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NEW PEACE PLAN OF THE GOVERNMENT OF GEORGIA VS. EU'S POLICY OF NON-RECOGNITION AND ENGAGEMENT

Abstract

Recently the Government of Georgia has come up with new peace initiative "A Step to a Better Future" that concerns new trade, educational and service-related opportunities for the residents of Georgian regions of Abkhazia and Tskhinvali region/South Ossetia. This paper aims to examine the peace plan vis a vis the major pillars of EU's non-recognition and engagement policy to find out how close or far these two stand from each other. I will argue that with this new step Georgia's and EU's policies found high convergence with each other and that the peace initiative in fact materialized so far theoretical approaches of the EU. Paper analyzes why EU should apply the new peace initiative of the Government of Georgia as a roadmap in its engagement with Georgian regions of Abkhazia and Tskhinvali region/South Ossetia.

Keywords: *Peace, Conflict, Abkhazia, South Ossetia, EU.*

Introduction

The engagement policy of the Government of Georgia with its occupied territories and the EU's policy of non-recognition and engagement with Georgia's regions of Abkhazia and Tskhinvali region/South Ossetia, although practically born together¹, continue to run in parallel feeling for various actors much more comfortable when stressed and reminded about their separate nature. Although EU-Georgia Association Agreement first time mentioned about "mutually supportive non-recognition and engagement policies"² of the parties, in practice the follow-up Association Agendas designed for its implementation maintained the focus on the need and interest of autonomous operation of these two, though agreeing to cooperate on this matter³. In the frames of its reconciliation and engagement policy, on April 4, 2018 the Government of Georgia stepped up with a new peace initiative entitled "A Step to a Better Future"⁴ (hereinafter peace initiative) channeling new approaches and visions towards the reconciliation, engagement and conflict transformation in Georgia. This is sought to be pursued through new tools and mechanisms for the facilitation of trade across dividing lines, enhancement of educational opportunities for the residents of Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and offering of various services to them within the state⁵.

¹ The Government of Georgia adopted "State Strategy on Occupied Territories: Engagement Through Cooperation" by Order N107 on 27 January 2010; EU's Political and Security Committee supported the "EU's policy of non-recognition and engagement for Abkhazia and South Ossetia" in December 2009.

² Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, Article 9.2, Official Journal of the European Union, 261/4, 30.8.2014.

³ Peaceful Conflict Resolution – Short-term priorities, Association Agenda between The European Union and Georgia 2017-2020, European Commission, Brussels, 20.11.2017; Peaceful Conflict Resolution, Association Agenda between The European Union and Georgia 2014-2016, European Commission, Brussels, 22.07.2013.

⁴ Available at: <http://smr.gov.ge/FileList.aspx?ID=97>.

⁵ Id.

Peace initiative sets a new framework for operation and engagement for all the actors involved - the Government of Georgia, international community, civil society as well as for the local population on both sides of the divide. What is unique about this is the possibilities to step beyond the humanitarian dimensions envisaged by previously adopted engagement strategy and navigate in quite sensitive and controversial field of trade and economic relations at the same time reiterating readiness for direct dialogue and cooperation between all relevant stakeholders. Although strictly adhering to the principles of depoliticized approaches and status-neutral instruments⁶, this inevitably implies further channels of communication and contacts with de-facto authorities and widening of the circle for internal as well as international engagement.

The main pillars of EU's policy of non-recognition and engagement are long known to international society despite the fact that any related policy document or concrete framework for its implementation has never been communicated to Georgian Government⁷ and the policy rather remains theoretical⁸. Unwavering support to sovereignty and territorial integrity of Georgia and non-recognition of its regions of Abkhazia and Tskhinvali region/South Ossetia implemented against the background of wide political and financial engagement, channeling of support through various international organizations to build capacity in different fields as well as maintenance and development of informal relations with local authorities at all levels constitute major part of EU's activities and planning.

The need for engagement with the communities in Georgian regions of Abkhazia and Tskhinvali region/South Ossetia appeared as a shared goal and vision of both EU and Georgia policies, however these two have always remained separate in terms of concrete tools, mechanisms and threshold for such engagement to take place. The approach has always been more cautious and careful when touching upon such fields that could normally be attributable to or possibly lead to the perception of the so-called state-building.

This paper aims to examine the new peace initiative of the Government of Georgia in the prism of EU's non-recognition and engagement policy to find out how closer or far the policies for engagement have gone through the steps undertaken by the Government of Georgia as well as to find the correlation between the two.

Putting status issue aside

A peace initiative of the Government of Georgia stands on the principle that conflict-related issues would hardly be possible to be resolved in short or medium-term period if considered strictly from the standpoint of sovereignty and territorial integrity of Georgia. The thinking behind suggests that in the situation of non-reconcilable positions and unfavorable political environment for reaching the lasting peaceful solution to the conflict, the local population should not be held hostages⁹ and be abandoned in their everyday sufferings. Instead, some de-politicized approaches and status-neutral instruments should be designed to enable the latter access to the same services and opportunities that are available to other citizens of Georgia. The relevant paragraph of the peace initiative reads:

"A range of issues can be discussed and resolved without politicization. This can be done based on humanitarian principles and in some cases, through the application of depoliticized/status-neutral instruments and formats. At the same time, resorting to status-neutral instruments does not mean being "status indifferent" nor does it in any way imply a revision of tenets related to status, but, for the sake of humanitarian and reconciliation tasks, suggests, where feasible, to de-politicize issues when solving specific humanitarian tasks without touching a status matter. A shared understanding of this principle is important for all involved stakeholders."

This way status issue is set aside for concrete tasks such as, for example, the possibilities of trade across dividing lines or the recognition of higher education received in the educational institutions in Abkhazia and Tskhinvali region/South Ossetia, or even for the issuance of some civil acts on the basis of illegitimate documents possessed by local population. However, the specific instruments envisaged by the initiative for these purposes are designed in a way not to infringe the principles of sovereignty and territorial integrity of the country and not to pose threat to non-recognition policy exercised by international community. In particular:

⁶ Id.

⁷ Tamar Kochoradze, *The Challenges of the EU's Policy of Non-recognition and Engagement*, *Georgian Journal for European Studies*, Ivane Javakhishvili Tbilisi State University, No. 1, 2015.

⁸ Sebastian Relitz, *De facto states in the European Neighborhood: Between Russian domination and European (dis)engagement. The case of Abkhazia*, *EURINT* 2016, ISSN 2393-2384.

⁹ *Objectives of the policy of peace*, State Minister of Georgia for Reconciliation and Civic Equality, available at: <http://smr.gov.ge/DetailsPage.aspx?ID=91>.

The peace initiative introduces identification and registration of a person legitimately residing in Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and not holding Georgian or any other legal citizenship with a personal number. Through this instrument a person can be identified in the internal system of the country without any formal legal status and can be granted all necessary socio-economic rights easily enjoyable by Georgian and/or foreign citizens. Such approach enables the resident of Abkhazia and Tskhinvali region/South Ossetia to establish a company, engage in economic transactions, enter university, etc., i.e. benefit from socio-economic system, even if of a "foreign country", without being politically attributed to the latter through citizenship or any other formal ties. Moreover, to use the documents at hand – so-called Abkhazian/Ossetian passports – for registration purposes and thus have a strong face-saving argument vis a vis local authorities or against the possible attacks on the ground. For Georgia, registration of a person legitimately residing in its regions in the internal system of a country cannot be considered as endangering sovereignty stance as, from a political standpoint, such residents are considered Georgian citizens notwithstanding documents at hand. These are only considered to certify the fact of legitimate inhabitation without the need to recognize or even consider their legality. Thus no legal threats of recognition are anyhow attached.

The same approach is applied when granting a resident of Abkhazia and Tskhinvali region/South Ossetia a legal document to continue study in the rest of country or abroad. The absence of the capacity of educational institutions in these entities to issue internationally recognized educational documents, leaves limited space for the local youth to pursue further studies or receive quality education. As official application to the relevant government structures of Georgia appeared contentious and problematic in local environment, the peace initiative enabled the application and receipt of internationally legal educational document through international organization and detached the process from the necessity of possessing any citizenship in this regard. This way the avoidance of formal recognition of any statuses of each other became tangible.

These concrete mechanisms of peace initiative show how the status issue is put aside in practice when considering the receipt of certain services by the local population. Certainly, the aim and urge to the other side is to have the same vision and approach in order not to hamper such receipt or stuck the whole process through politicization.

The policy of the EU is about non-recognition but stands on engagement, which exactly implies delivery of various possibilities within the entities without jeopardizing the strong and unwavering non-recognition stance. EU has a strategic interest to be a central actor in peaceful conflict resolution in Georgia¹⁰ however without compromising the territorial integrity of the latter¹¹. By that EU takes the same approach – puts status issue aside when it comes to engagement, funding and implementation of different programs or projects although maintaining the issue of peaceful conflict resolution high on the agenda¹² in the frames of various international formats or in its dialogue with other stakeholders. Although not an easy task, this way EU tries to balance between two most important pillars of its policy making sure none of it damages the other.

Terminology applied

The state strategy and action plan of the Government of Georgia for engagement with Abkhazia and Tskhinvali region/South Ossetia adopted back in 2010 did not manage to avoid strong reference to the occupation of these territories by the Russian Federation despite a clear attempt to make the documents attractive to the other side and engagement instruments as status-neutral as possible. In fact, the title itself indicates that this is a strategy "towards the occupied territories". Although heavily debated on the expediency of applying such terminology, two years after Russia-Georgia war in 2008 was not a sufficient time to neglect the necessity of further ascertaining newly established terms even for the sake of document acceptability on the other side.

Ten years later after the war, situation appeared more conducive and favorable to act in more flexible way. Much stronger endorsement by the international community of the term and fact of occupation of Georgian territories by the Russian Federation¹³ enabled Georgian authorities to show more pragmatism and re-consider the les-

¹⁰ Speech by High Representative/Vice-President Federica Mogherini at the European Parliament plenary session on the conflict in Georgia, Strasbourg, 12 June 2018.

¹¹ Sabine Fisher, *The EU's non-recognition and engagement policy towards Abkhazia and South Ossetia*, European Institute for Security Studies, Brussels, 1-2 December 2010.

¹² Association Agendas, *supra* note 3.

¹³ European Parliament resolution on Georgian occupied territories 10 years after the Russian invasion, 2018/2741(RSP); European Parliament resolution on the "Conclusion of the Association agreement with Georgia" 18 December 2014; Council of Europe Parliamentary Assembly resolution 2087, January 26, 2016; OSCE Parliamentary Assembly resolution on the conflict in Georgia, July 2016; NATO Parliamentary Assembly resolution 417 on NATO reassurance and support to partners, November 24, 2014;

sons learnt. In 2010, exactly the applied terminology was a formal reason used by de-facto authorities for rejecting the engagement possibilities¹⁴. Certainly, there was no willingness and rationale in giving the same simple reason to the other side. Consequently, the peace initiative remained status-neutral in terms of terminology applied throughout the whole document. It does not speak about the sovereignty and territorial integrity of the country, neither refers to occupation or any form of Georgian rule over these territories. Instead, the entities are simply entitled as "Abkhazia and Tskhinvali region/South Ossetia". Other status-neutral terms such as "dividing line" are also used. This way, the peace initiative tries to focus only on concrete services and opportunities offered to the residents of these territories for the sake of improving their socio-economic situation or access to quality education without philosophizing too much on general aims and policies of the country.

The EU has long avoided using of the term "occupation" in its documents related to Georgian regions of Abkhazia and Tskhinvali region/South Ossetia preferring to adhere to more status-neutral options. Even after the adoption of the EU-Georgia Association Agreement clearly outlining official positions of the EU, European Commission continued the application of the term "breakaway regions" in various program documents. Some claim that such approach is more favorable for the EU as it gives more flexibility for engagement¹⁵, while others consider that the reason is EU's unwillingness to deny the useful role of Abkhazian and Ossetian local authorities¹⁶, engagement with whom is one of the important pillars of EU's non-recognition and engagement policy. In any case, it is evident that EU has an interest in holding and maintaining the position of a neutral player, to stay engaged and not to take such actions that may endanger its engagement. The application of neutral terminology forms part of this endeavor.

Contacts with de-facto authorities

Contacts with de-facto authorities at all levels as well as with communities on the ground appears highly important for the EU for peaceful conflict resolution purposes. In fact, engagement pillar of the policy is seen foremost from the prism of developing contacts inside Georgia's two entities so that the EU has tangible tools for leverage and influence¹⁷. This is also considered as useful for affecting the negative narrative and propaganda on the ground.

EU increases its visibility through a number of programs and projects implemented by various international organizations. These include capacity building of civil society (Civil Society Facility Instrument)¹⁸, development of agriculture (European Neighborhood Program for Agriculture and Rural Development - ENPARD)¹⁹, facilitation of confidence building through the delivery of grants to local organizations (Confidence Building Early Response Mechanism - COBERM)²⁰, funding of various projects of international organizations covering the fields of security, education, dialogue, cooperation, etc. All these interventions aim to increase the visibility of the EU and imply the contacts with de-facto authorities at different levels for the purposes of effective project implementation. The representatives of the EU Delegation regularly pay informal visits to Abkhazia region to monitor and follow-up on project activities that inevitably imply contacts with local authorities.

Such contacts are much more vivid when considering the political issues at stake. Geneva International Discussions (GID) operating for addressing the consequences of Russia-Georgia war in 2008 provide possibilities for the co-chairs, where the EU Special Representative for the South Caucasus and the crisis in Georgia plays distinguished role, to pay regular visits to Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and discuss a number of issues at stake with high level de-facto authorities involved in GID. Such informal interaction certainly takes place in the margins of GID as well. On a lower level, the representatives of the EU Monitoring Mission (EUMM) in Georgia have the possibility to interact with the other side in the frames of Incident Prevention and Response Mechanism (IPRM) meetings conducted on monthly basis.

Contacts with de-facto authorities remain controversial and sensitive for the representatives of the Government of Georgia. The threat of legitimizing certain entities or shifting the responsibility from the Russian Federation

NATO Secretary General's Annual Report 2015; etc.

¹⁴ Liana Kvachelia, Georgian policy on Abkhazia: strategy or tactic?, International Alert, The De-Isolation of Abkhazia, April 2011; Sokhumi Slams Tbilisi's Strategy Paper, Civil.ge, 03.02.2010.

¹⁵ Bruno Coppieters, 'Statehood', 'de facto Authorities' and 'Occupation': Contested Concepts and the EU's Engagement in its European Neighborhood, Ethnopolitics, 2018, ISSN: 1744-9057.

¹⁶ Thomas de Waal, Enhancing the EU's Engagement with Separatist Territories, Carnegie Europe, January 17, 2017.

¹⁷ Sabine Fisher, *supra* note 11.

¹⁸ Civil Society Facility (Georgia), European Commission, ENI/2015/037-875

¹⁹ European Neighbourhood Programme for Agriculture and Rural Development (ENPARD), European Commission, ENI/2014/037-364.

²⁰ More information available at: <http://www.coberm.net/>.

as an occupying power exercising effective control over the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia to de-facto authorities lacking a political capacity to take independent decisions on major issues remains vital. However, this cautious approach mainly concerns avoiding of such contexts/formats for interaction when the latter will be easily misused by the other side for recognition purposes. In informal environment, the Government of Georgia has never shied away from talking to the other side, especially after offering direct dialogue for that²¹ or maintaining Liaison Mechanism envisaged by engagement action plan as a channel for informal communication between Tbilisi and Sokhumi.

Peace initiative stands on the principle of direct dialogue and cooperation among the needs and pragmatic interests of local communities. It directly states that:

“for the full scale implementation of this initiative, it carves out a possibility for engagement, cooperation and dialogue between the relevant stakeholders that is a priority task of the Georgian Government.”; and

“The initiative is open to dialogue and cooperation and creates space for constructive engagement of all interested actors. At the same time, it forms the basis for the representatives of communities living on both sides of dividing lines to engage in community dialogue to discuss trade and economic ties, as well as other issues of concern (such as education, environment, etc.), to define common interests and challenges as well as ways for their solution. Various forms and platforms for dialogue can respectively be discussed.”

Hereby, the peace initiative envisages the possibilities for discussing a number of issues related but not limited to its implementation with the participation of all relevant stakeholders and through different formats. In fact, this is not only a possibility but an open invitation to such dialogue and cooperation. The Government of Georgia explicitly reaffirms its readiness to set up and engage in relevant platforms in order to operationalize not only the peace initiative and its concrete instruments but other issues of concern that may be suggested by other side. This also resembles the community-based/bi-communal dialogue instrument effectively applied in Cyprus to decide upon the issues of movement, education, trade, environment protection and others²². The relevant committees are led by the representatives of government and de-facto authorities although acting in their personal capacity. This contains no risks to recognition, as mere meetings in the framework of peace process and through avoiding titles cannot amount to that²³.

This way the peace initiative strengthened the dialogue and interaction stance on the path towards the peaceful conflict resolution in Georgia thus opening up more possibilities for all involved actors to widen the scope for contacts and discuss additional spheres for engagement.

Wider possibilities for engagement – trade and economic interaction

The major novelty introduced by the peace initiative concerns opening up of trade and economic activities across dividing lines with Abkhazia and Tskhinvali region/South Ossetia. So far, from a legal standpoint, any kind of economic transaction, inter alia across the divides fell under the restrictions imposed by the Law of Georgia on Occupied Territories²⁴. The peace initiative defined concrete framework for economic interaction that will no more be considered out of Law though the latter has not been officially amended with a purpose to maintain the illegality of certain transactions that would go beyond the set framework.

With the aim to address the needs of local communities, improve their socio-economic conditions and create wider opportunities for engagement as well as movement and interaction across the divides, the Government of Georgia came up with concrete solutions and ways to develop and legalize business-related activities. The experience of Moldova and the attractive nature of EU-Georgia approximation process played no minor role here. Free trade possibilities granted to Georgia under Association Agreement appeared as an interesting tool to think creatively about bringing Abkhazians and Ossetians in the process.

²¹ Georgian PM for ‘Direct Dialogue’ with Breakaway Regions, RFE/RL’s Georgian Service, August 9, 2013; Georgian PM under fire after call for ‘direct dialogue with Abkhazians and Ossetians’, OC Media, 13 March 2018.

²² Progress towards a settlement in Cyprus, Report of the Secretary-General, Security Council, 14 June 2018.

²³ James Ker Lindsay, Engagement without recognition: the limits of diplomatic interaction with contested states, *International Affairs*, 91 (2), pp. 1-16, ISSN 0020-5850s.

²⁴ Adopted on 23 October 2008.

Like in Moldova, where Transnistrian companies are registered in Chisinau getting the respective certificates of origin required by EU for export operations²⁵, the peace initiative envisages registration of individuals and companies from Abkhazia and Tskhinvali region/South Ossetia on Georgian-controlled territories and receiving of certificates of origin, as needed, to pursue business activities in the EU or in any other country. The major distinction is that such individuals and companies are eligible to register in status-neutral way with a personal number described above, without acknowledging Georgian citizenship or ownership that is not a case in Moldova. In internal markets of Georgia the relevant products originating from or produced in Abkhazia and Tskhinvali region/South Ossetia can also be placed under status-neutral labeling without a requirement to mention Georgia whatsoever. While EU itself sets strict rules for imported products, the companies from Abkhazia and Tskhinvali region/South Ossetia are authorized to indicate registration address on Georgian controlled territory and thus merely certify the fact of registration instead of a company attribution to a state.

Apart from the EU, Georgia enables the application of a same scheme for free trade with other countries with which privileged taxation is in force (such are Turkey, CIS countries, China or EFTA countries). To ease access and necessary procedures, the development of trade-related infrastructure along dividing line with Abkhazia region is also part of the initiative.

To create incentives for engagement and trade operations, the peace initiative speaks about the exemption from taxes of economic transactions across dividing lines. What is perhaps most noteworthy is that such exemption, as well as lifting of economic restrictions at large, cover not only local residents possessing either personal number or Georgian citizenship, but also foreign citizens. In practice, this means opening up of investment possibilities for every international or foreign company willing to engage in trade operations across the divide that contains strong prospects for economic empowerment of Abkhazia and Tskhinvali region/South Ossetia. The remaining restrictions for direct economic ties of these entities with outside world, which would inevitably endanger non-recognition policy, are consequently balanced in neutral and feasible way.

Through the suggested framework, Georgia manages to effectively navigate in sensitive environment. In the absence of strong stance for non-recognition, as in the case of Cyprus²⁶, it enables business activities with Abkhazia and Tskhinvali region/South Ossetia for the sake of people interaction and welfare at the same time avoiding de facto recognition threats that are very much real when it comes to economic relations in the framework of unresolved conflicts²⁷.

One of the most contested pillars to EU's non-recognition and engagement policy has been related to economic part. EU has long opted for the review of the Law on Occupied Territories, inter alia in terms of imposed economic restrictions²⁸. Trade and economic relations have been considered as a powerful instrument for engagement in case it will not go too far and amount to de-facto recognition²⁹. It was explicitly stated that in this regard:

"The EU needs to find imaginative ways for using existing instruments if it wants to be able to engage with Abkhazia and South Ossetia. More funds should be allocated to support private entrepreneurship and economic interaction across conflict lines."³⁰

Economic engagement is also considered as a major tool for the de-isolation of conflict areas where again the experience of Moldova is something to be applied:

"De-isolation goes hand in hand with increased economic and societal interaction. Economic engagement should be initiated at different levels. Mechanisms to encourage interaction should be considered. The arrangement used for Transnistria could serve as an inspiration: since 2006 Transnistrian companies who register in Moldova can benefit from EU trade preferences and export to EU countries."³¹

²⁵ Valeriu Chiveri, *Activity of the business community in the Transnistrian region in the conditions of the unsettled conflict*, Institute for European Policy and Reform (IPRE), June 2016.

²⁶ UN Security Council resolution 550 (1984) of 11 May 1984.

²⁷ *Legal Consequences for States of the Continued Presence of South-Africa in Namibia notwithstanding Security Council Resolution 276 (1970)*, ICJ Reports (1971).

²⁸ Association Agendas, *supra* note 3; ENP Country Progress Report 2014, Brussels, 25 March 2015; ENP Country Progress Report 2013, Brussels, 27 March 2014; ENP Country Progress Report 2012, Brussels, 20 March 2013; etc.

²⁹ Urban Jaska, *EU Policy Options towards Post-Soviet De Facto States*, The Polish Institute of International Affairs, No. 6 (159), October 2017.

³⁰ Sabine Fischer, *supra* note 11.

³¹ *Id.*

Diversification of trade possibilities for Abkhazia and Tskhinvali region/South Ossetia also enables the decrease of dependence on Russia and countering of its growing interest³² that is a shared goal of Georgia's and EU's policies. In doing so, no less importance is attached to increasing the visibility and attractiveness of the EU to the local communities.

Sharing of eu benefits and opportunities

Another shared goal and approach of the EU and Georgia, already translated into joint commitment³³, is to make the benefits and opportunities stemming from EU-Georgia approximation process easily accessible to the communities in Georgian regions of Abkhazia and Tskhinvali region/South Ossetia. Neither Georgia, nor EU would like to face a situation when the residents of these territories can justifiably argue for the lack of care and services available to them, but enjoyed by people on the other side of the divide, especially when these benefits concern such major possibilities as visa free travel to EU/Schengen countries, free trade with the latter and enrollment in European educational programs. The experience of Moldova and Cyprus in this regard is also worth taking a note. Although not resulting in full-scale conflict resolution per se, EU benefits strengthened peace and increased a number of people engaged from conflict parts³⁴.

Due to sensitive conflict environment and the subsequent absence of valid travel, educational, trade-related, or any other legal documents by the residents of Abkhazia and Tskhinvali region/South Ossetia, the EU as well as Georgia remain constraint in unconditionally delivering all the services to these communities. With illegal Russian or local "documents" at hand, this would imply their legitimization and fracture the non-recognition policy. EU itself linked the application of DCFTA to Abkhazia and Tskhinvali region/South Ossetia to regaining of effective control by Georgia over them³⁵.

Some ways and procedures for translating all illegal documents into internationally acceptable ones were thus inevitably required. The peace initiative addressed this gap through establishing mutually suitable frameworks and mechanisms in this regard. Apart from status-neutral possibilities for registration and involvement in business operations, the legislative amendments attached to peace initiative enabled using of illegal documents at hand for receiving Georgian passport for visa free purposes or other civil documents issued by Georgia. This opportunity also concerns getting of respective act recognizing the receipt of higher education in non-recognized institution thus paving a way for enrollment in European educational programs and continuing a study abroad.

Conclusion

The EU's and Georgia's policies aimed at maintaining the non-recognition of Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and at the same time deeply engaging with them have come to the closest point ever. The new peace initiative of the Government of Georgia took into consideration practically all the approaches and visions defined by the EU back in 2010. Moreover, it translated EU thinking into concrete instruments and frameworks for materializing theoretical part of the policy up to now remaining mostly on paper. EU did not have the opportunity for the full-scale engagement and realization of its approaches, as this is hardly possible and can even be counter-productive without a consent and facilitation of a patron state³⁶. Even in case of the latter, EU did not "find imaginative ways" and any ready recipes to suggest as ways for moving forward.

The peace initiative addressed all the major pillars of EU's policy. It maintained a strong balance between non-recognition and engagement while designing concrete frameworks for involving the communities from Abkhazia and Tskhinvali region/South Ossetia, even up to the level of de-facto authorities, in different fields. Due to strongly developed EU-Georgia approximation process, what Georgia offers to the other side is no longer a stand-alone invitation. Everything is irreversibly linked with the opportunity to interact and engage with the EU and thus

³² Franziska Smolnik, *Lessons Learned? The EU and the South Caucasus De Facto States*, International Relations and Security Network, Zurich – 1/3/2013.

³³ Association Agendas, *supra* note 3.

³⁴ Stanislav Secieru, *The visa-free 3D effect: Georgia, Moldova and Ukraine*, European Institute for Security Studies, October 2017; Amat Adarov and Peter Havlik, *Benefits and Costs of DCFTA: Evaluation of the impact on Georgia, Moldova and Ukraine*, Vienna Institute for International Economic Studies and Bertelsmann Stiftung, Joint Working Paper, December 2016.

³⁵ EU-Georgia Association Agreement, Article 429, *supra* note 2.

³⁶ Urban Jaska, *supra* note 29.

appear as a window to the latter. Trade across the dividing lines is not limited to the exchange of products within a defined area but encompasses economic ties with EU member states. Education is no longer leveled down to Georgian universities but goes as far as any European university can be. Contacts and formats for interaction can become as diversified as possible including all possible circles and interested actors who need to be listened³⁷. If agreed and accepted on the other side, true opportunities for getting out of self-imposed isolation, establishing close ties with the outside world and enabling people to live in a better environment with higher prospects for welfare are now more than tangible. And this is done in full convergence of EU's and Georgia's policies, not sticking to theoretical considerations but putting everything in practice and operation through real and live mechanisms to achieve the aim of gradual conflict transformation actively opted for in recent years³⁸. That is why the new peace initiative "A Step to a Better Future" introduced by the Government of Georgia can actually serve as a road map for the EU on the way to the implementation of its non-recognition and engagement policy.

³⁷ Toivo Klaar on Geneva Talks, Engagement with Sokhumi, Tskhinvali, *Civil.ge*, 08/02/2018.

³⁸ Benedikt Harzl, *Stepping up the EU's Engagement in the Conflicts of the Caucasus*, *Eastern Voices: Europe's East Faces an Unsettled West*, Thomas de Waal, *Whither the South Caucasus?*, Chapters 6 and 7, Center for Transatlantic Relations, 2017; Sabine Fischer, *supra* note 11; Franziska Smolnik, *supra* note 32.