedomhouse.org/images/File/fiw/FIW_2011_Booklet.pdf
19. Human Rights Watch, *Georgia/Abkhazia: Violations of the laws of war and Russia's role in the conflict*, Human Rights Watch Arms Project, March 1995. Retrieved on 7 November 2011 at: <http://www.hrw.org/reports/pdfs/g/georgia/georgia953.pdf>.
20. Human Rights Watch, *Living in Limbo. The Rights of Ethnic Georgian Returnees to the Gali District of Abkhazia*, 2011. Retrieved on 9 March 2012 at <http://www.hrw.org/sites/default/files/reports/georgia0711LR.pdf>.
21. International Crisis Group, *Abkhazia: Deepening Dependence*, Europe Report No. 202, 26 February 2010. Retrieved on 2 March 2012 at [http://www.crisisgroup.org/~media/Files/europe/202_abkhazia___deepening_dependence.ashx](http://www.crisisgroup.org/~/media/Files/europe/202_abkhazia___deepening_dependence.ashx).
22. MIRIMANOVA, Natalia, 'Civil Society Building Peace in the European Neighbourhood: towards a new framework for joining forces with the EU', *MICROCON Policy Working Paper 10*, March 2010. Retrieved on 18 March 2012 at http://www.microconflict.eu/publications/PWP10_NM.pdf.
23. TANSEY, Oisín, *Sovereignty, Democracy and Non-state Entities*, SGIR, 2007. Retrieved on 19 March 2012 at turin.sgir.eu/uploads/Tansey-Tansey%20Dem%20Sov.pdf.

24. 'Sukhumi Regime Suppresses Broadcasting of Georgian TV-companies', Web Portal on Human Rights in Georgia, 22 September 2010. Retrieved on 9 April 2012 at <http://www.humanrights.ge/index.php?a=main&pid=12289&lang=eng>.

Annexes

ANNEX 1. Map of Georgia and its Separatist Regions



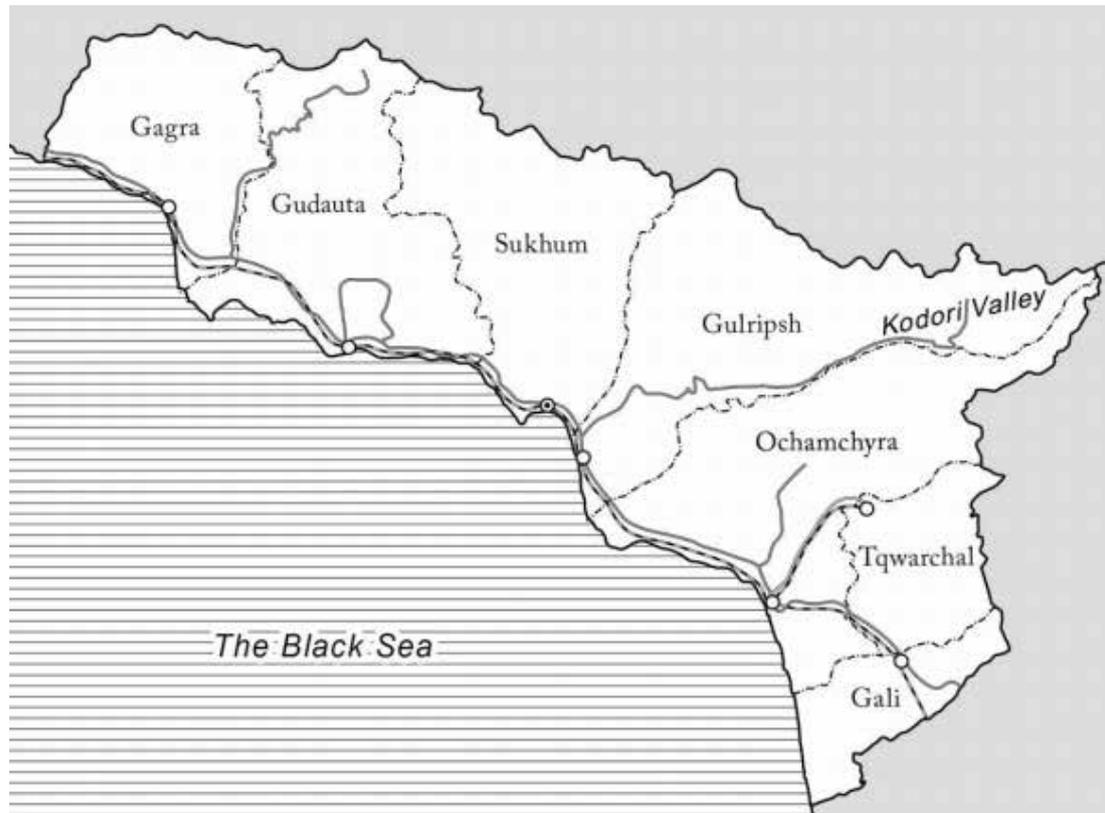
Source: Global Security, *Georgia Military Guide, Map Of Georgia And Its Separatist Regions*. Retrieved on 5 March 2012 at <http://www.globalsecurity.org/military/world/georgia/images/georgia-area.gif>.

ANNEX 2. Map of Western Georgia



Source: International Crisis Group, *Abkhazia: Deepening Dependence*, Europe Report No. 202, 26 February 2010.

ANNEX 3. Administrative Division of Abkhazia after 1998



Source: K.Matsuzato, 'Transnational Minorities Challenging the Interstate System: Mingrelians, Armenians, and Muslims in and around Abkhazia', *Nationalities Papers: The Journal of Nationalism and Ethnicity*, Vol. 39, No. 5, 25 April 2011, pp. 811-31.

ANNEX 4. Map of Moldova and its Separatist Territory of Transnistria

Source: 'Moldovan schools in Transdnistria. An Uphill Battle against "linguistic cleansing"', *OSCE Magazine*, June 2005.

ANNEX 5. Interview with Dr. Nicu Popescu²⁶⁶

– In your paper, ‘Democracy in Secessionism: Transnistria and Abkhazia’s Domestic Policies’, you mentioned that there are many discrepancies in the level of development of civil society in the two separatist entities. What factors, in your view, have led to this situation?

– Basically, if I look at the post-Soviet space, what I see is that the richer states, paradoxically, tend to be more authoritarian than the poorer ones. For example, Armenia and Georgia are poorer but more pluralistic than Azerbaijan. Kyrgyzstan is more pluralistic than Kazakhstan and Uzbekistan. Moldova and Ukraine are more pluralistic than Russia. It is not a universal theory but part of the explanation is that poor resources mean that the elites cannot buy civil society.

If you apply this lesson to Transnistria and Abkhazia, you see that Abkhazia is much more pluralistic. Furthermore, in Abkhazia, because the war was so much more intense and affected so many more people -- actually everyone was involved in the war and had a greater stake and ownership of the *de facto* state – this led to the construction of a lot of networks. Civil society organisations emerged because of veterans’ organisations and women helping in the war effort as nurses. So you had already a kind of societal organization during the war and immediately after the war. In Transnistria, contrary to that, the war was much more limited, with the military section of the population and Cossacks participating. There was, however, no broad societal mobilization and organization.

I think that these two things: that Abkhazia was much poorer, but also because all the society organized itself during the war, led to a legacy of a stronger society in Abkhazia *vis-à-vis* the government. In Transnistria, it was the elite that was involved in the war, the society was less organized, less involved, and the elite, controlling the economic resources, could co-opt pretty much everyone they liked.

– In another paper, ‘The EU and Civil Society in the Georgian-Abkhaz Conflict’, you mentioned relatively strong financial assistance from the EU for civil society on Abkhazia. Why do you think that the EU is supportive of Abkhazian NGOs while reluctant to support civil society in Transnistria?

²⁶⁶ Interview conducted on 9 March 2012. The interviewee is Senior Research Fellow and Head of the Programme on Russia and Wider Europe at the European Council on Foreign Relations (ECFR).

– Abkhazia was much more isolated and looking for international assistance, it was poorer, and it had a humanitarian disaster. The EU ended up being more involved financially in Abkhazia because the separatist entity was much desperate to receive assistance, the society was stronger and the system was more pluralist. In Transnistria, on the other hand, you had a relatively well functioning economy, industry, cheap gas, textiles and electricity supplies. Therefore, there was less humanitarian need to help Transnistria but also a much more controlled society, less open to cooperate with the EU. The Transnistrian authorities also had enough money to spend – the smuggling of goods, remember, started as early as in the 1990s. The separatist region, as a result, needed less external humanitarian assistance.

I do not think that geopolitical factors played a major role for the EU. What did perhaps matter, however, was that the EU Commission but only opened a Delegation in Moldova in 2005. Until then, there were no people on the ground in Moldova to even think about funding Transnistria. This is in stark contrast, for instance, to Tbilisi where the EU has had a Delegation as early as in the 1990s.

– In both regions, severe human rights violations do occur. What could be the instruments available to EU institutions in order to improve the situation? Specifically, could the ENPI (replacing the traditional EIDHR) be regarded as potentially more effective in the two regions?

– As for human rights violations, there are major differences. In Transnistria, there really is no cultural or linguistic cleansing. In Abkhazia, contrary to that, there is harassment, killing and suppression of Georgians, notably in the Gali district. The ethnic Georgians there do not have passports, they cannot travel, there is a visa ban, and there is no OSCE or any other organisation that could act to intervene. Furthermore, I don't think the EU can have a real influence in Abkhazia especially now, since Russia has recognized the separatist entity. Even before the EU did not have leverage in Abkhazia but it could use Sukhumi's desire for a diversification of some kind for implicit bargaining. Another factor contributing to this is the fact that, after Russia's recognition of Abkhazia, Sukhumi is not really interested in the development of relations with the EU. This also undermines whatever the EU could potentially do in the region. In Transnistria, I think there is relative leverage. I do not know what the situation of the schools is now, but I assume that the more engagement with Transnistria there is, with increases beyond the current level of 14 million Euros at present, the more willing Tiraspol may become to accept more EJU influence.

ANNEX 6. Projects to Support the Population of Abkhazia

Since 1997 – 2006: Abkhazia has received €25 000 000 in assistance from the EC.

SOURCES

1. European Commission, DG Development and Co-operation – EuropeAid, EIDHR. Promoting Democracy & Human Rights Worldwide, 2000-2006 (<http://www.eidhr.eu/files/dmfile/EIDHRInitiativeCompendium-14-07-10.pdf>)
2. European Union Delegation to Georgia, *EU assistance to people affected by conflict in Georgia – Overview*, October 2011 (http://eeas.europa.eu/delegations/georgia/documents/projects/conflictassistance_2011overview_en.pdf)
3. European Union Delegation to Georgia, *EU assistance to people affected by conflict in Georgia – Overview*, December 2010 (http://eeas.europa.eu/delegations/georgia/documents/projects/overview_post_conflict_ec_assistance_dec2010_en.pdf)

1. EC Economic Rehabilitation Programmes for Georgia/Abkhazia

1ST EC REHABILITATION PROGRAMME FOR GEORGIA/ ABKHAZIA	<ul style="list-style-type: none"> • electricity; • public health; • local agricultural development. 	€1 980 000	December 2005 – December 2008
2ND EC ECONOMIC REHABILITATION PROGRAMME	<ul style="list-style-type: none"> • Inguri Hydro Power Plant; • Civilian police activities; • Inguri Shuttle Bus; • Information Sharing Centre. 	€1 770 000	January 2007 – June 2009
REHABILITATION PROJECTS OF THE INGURI HYDRO-POWER PLANT		€9 400 000	Finished in 2006
FOLLOW-UP REHABILITATION PROGRAMME FOR ABKHAZIA AND ADJACENT AREAS IN WESTERN GEORGIA (UNDP, UNHCR)	<ul style="list-style-type: none"> • reconstruction of basic infrastructure; • income-generation and community-based projects; • shelter assistance. 	€4 000 000	Start in March/ April 2010 (36 months)

2. EIDHR Micro-Projects

PROJECT	IMPLEMENTING ORGANISATION	BUDGET	PERIOD OF IMPLEMENTATION
Integrated Peace Education for Secondary Schools in Georgia and Abkhazia	United Methodist Committee on Relief – Georgia Representation	€49 064	May 2005 – February 2006
Monitoring cases in court and legal education of representatives of the legal system in Abkhazia	Foundation Civic Initiative of Human Beings for the Future	€60 000	June 2005 – June 2007
Promotion & Protection of Rights of Vulnerable Groups	Association of Women of Abkhazia	€47 760	June 2005 – June 2008

3. Decentralised Cooperation

PROJECT	IMPLEMENTING ORGANISATION	BUDGET	PERIOD OF IMPLEMENTATION
Economic rehabilitation of Western Abkhazia	Danish Refugee Council	€97 000	January 2006 – January 2007
Community-based income generation programme in Guduata District – West Abkhazia	Accion Contra el Hambre	€99 940	January 2006 – January 2007
Business and management skills for Abkhazia	World Vision	€100 000	January 2006 – January 2008
Cooperation of civil society with local authorities in the sphere of human rights and rights of women	Association of Women in Abkhazia	€50 000	January 2006 – January 2008
Tools of support of development of women business – Creation of business incubators	Union of Business Women of Abkhazia	€49 695	January 2006 – January 2008
Building Capacity for Good Municipal Governance in Abkhazia – with a focus on freedom of information and women's issues in Sukhumi, Guguata and Tkvarchal districts	Article 19 – International Centre Against Censorship	€97 000	January 2006 – January 2008
Cooperation of civil society with local authorities in the sphere of human rights and rights of women	Sukhumi Media Club	€35 197	January 2006 – January 2008
Stimulating Cooperation between Civil Society and Local Government and Self-Government Structures for Effective Problem Solving on a Local Level	Centre for Humanitarian Programmes	€99 734	January 2006 – January 2008
Strengthening of a civil society, development of opportunities for Abkhazian BGO in the field of Human rights	Civic Society Development Centre	€45 821	January 2006 – January 2009
Youth Initiative for the Future	Sukhumi Youth House	€89 997	January 2006 – January 2009
All different – All equal	Association 'Inva-Sodeistvie'	€95 625	January 2006 – January 2008
Integrated community development programme	Accion Contra el Hambre	€989 694	January 2007 – December 2009
Vocational and Business Skills	World Vision	€284 402	January 2009 – June 2010
Development of Agro-Services in Southern Abkhazia	Première Urgence	€300 000	January 2009 – June 2011
Schools Attendance and Dialogue	Danish Refugee Council	€494 204	June 2009 – December 2010
Community Stabilisation for IDPs, Host Communities and returnees	Danish Refugee Council	€1 000 000 (IfS II)	September 2009 – February 2011
Community support for children and young people	UNICEF	€1 000 000 (IfS II)	August 2009 – January 2011

4. ECHO Humanitarian Aid Programme

PROJECT	IMPLEMENTING ORGANISATION	BUDGET	PERIOD OF IMPLEMENTATION
Humanitarian relief	International Committee of the Red Cross (ICRC)	€1 500 000	July 2004 – March 2005
Rehabilitation of collective centres and schools in Georgia	ALISEI	€500 000 €200 000	August 2004 – October 2005
Rehabilitation of collective centres in Georgia	Danish Refugee Council	€210 000 €310 000	August 2004 – September 2005
Food for Work Programme	Accion Contra el Hambre	€100 000	September 2004 – June 2005
Reproductive Health in Samegrelo region	Médecins du Monde	€540 000	September 2004 – September 2005
Food security, income generation programme	Accion Contra el Hambre	€500 000	October 2004 – September 2005
Food security, income-generation programmes	Première Urgence	€340 000	October 2004 – September 2005
Humanitarian relief and income-generation programmes	ICRC	€700 000	October 2005 – March 2006
Food security, income-generation programmes	Accion contra el Hambre	€290 000	October 2005 – October 2006
Food security, income-generation programmes	Première Urgence	€347 000	October 2005 – October 2006
Reproductive Health in Samegrelo region	Médecins du Monde	€300 000	December 2005 – November 2006
Shelter assistance	Danish Refugee Council	€363 000	April 2006 – November 2006
Economic assistance programme (food aid and food security, income generation)	ICRC	€500 000	November 2006 – November 2007
Food security, income-generation programmes	Accion contra el Hambre	€290 000	December 2006 – November 2007
Shelter rehabilitation and income-generation programmes	Danish Refugee Council	€600 000	December 2006 – November 2007
Food security, income-generation programmes	Première Urgence	€602 140	December 2006 – October 2007
Shelter rehabilitation, food security and income generation assistance	Danish Refugee Council	€1 200 000	January 2008 – December 2008
Shelter rehabilitation, food security and income generation assistance	Première Urgence	€800 000	January 2008 – January 2009

5. Instrument for Stability

PROJECT	IMPLEMENTING ORGANISATION	BUDGET	PERIOD OF IMPLEMENTATION
Support to local communities		€1 570 000	January 2007 – January 2011
Housing rehabilitation for returned in Gali	UNHCR	€2 000 000	October 2008 – March 2010
Promotion of implementation of international standards in the sphere of protection of human rights and access to fair justice in Abkhazia	Foundation Civic Initiative of Human Beings for the Future	€50 000	August 2009 – July 2010
Together to a legal and stable society	Cultural Charity Centre 'World without Violence'	€70 000	September 2009 – February 2011
The Role of Youth in Abkhazia in the construction of civil society	Civil Society Development Centre	€50 000	September 2009 – February 2011
Youth civic participation	Sukhum Youth House	€80 000	September 2009 – February 2011
Creating mechanisms for information exchange: organizational development of civil society in Gali region	Institute for Democracy	€49 899	September 2009 – February 2011
Social and psychological support to vulnerable people	Association of Women in Abkhazia	€100 000	October 2009 – March 2011

6. Mine Action Abkhazia

(€500 000; start October 2006) + €1 500 000 in 2008 (HALO Trust)

7. Mine Ban Treaty Advocacy

(€500 000; start October 2006)

8. RRM Confidence-building Abkhazia

(2 x €300 000, 2x 6 months, until August 2005)

CONFIDENCE-BUILDING AND DIALOGUE PROJECTS

Confidence and Peace-Building Projects

PROJECT	IMPLEMENTING ORGANISATION	BUDGET	PERIOD OF IMPLEMENTATION
Dialogue and Study Visits for the Transformation of the Georgian-Abkhazian and Georgian-Ossetian Conflicts	IKV PAX Christi & Berghof Foundation	€380 000	Start September 2009 (18 months)
Georgian-Russian Dialogue on Post August War Challenges	International Institute for Strategic Studies	€450 000	Start September 2009 (18 months)
Action Dialogue	International Alert	€505 000	Start September 2009 (18 months)
Establishing conditions for Effective Conflict Prevention and Transformation following the August 2008 crisis	Safeworld (& Conciliation-Resources)	€1 065 000	Start September 2009 (18 months)
Strengthening European partnerships for crisis prevention and responses: civil society peace-building round tables for Georgia	Lidwig Boltzmann Institute of Human Rights (&International Centre on Conflict and Negotiation)	€40 000	Start October 2009 (18 months)

Dialogue and mediation projects in the South Caucasus

PROJECT	IMPLEMENTING ORGANISATION	BUDGET	PERIOD OF IMPLEMENTATION
The South-Caucasus Mediation & Dialogue Initiative for Reignited Peace Processes	International Alert	€1 862 000	Start September 2009 (24 months)
Strengthening the Capacity of the Peacebuilding Sector in the South Caucasus	International Alert	€794 042	Start November 2009 (18 months)
Strengthening Women's Capacity for Peacebuilding in the South Caucasus Region	Care Austria		Start March 2010 (36 months)

ANNEX 7. EU Assistance to Projects in Transnistria

Confidence building measures (CBM packages)

Support to Civil Society in Transnistria	CBM I	€1 700 000	2010-2011
Building Confidence Building between Chisinau and Tiraspol	CBM II	€2 000 000	2010 – 2011
Support to Confidence building Measures	CBM III	€12 000 000	2012 – 2013
	CBM IV (<i>foreseen</i>)	€28 000 000	2013 – 2014

Projects financed through CBM packages

Upholding the human Rights of Victims of Human Trafficking in Moldova and Transnistria: from Multi-disciplinary Assistance to Prevention		Association Médecins du Monde	€195 253	April 2011 – July 2012
Moldova – Strategic Conflict Assessment		Transtec Sa	€100 980	July 2011 – June 2012
Support to Confidence building Measures	<ul style="list-style-type: none"> • business development; • social and community infrastructures; health environment; • civil society 	UNDP	€9 500 000	March 2012 – February 2015
Support to civil society in Transnistria	<ul style="list-style-type: none"> • civilian peace-building; • conflict prevention and resolution 		€2 000 000	
Capacity building and promotion of human rights and democratic institutions in Transnistria region of Moldova	strengthening of the capacity of 20s CDOs in 12 ex-Soviet countries (including 4 'frozen conflicts' regions) to effectively deliver testimonies of human rights violations to the general public, policy and decision-makers both domestically and internationally	Association Resource Centre of Moldovan Human Rights NGO	€391 998	December 2009 – December 2012
Strengthening legal protection from and raising awareness of Discriminatory ill-treatment in the Republic of Moldova, including Transnistria	<ul style="list-style-type: none"> • increase protection of fundamental rights; • capacity building; • strengthen the partnership and awareness among civil society actors in the context of prohibiting discriminatory ill-treatments; • increase engagement of civil society and courts 	Association Promo-Lex	€142 897	March 2010 – March 2012

ACHIEVEMENTS

CBMs on Economy, trade, agriculture, transport and communications

- Setting up of 3 “Business schools” in Bender, Tiraspol and Rybnitsa, in partnership with the Tiraspol Chamber of Commerce;
- Organisation of joint study visits to Slovakia (tourism, March 2011) and Germany (Innovation, April 2011) for a mixed group of right and left bank businessmen;
- Realisation of a feasibility study on small and medium enterprises (SME) development in TN;
- Organisation of roundtables on Deep and Comprehensive Free Trade Agreement (DCFTA) perspectives, involving businessmen and decision makers from both banks (Odessa, March 2011; Chisinau, May 2011, April 2012).
- ‘CBM III’ will build on the current results in three priority areas:
- Continuation and scaling-up of the business schools project;
- Setting-up of a SME facility, benefiting to companies from both banks of the river;
- Creation of business incubators in Tiraspol, Bender and Rybnitsa, in close coordination with the existing business schools.

CBMs on Social infrastructures, community development, environment and civil society

- Under the two previous CBM programmes, pilot initiatives were implemented in the fields of health (cf. rehabilitation of the blood transfusion centre in Tiraspol), local development (kindergardens, schools etc. - cf. rehabilitation of the elementary school in the Kremenciug village, Slobozia rayon), environment (projects related to pesticides, ‘Euroregion’ etc) and civil society (small grants programmes in the fields of local tourism development, reproductive health etc). These are some of the projects implemented in the period of January 2010 – December 2011 by UNDP Moldova (under CBMs I and II):

PROJECT	FIELD	LOCALITY	BUDGET
Improvement of Pro-environment transportation capacities in Dubasari district	Infrastructure	Corjova (Moldova)	€30 896
Enhancing capacities for pre-school education in Anenii-Noi district	Infrastructure	Puhaceni (Moldova)	€61 027
Building opportunities for pro-health education in Anenii-Noi	Infrastructure	Roscani (Moldova)	€17 074
Promotion of a pro-environment waste	Infrastructure	Cocieri, Corjova, Molovata Noua (Moldova)	€83 329
Better opportunities for social rehabilitation of third-age population in Anenii-Noi	Infrastructure	Calfa (Moldova)	€82 942
Enhancing capacities for pre-school education in Causeni district	Infrastructure	Hagimus (Moldova)	€93 154
Enhancing capacities for pre-school education in Causeni district	Infrastructure	Firladeni (Moldova)	€88 372
Enhancing opportunities for student education in Dubasari district	Infrastructure	Golercani (Moldova)	€93 035
Enhancing capacities for pre-school education in Slobozia district	Infrastructure	Kremenciug (Transnistria)	€98 800

- CBM III will build on these results and broaden the scope of activities (potentially in the fields of education, culture etc). The EU has also decided to support the launch of a pilot social centre for orphans and children with disabilities. Cooperation from left bank authorities will be required in this endeavor.

SOURCES

1. European External Action Service, EU support to confidence-building measures in Transnistria (unpublished), 25 April 2012.
2. UNDP Moldova, *Support to Confidence Building Measures*. Retrieved on 25 April 2012 at <http://www.undp.md/projects/Community.pdf>.