



DELIVERING PROGRAMMATIC SUPPORT IN CONDITIONS OF CONTESTED SOVEREIGNTY

A best practices study of PDA experience-sharing in Georgia and Kosovo

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Note: The use of the term 'Kosovo' is referred to in the context of the UN Security Council Resolution 1244 (1999)



Inguri Bridge, the crossing point between Georgia and Abkhazia. Photo: Stan Veitsman.

ABSTRACT

Peer-to-peer exchange of visits was conducted between PDS Georgia and PDA Kosovo¹. Applicable comparisons between the Georgia and Kosovo contexts were confirmed, similarities and differences between the contexts were identified.

Two different models of comparative analysis were developed through situational and structural analyses, the *de jure* model and the *de facto* model, with model applicability being issue-dependent. Key challenges, opportunities and lessons learnt in planning and delivering UN assistance under conditions of contested sovereignty were identified, with the objective of developing a set of best practices guidelines for potential application in similar contexts.

Key recommendations for delivering assistance under conditions of contested sovereignty include:

- the need to obtain all-party agreement for UN presence and operational activities;
- the importance of full-time operational presence within the contested territory;
- the necessity of basing operational presence on co-ordinated UN support;

¹ United Nations interim administration, mandated by UN Security Council Resolution 1244 (1999).

- the requirement for consistent and careful adherence to a status-neutral position vis-à-vis the sovereignty issue;
- the need to resist undue political interference;
- the need to manage political conditionality on potential donor support;
- the advantage of developing and maintaining trust in UN agencies and programmes to operate in the collective best interests of all parties;
- the need to resist institutional association with “tainted” funding, and carefully manage specific donor visibility requirements.

Disclaimer

The views expressed in this publication are those of the authors and do not necessarily represent those of the United Nations or UNDP.

1. OBJECTIVE

Identification and comparative analysis of key challenges, opportunities and lessons learnt in planning and delivering UN assistance under conditions of contested sovereignty in Georgia and Kosovo. The findings of this comparative case study will form the basis of a set of best practices guidelines for possible application in similar contexts.

2. CONTEXT

As noted above, this comparative study was premised on the identification of a number of shared elements and common challenges between the political and development contexts in Georgia and Kosovo. Prior to going into some depth about the study's methodology and findings, this section is intended to provide some initial background information on the respective contexts, in an attempt to help frame the study.

Georgia

Georgia still faces many challenges related to sustainable peace and development, resulting in large part from its two unresolved conflicts in Abkhazia and South Ossetia. The conflicts, and the isolation of the two breakaway regions since the early 1990s, has caused deprivation and widespread devastation in the conflict zones as well as adjacent areas, including thousands of deaths and the displacement within Georgia of hundreds of thousands of people. Renewed conflicts – in Abkhazia in May 1998 and in South Ossetia in August 2008 – caused further destruction and displacement, and isolated incidents along and across the Administrative Boundary Lines (ABLs) continue to undermine human security.

Following Abkhazia's and South Ossetia's partial recognition in 2008 and withdrawal of UNOMIG² in 2009, UNDP has played a leading role in facilitating international engagement with Abkhazia, a role accepted and supported by all sides. As a result UNDP has significantly expanded its programmatic activities in Abkhazia over the past two years, and while access to South Ossetia remains elusive, UNDP has also managed to successfully engage South Ossetian civil society actors through "virtual" peacebuilding activities. In recent years, however, the overall operational environment has become further politicised and more complicated, and UNDP is being increasingly called on to play a critical role in conflict transformation across three levels:

- i. Responding to the needs of the conflict affected communities by addressing quality of life challenges and vulnerabilities caused by a twenty-year lag in service delivery and accountability. Communities in Abkhazia and South Ossetia remain isolated and vulnerable, with many struggling to access basic services; the livelihoods of communities living along both ABLs are adversely affected by restricted access to markets, agricultural lands, and even basic needs such as firewood and water. Internally displaced persons (IDPs), comprising two waves from each conflict, the majority of whom are unable to return, are a source of additional needs and vulnerabilities.
- ii. Rebuilding relations between divided societies in the context of limited opportunities for interaction across the conflict divides. The conflicts of the 1990s and in 2008 have resulted in ethnic Georgians, Abkhaz and

² UNOMIG was the United Nations Observer Mission in Georgia, 1993-2009.

South Ossetians disintegrating from each other over time. Political conditions imposed by all sides further limit opportunities for engagement and interaction, reinforcing mutual mistrust and divides.

- iii. Political resolution of the conflicts remains hostage to diametrically opposed positions of all parties, as well as the interests and positions of key external stakeholders, based on fundamental differences over: the underlying reasons for the conflict and, therefore, what resolution should entail; the sovereign status of Abkhazia and South Ossetia; and the meaning of security for all sides and how to ensure this security.

The UN plays a leading role across all levels, as co-Chair of the Geneva discussions and Chair of the security mechanism for Abkhazia, and as the lead actor on the ground on humanitarian and development issues. The UN's impartiality and programmatic impact on the ground has earned it the acceptance and trust of all sides. Building on its credibility and effectiveness, and by ensuring close cooperation between various UN actors on the ground and in Geneva, the UN Resident Co-ordinator is well placed to assume a leading role within and across all three levels.

Georgia's openly confrontational relationship with Russia under the previous Government lies at the heart of both international conflict triggers and conflict resolution with regard to Abkhazia and South Ossetia. In the post-conflict period the Government of Georgia successfully shifted all conflict-related matters into the exclusively Georgian-Russian paradigm, which effectively denied the existence of conflicts with Abkhazia and South Ossetia, discarding them as 'proxy regimes'. As a result, international engagement with/in the breakaway regions is governed by Georgia's *State Strategy on Occupied Territories*, which seeks to utilize international organizations in implementing the *Strategy's* Action Plan while at the same time applying restrictive *Modalities for Conducting Activities in the Occupied Territories of Georgia* in an effort to control international activities through an 'approval' process. The Abkhaz and South Ossetian *de facto* authorities vehemently reject both the *Strategy* and its Action Plan, and are increasingly opposed to activities conducted by international organisations that explicitly support the Georgian strategy. Meanwhile, Russia continues to accelerate the process of Abkhazia's and South Ossetia's 'recognition' by increasing infrastructural, economic, military, and security assistance and linkages.

Consequently, both the operational environments in both Abkhazia and South Ossetia and all efforts to establish direct dialogue are affected by the overt political (status-related) approaches from all sides. To date, UNDP has managed to carefully navigate this political minefield by pursuing a needs-based approach to addressing human security needs, including by filling gaps in health, education, and other priority areas. As the needs in Abkhazia increasingly shift from humanitarian to development, however, UNDP is set to encounter greater difficulties in implementing its activities, not least of all in setting the peacebuilding agenda by supporting livelihood opportunities and basic development of conflict-affected communities and by promoting people-to-people connectivity across the conflict divides.

Kosovo

With a population of approximately 1.8 million, Kosovo is one of the poorest jurisdictions in Europe, with an unemployment rate of nearly 50% and a GDP per capita of around \$2,000. The economy remains fractured and constrained by post-conflict dynamics, with damaged external trade links, dysfunctional infrastructure, bureaucratic inertia, and a poor investment climate. Wealth inequality is vividly apparent. While democratic structures and procedures have been established, the culture of democracy has not been consolidated. Minority and other vulnerable groups are particularly adversely affected. Physical and economic security are pressing concerns for disadvantaged groups.

Kosovo's government unilaterally declared independence from Serbia in 2008 in a move that has so far been recognised by 96³ states (including three of the five Members of the UN Security Council, and 22 of the 27 EU Member States). In September 2012, the International Civilian Office closed, formally ending a transition period of "supervised independence". Serbia, China and Russia, among others, remain opposed to recognition of Kosovo independence. Given that UN Security Council Resolution 1244 (1999) remains in force, irrespective of the unilateral declaration of independence in 2008, the UN's position in Kosovo is an awkward one. From the perspective of the authorities in Prishtinë/Priština, the continued presence of UNMIK⁴ is unwelcome as it detracts from Kosovo's goal of full independence. Conversely, for the Serbian minority community and the Government in Belgrade, Resolution 1244 remains a lifeline that prevents the wider acceptance of Kosovo secession.



A building damaged in the war in Kosovo. Photo: UN Photo

High-level political dialogue between Belgrade and Prishtinë/Priština, facilitated by the EU, has been on-going since 2012 and has resulted in a number of inter-government agreements on technical issues, including the highly contentious agreement to implement EU-sanctioned Integrated Border Management (IBM) procedures on the border/Administrative Boundary between Kosovo and South-Central Serbia. The dialogue remains unpopular with both the Serbian and Kosovo publics for diametrically opposite reasons: the former considers that the concessions made to Kosovo and the international community have been too drastic, the latter considers that Kosovo should not be negotiating before its recognition as an independent state. The international community remains the driving force behind the dialogue, the EU Accession (for Serbia) and EU Stabilization and Association (for Kosovo) agendas are the tools by which Serbian and Kosovar engagement in the dialogue process is compelled.

In the Northern municipalities of Leposavić/Leposaviq, Mitrovica/ë North (currently without agreed status), Zubin Potok and Zvečan/Zveçan, the Prishtinë/Priština government is unable to exercise sovereignty. The *de facto* separation of the North is more apparent now than at any time in the last five years. To add complexity, in direct consequence of the unpopularity of the on-going Belgrade-Prishtinë/Priština dialogue, Belgrade influence in Northern Kosovo is greatly diminished. The security situation in Northern Kosovo has been deteriorating since June 2012, dramatically so since December 2012.

Major factors in Kosovo's political environment are the unresolved issue of sovereign status and chronic polarisation of inter-ethnic relations within the territory. Deep divisions remain between the ethnic Albanian majority and the minority communities, in particular the Serbian community. Insecurity and exclusion, deficient rule of law and chronic institutional corruption persist. The goal of a multi-ethnic, democratic state is perceived to be in jeopardy. Inter-ethnic divisions, security concerns and limited economic opportunities constitute major

³ <http://www.mfa-ks.net/>

⁴ UNMIK is the United Nations Interim Administration Mission in Kosovo.

challenges for all actors in Kosovo, including the UN. Understanding these dynamics and supporting work to mitigate their negative consequences is crucially important to the future stability and prosperity of Kosovo.

The persistent focus on security and political issues inhibits development actions, with development priorities consistently subordinated to the political agenda. The UN Kosovo Team (UNKT, the functional equivalent of a Country Team) operates in an environment in which it has to balance a status-neutral approach with fostering development for all communities. This can put UN agencies in a difficult position vis-à-vis development partners, and in particular presents specific and serious challenges for resource mobilization. Nonetheless, in Northern Kosovo, UN development and humanitarian agencies enjoy a unique position of all party acceptance. All other multilateral and bilateral international community actors face opposition from either Belgrade, Prishtinë/Priština, the Northern Kosovo community or the Kosovo majority community. The pressure of agreements reached through the on-going high-level dialogue is leading to changes in the political and development landscapes, the process is evolving rapidly, decisions to be taken tomorrow can be expected to present entry points that UNKT is well placed to pursue through responsive and well targeted crisis prevention and response activities.

3. INTRODUCTION: COMPARING CONTEXTS

Responding to Kosovo's February 2008 declaration of independence, Russia stated its intention to "reshape its relations with self-proclaimed republics". Following the recognition of Kosovo (initially by 21 countries in February 2008 and by a further 75 countries since then)⁵, the Georgian breakaway entities of Abkhazia and South Ossetia submitted formal requests for recognition of their independence to Russia and international organizations. Following a brief military conflict in Georgia in August 2008, Russia formally recognized both South Ossetia and Abkhazia as independent states. Only 5 other UN member states have since recognized Abkhazia and South Ossetia (Nicaragua, Venezuela, Nauru, Vanuatu and Tuvalu). Russia's recognition is viewed by many as part of a response for western recognition of Kosovo, which Russia considered to be in disregard of a UN Security Council resolution that remains in place. Following the conclusion of the conflict in August 2008, the presence of the Russian armed forces has continued in both South Ossetia and Abkhazia – a source of continued tension, with Georgian officials and many in the international community considering the continued presence tantamount to "occupation". This is interpreted differently by Russia and the respective leaders of Abkhazia and South Ossetia, who consider the continued presence to be wholly legitimate under the terms of "bilateral agreements" on security and defence cooperation and border protection concluded with Russia following recognition of their statehood.

Unlike Kosovo, which has been recognised by 96 UN Member States, widespread international recognition of Abkhazia and South Ossetia has not followed. Georgia's reaction to international recognition of Abkhazia differs markedly from Serbia's reaction to the recognition of Kosovo. Georgia immediately severed diplomatic ties with those countries that recognised Abkhazia, and passed a law declaring Abkhazia and South Ossetia as "occupied territories", thereby deeming illegal any economic activities in/with these territories. While Serbia recalled its Ambassadors from the first few states to recognise Kosovo, this recall was temporary, and to date Serbia has maintained all diplomatic relations that preceded the Kosovo declaration of independence. While Serbia does not recognise Kosovo's independence, it has not sought to "criminalise" the situation, in main due to a lack of international support for enforcement.

⁵ <http://www.mfa-ks.net/>

At this point, the direct parallel between Abkhazia and Kosovo becomes strained. The parallel situation that becomes increasingly evident is that between Abkhazia and the northern municipalities of Kosovo (Leposavić/q, Zubin Potok and Zvečan/Zveqan, and the northern part of the city of Mitrovicë/a), collectively referred to as Northern Kosovo. Both Abkhazia and Northern Kosovo represent contiguous territories, each *de jure* within the territory and sovereign authority of a recognised or widely recognised country/entity (Abkhazia within Georgia, Northern Kosovo within Kosovo), both areas are outside *de facto* sovereign control of the “host” country/entity, both areas are strongly supported (including political and financial support) by patron/ancestor countries (Abkhazia by Russia, Northern Kosovo by Serbia).

In practical terms, however, there is a direct parallel in terms of planning and delivery of UN programmes in Abkhazia and Northern Kosovo. The parallel arises in consequence of the shared conditions of contested sovereignty, and in particular the strong position on the matter of the local leadership and wider community. In practice, the delivery of any programmatic assistance to Abkhazia or Northern Kosovo must have active acceptance by the contested “parallel” administrations of Abkhazia and North Kosovo, and at least passive acceptance by Russia and Serbia, respectively. In principle there is ambient international community pressure to continue to plan and deliver all assistance to the contested areas through the recognised (or widely recognised) governments of Georgia and Kosovo respectively. Thus, in reality, programmes can only be delivered if there is all party acceptance, Abkhazia-Russia-Georgia and Northern Kosovo-Serbia-Kosovo⁶. Obtaining and maintaining the necessary all-party acceptance, in the case of both Abkhazia and Northern Kosovo, presents a number of tangible and practical challenges – political, legal, and operational.

At the time of writing, South Ossetia is completely closed to the international community (IC). The Administrative Boundary Line (ABL) between Tbilisi-controlled territory and South Ossetia is rapidly being fortified. The Russian military presence in South Ossetia appears to be extensive. The South Ossetia *de facto* authorities are hostile to the IC and do not allow IC access to South Ossetia. UNDP has no presence in South Ossetia, UNDP personnel are not permitted entry into South Ossetia. In the Kosovo context there is no direct parallel to this situation.

The Administrative Boundary Line (ABL) between Gali district (Abkhazia) and the Samegrelo district in western Georgia is being turned into a “border” by the Abkhazia *de facto* authorities. Whereas the administrative aspects of border control (passport control, customs, etc) are implemented by Abkhaz officials at the only “official” crossing point across the ABL (the Inguri Bridge), border security is provided by the Border Guard service of the Russian FSB. The Abkhaz attitude towards the western IC is heavily conditioned by their political (status) agenda – they seek further international recognition, in the absence of which they insist on having direct relations with western countries (and not via Tbilisi). Consequently, the Abkhaz authorities practice a selective application of accepting visits by western diplomatic/political actors, which includes refusal to accept Tbilisi-based foreign diplomats (though there are case-by-case exceptions) unless they enter via the Psou border crossing point with Russia. The Georgian authorities, for their part, remain sensitive to international activities in/engagement with Abkhazia for fear of inadvertent legitimization and/or “state-building”, and the Law on Occupied Territories provides both a legal and political basis for controlling domestic actors and influencing international ones. In terms of documentation requirements for crossing the border/ABL, while the Georgian authorities do not recognise the presence of an international border and consider travel across the ABL to be domestic in nature, the Abkhaz view

⁶ The case of South Ossetia reaffirms this model. The complete absence of international access to, let alone a presence in, South Ossetia is primarily based on the uncompromising position of the *de facto* authorities in Tskhinvali. Consequently, South Ossetia was not considered in this comparative analysis precisely because it stands outside the scope of this paper, namely how the UN can work inside contested territories.

this as an international border and apply a strict passport regime. For internationals seeking to enter Abkhazia, prior written approval from the *de facto* Ministry of Foreign Affairs is required in order to cross the border, and visitors must then visit the MFA to collect an exit visa in order to be permitted to exit the territory. For local residents wishing to cross the border to Georgia, an Abkhaz or Russian passport is needed, together with a special permit issued by the Abkhaz authorities. While there is no direct structural or political equivalent with the situation in the Kosovo context, at an operational level some important similarities are apparent.

Since December 2012, the ABL between Kosovo and South-Central Serbia has been transformed into an international border, following an EU-mediated Belgrade-Prishtinë/Priština agreement to implement Integrated Border Management (IBM) procedures⁷ between sovereign Serbia and Kosovo. There are four ABL/border crossing points between South-Central Serbia and Prishtinë/Priština-controlled Kosovo. There are a further two crossing points linking South-Central Serbia and Northern Kosovo. Freedom of movement is in some cases restricted, in particular targeting Kosovo Serbs through recently implemented Kosovo regulations in relation to personal identity documentation and vehicle registration. Serbian authorities continue to block entry into Belgrade-controlled Serbia for persons attempting to transit through Kosovo⁸.



The 2008 Newborn monument was decorated in 2013 with the flags of countries that have recognized Kosovo independence. Photo: Paul Partner

⁷ In practice, the implemented procedure is a much simplified interpretation of IBM, featuring a basic level of co-location of Kosovo and Serbian border services. The significance is in the symbolism of both parties agreeing to procedures based on an international border and that both parties are carrying out passport and Customs checks (interpreted by many as Serbian *de facto* recognition of Kosovo sovereignty).

⁸ It is anticipated that this obstruction will soon end in consequence of recent Belgrade-Prishtinë/Priština agreements.

There are no legal or physical impediments to access into Northern Kosovo from the rest of Kosovo. There is no legal or physical control on persons entering or leaving the territory, as for identical reasons both parties consider that there is no international border (the Serbian community considers all of Kosovo to be part of Serbia, the Prishtinë/Priština authorities and Kosovo-Albanian community considers Northern Kosovo to be an integral part of Kosovo territory). There is no restriction of movement for internationals or persons holding Kosovo identity papers and vehicle registrations. The movement of Kosovo Serbs from North to South Kosovo is restricted through the enforcement of Kosovo regulations in relation to personal identity documentation and vehicle registration.

In practice, the movement of Northern Kosovo Serbs into Prishtinë/Priština-controlled Kosovo is minimal; with the exceptions of the Bosnijačka Mahala and Suvi Dol “bridgeheads” in Mitrovica North the movement of Kosovo-Albanians into Northern Kosovo is minimal. This phenomenon is one of self-isolation, with perceptions of physical safety being the main impediment to movements.

Perhaps unsurprisingly, inter-community interaction and movements appear considerably less constrained in the context of criminal activities, where functional North-South co-operation is clearly evident.



School children in Zemo-Bargebi, in Gali district Photo: Stan Veitsman

4. METHODOLOGY

A peer-to-peer exchange of visits was conducted. Terms of reference for the study were developed during January 2013. PDS Georgia visited Kosovo in the period 21 - 25 January 2013; empirical observations and consultations were undertaken in Northern Kosovo and Prishtinë/Priština-controlled Kosovo, including two Serbian enclave communities (Gračanica/Graçanicë and Strpçe/Shterpc). The reciprocal visit of PDA Kosovo to Georgia was completed in the period 24 February – 01 March 2013; empirical observations and consultations were undertaken in Abkhazia (including Gali district), in Zugdidi and in Tbilisi. Following initial identification of structural and

situational risks and opportunities in the two contexts, initial findings were developed in greater detail in order to formulate specific recommendations for inclusion in a best practices paper.

5. OBSERVATIONS AND DISCUSSION

Applicable comparisons between the Georgia and Kosovo contexts were confirmed. Conversely, a range of differences between the contexts were identified, in some cases differences of a diametrically opposite nature. In summary, it is apparent that at least two different models of comparative analysis can be applied, with the model that is most applicable being issue-dependent.

Situational analysis

From a political perspective, the position of the IC is diametrically opposite in the cases of Abkhazia and Kosovo. Most of the IC supports partially-recognised Kosovo and directly supports the Government in Prishtinë/Priština. By contrast, most of the IC adheres to a firm policy of non-recognition of Abkhazia, supports Georgia's territorial integrity and engages with Abkhazia primarily via Tbilisi.

From an operational perspective there are clear parallels between the partially-recognized entities (Kosovo and Abkhazia) and a geographically peripheral area dominated by an ethnic minority with strong ties to the former patron state (Northern Kosovo to Serbia, Gali district to Georgia), effectively trapped on the “wrong” side of the administrative boundary/border. In both cases, restrictive measures (whether self-imposed by the community, imposed by the *de facto* breakaway authorities, or imposed by the authority claiming sovereignty) obstruct or inhibit the delivery of programmatic assistance to the ‘enclaves’ within the contested territories, and pose a direct challenge to UNDP's impartial and apolitical position. There are also direct parallels between Abkhazia/Northern Kosovo, and between Georgia/Kosovo in terms of access and freedom of movement, albeit with different underlying reasons.

Structural analysis

The UNDP presence in Kosovo is challenged by legal ambiguity. Three mutually-exclusive frameworks are in place: i) Kosovo remains an autonomous province under the Serbian Constitution; ii) Kosovo is legally under provisional international administration in accordance with UN Security Council Resolution 1244 (1999); iii) Kosovo is a sovereign state defined by the Kosovo Constitution. The legal basis for the UN presence in Kosovo is Resolution 1244. In practice, UNDP is challenged by the constant need to balance legal basis with *de facto* reality: in Prishtinë/Priština-controlled Kosovo UNDP must engage with authorities operating exclusively under the Kosovo Constitution; in Northern Kosovo UNDP must engage (albeit informally) with structures operating under the Serbian Constitution, but at least in principle acknowledging the terms of Resolution 1244; in all cases UNDP must be seen to adhere rigidly to Resolution 1244.

In practice, UNDP Kosovo is required to tread a fine line between being accepted by all parties, and being accepted by none. UNDP Kosovo has successfully established good co-operation with the Kosovo authorities, has established workable but delicate relations in Northern Kosovo. In contrast to the situation in Southern Kosovo, in the specific case of Northern Kosovo the international donor community has a declared political agenda rather than an agenda lead by development considerations. In this context, the UN Agencies as apolitical actors are not partners of choice as status-neutrality is in contradiction to the IC political agenda. In this respect, status-neutrality is a direct and tangible impediment to resource mobilization. Conversely, in terms of potential, UN development agencies in

Kosovo (including UNDP) enjoy a unique position of domestic acceptance to work in Northern Kosovo. State actors who have recognized Kosovo are obstructed when operating in Northern Kosovo by strong local community opposition, while state actors who have not recognized Kosovo are prevented from working in Northern Kosovo in consequence of their political requirement to route resources through Belgrade (in contravention of Resolution 1244). With the exception of the European Union Delegation in Kosovo and the UNKT⁹, all multilateral actors in Northern Kosovo (OSCE, NATO-KFOR, EULEX) have a specific security and/or political (not development) mandate. While the EU previously enjoyed all-party domestic acceptance in Northern Kosovo, its role in mediating the Belgrade-Prishtinë/Priština dialogue process (and the strong opposition to that dialogue within the Northern Kosovo community) has considerably undermined the EU's potential to operate in Northern Kosovo. Thus, the UN development agencies currently enjoy a unique position of acceptance in Northern Kosovo. In practice, however, despite encouragement by the Prishtinë/Priština government and acceptance by the Northern Kosovo community, in consequence of the incompatibility of status-neutrality and donors' political agendas, UNDP lacks resources to implement anything beyond a basic level of development activities in Northern Kosovo.

Three UN agencies have a physical presence in Northern Kosovo: UNHCR; UNICEF and UNDP (since September 2012). All are based in Zvečan/Zveqan (approximately 2km outside the *de facto* capital, Mitrovica North).

In Abkhazia, UNDP enjoys an almost unique level of access. Three UN agencies have a physical presence in Abkhazia: UNDP and UNICEF (both based in the *de facto* capital, Sukhumi and able to operate throughout Abkhazia); UNHCR (based in Gali). As previously noted, IC access to Abkhazia is restricted. In February 2013, with the specific exceptions of UNDP, UNICEF, ICRC and MSF, the Abkhaz authorities invited all international NGOs to relocate and limit their operations to the Gali District.

As with Kosovo, the acceptance of the UN agencies by the Abkhaz authorities and wider community, and the consequent ability of UN agencies to operate in Abkhazia, is in large part dependent on perception of status-neutrality.

Comparison models

In consideration of the presented analyses, the identification of points of equivalence is dependent upon the comparison model selected. In summary, it can be concluded that direct parallels do exist between the Georgia-Abkhazia and Serbia-Kosovo contexts, but that the comparison model applicable varies depending on the specific issue under consideration. During the course of this exchange, two comparison models were developed, with model applicability being determined by issue.

Model A: The *de jure* model

	Georgia context:	Kosovo context:
Contesting state:	<i>Georgia</i>	<i>Serbia</i>
Breakaway entity:	<i>Abkhazia</i>	<i>Kosovo</i>
Breakaway guarantor:	<i>Russia</i>	<i>NATO / Quint¹⁰</i>
Enclave within breakaway entity:	<i>Gali District</i>	<i>Northern Kosovo</i>

⁹ The United Nations Kosovo Team (UNKT) is the Country Team equivalent, with different terminology in consequence of Kosovo's unresolved status.

¹⁰ The "Quint" is the informal grouping of politically influential recognizing states: France, Germany, Italy, UK, USA.

Model B: The *de facto* model

	Georgia context:	Kosovo context:
Contesting state:	<i>Georgia</i>	<i>Kosovo</i>
Breakaway entity:	<i>Abkhazia</i>	<i>Northern Kosovo</i>
Breakaway guarantor:	<i>Russia</i>	<i>Serbia</i>
Enclave within breakaway entity:	<i>Gali District</i>	<i>Bosnjačka Mahala and Suvi Dol "bridgeheads", in Mitrovica North</i>

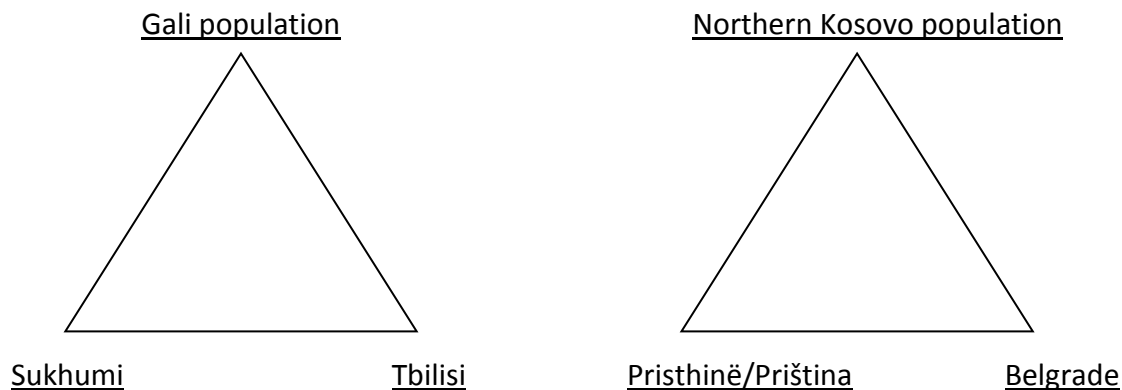
For example, at the political level the *de jure* model applies: Georgia and Serbia are both Member States of the United Nations; the breakaway entities of Abkhazia and Kosovo are not UN Member States and have been only partially recognised; *de facto* independence of Abkhazia is maintained through military and political support of an external guarantor (Russia), while in the case of Kosovo *de facto* independence is maintained through the collective military and political support of a number of external guarantors (NATO and numerous recognising states).

Conversely, at a UNDP institutional level, the *de facto* model applies: UNDP has a Georgia Country Team based in Tbilisi, which delivers assistance in Abkhazia through the Georgia programme and via a detached office in Abkhazia; UNDP has a Kosovo Team (Country Team equivalent) based in Prishtinë/Priština, which delivers assistance into Northern Kosovo through the Kosovo assistance programme, via a detached office in Northern Kosovo (and independently of Serbia, the recognised UN Member State).

One important distinction between the two situations is the existence of detached Serbian enclaves within Prishtinë/Priština-controlled Kosovo (Gračanica/Graçanicë, Strpče/Shterpc and a larger number of smaller, isolated communities). There is no directly equivalent situation in the Georgia context. Depending on which comparison model is chosen: if we consider that Abkhazia is equivalent to Kosovo, there is no equivalent situation of detached Georgian enclaves in Abkhazia (the only enclave being Gali, which is territorially contiguous with Tbilisi-controlled territory in Georgia, just as Northern Kosovo is territorially contiguous with Belgrade-controlled territory in Serbia); if we consider that Georgia is equivalent to Kosovo, there is no equivalent situation of Abkhaz enclaves within Tbilisi-controlled territory. Thus, for the purposes of this study it is proposed that the situation of the Serbian enclaves in South Kosovo not be considered for comparative purposes.

Irrespective of the *de facto* or *de jure* analysis, the relationship between these various parts can be presented in the following diagram, which represents the nature of the relationships and the need for confidence-building between the various stakeholders.¹¹ UNDP's access and operational effectiveness, therefore, relies at a minimum on the tacit approval/acceptance of all three sides of the triangle.

¹¹ The *Triangle of Confidence* is reproduced with permission of Ms. Fleur Just of the NGO Peaceful Change Initiative (PCI) and replicated to reflect the comparison in the Kosovo context.



IC architecture

While the IC presence in Abkhazia is significantly smaller than that in Kosovo or indeed in Northern Kosovo, the architecture in Georgia for addressing IC programmatic/peace-building activities in Abkhazia is significantly more structured and better coordinated. In large part this reflects the success of the longer-term PDA presence there, with the current PDS having been in post since 2010. However, the comparative analysis also revealed two critical differences: 1) the uncontested role of the UNRC as IC convenor, which is further legitimized by the comparative advantage of the UN's unique access to/presence in Abkhazia; and 2) the presence in Abkhazia/Georgia of a greater proportion of international peace-building actors relative to the number of political actors.

On the first point, the UNRC's institutional standing within the IC in Georgia is clearly different from that of the UNDC within the IC in Kosovo. This reflects the very different contexts in which the two UN representatives operate. In Georgia, the UNRC is the recognized senior in-country representative, whereas in Kosovo the situation is complicated by the co-existence of a DPKO mission¹², in consequence of which the UN Resident Co-ordinator (termed "Development Co-ordinator in Kosovo", in consequence of disputed status) does not enjoy the undisputed standing as the leading UN official in-country. The Special Representative of the Secretary General (SRSG) heading the DPKO mission has a clearly designated political mandate and takes the leading role in political matters, whereas the Development Co-ordinator (UNDC) has a specifically developmental and humanitarian function. While this division of roles inevitably limits the scope of action and influence of the UNDC, the apolitical nature of the role facilitates all-party acceptance and co-operation. This broad acceptance and recognition has allowed the UNDC, and the UNKT under UNDC direction, to gain and develop entry points with the different stakeholders that may not be necessarily available to the SRSG. This presents important opportunities for complementarities and collaboration between the two senior officials and the two branches of the UN family.

Additionally, the IC political presence in Kosovo is incredibly crowded (mostly in consequence of the enduring post-conflict nature of the local environment, geographical proximity to continental Europe, and the ambient pressures of the EU Accession process), whereas the 'politics' of Abkhazia are to a large degree centred elsewhere.¹³ Kosovo is within the European Commission's DG-Enlargement area of interest, within which the EU is notably territorially protective, which can be manifested in a reluctance to co-operate fully with other actors. The same dominant

¹² The United Nations Interim Administration Mission in Kosovo, UNMIK.

¹³ Namely the Geneva International Discussions, co-Chaired by the EU, OSCE and UN (DPA Special Mission), with all three co-Chairs based in Europe and mandated to deal only with the conflict-related negotiations.

influence is not as readily apparent in the Neighbourhood countries, giving UN Agencies greater potential to play a more influential role in setting and advancing the development agenda. Finally, and as noted previously, the unique operational presence of the UN in Abkhazia offers a strong programme-delivery reinforcement to the RC's convening role, whereas the access and attempted presence of various IC actors in Northern Kosovo detracts from the UN's strategic leverage in Kosovo.

On the second point, the long-standing involvement of international peace-building actors in Abkhazia (Berghof Foundation, Conciliation Resources, International Alert, Peaceful Change Initiative, Saferworld, etc) offers strong partnerships in support of UNDP's conflict prevention and peace-building mandate, which help to offset the politics of the matter. In comparison, in Kosovo the presence of international peace-building actors remains relatively small and their comparatively short-term presence has not yet yielded sufficient gains with local partners to shield activities from politicisation.

Building on these comparative advantages, the RC and PDS in Georgia have established a complex architecture, which improves IC coordination and policy-level discussions by firmly placing the RC/UNDP in the centre of all relevant mechanism, namely:

- the Abkhazia Strategic Partnership (ASP), which brings together international humanitarian NGOs and UN agencies operationally present in Abkhazia to jointly address operational issues and ensure conflict sensitive programming;
- the Humanitarian Coordination Group (HCG), which brings together ASP members and key donors to ensure that donors are directly informed by and contribute to creating an enabling environment for implementation of programmes in Abkhazia;
- the Ambassadorial Working Group (AWG), which brings together Tbilisi-based Ambassadors for a structured political dialogue and coordination of international efforts; and
- the Joint Consultative Forum (JCF), which brings together international peace-building and political/diplomatic actors for a regular joint analysis of the situation and stronger coordination among and between international actors on how programmatic activities can contribute to and support international peace-building efforts.

In drawing comparison between the Georgia and Kosovo contexts, the IC architecture in Kosovo is less well developed/consolidated, and places greater emphasis on political and security forums, to the detriment of the development agenda.

6. FINDINGS AND RECOMMENDATIONS

- An operational presence within the contested territory (a full-time staffed office) is of vital importance for community acceptance and ability to operate effectively. Efforts to deliver assistance "from outside" a contested-sovereignty territory are not as effective and are likely to be more susceptible to political pressures. Even if the programming and management is done remotely, a visible local presence is critical for business continuity and strengthening the legitimacy of UNDP's role.
- Any operational presence must be based on coordinated UN support and appropriate legal basis. On the former, this requires prior consultations and agreement among all relevant UN actors, both in-country and in Headquarters, on a proper division of labour and a mutually-supportive approach (DPA, DPKO, UNDP, etc). The approach taken in Georgia, where the UN co-Chair of the Geneva International discussions is the lead actor on

political issues while the UNRC is the lead actor on programmatic activities and conflict prevention/peace-building initiatives on the ground, offers a best practice example of managing overlapping mandates/interests.

- In terms of establishing a solid legal basis in the context of contested sovereignty, the UN must from the outset protect itself from undue political interference while at the same time ensuring strict adherence to the principles of impartiality and a needs-based approach. The manner in which this is achieved will differ on a case-by-case basis, and it may be necessary to examine other examples (Transdniersta etc) in order to create a comprehensive list of potential risks and appropriate mitigation strategies. The common element, however, must be to obtain a ‘formal’ agreement from all parties to our presence and activities, which will require compromise and flexibility on the part of one or more of the parties (e.g. agreement by the host Government for the UN to conclude a Memorandum of Understanding or exchange of letters with the *de facto* authorities in order to safeguard from any subsequent attempts to politicise the activities of UN agencies by questioning their ‘status’).
- The presence of a strong (and sometimes competing) IC political agenda in respect of sovereignty (e.g. strong international support for recognition of Kosovo’s independence; strong international support for Georgia’s territorial integrity) places political conditionality on potential donor support, which may either compromise our apolitical approach to development assistance, or at times be contrary to our assessment of the real needs. To mitigate this, a proper context analysis needs to be undertaken in advance, including the identification of key political actors and donors willing to support our approach.
- Consistent and careful adherence to a status-neutral position vis-à-vis the sovereignty issue at both institutional and individual levels is necessary to maintain all-party acceptance and our ability to operate in the contested-sovereignty territory. Especially in small territories and populations, even private remarks are likely to resonate at official level and may have significant implications for our activities and presence, as well as our corporate identity and reputation. Impartiality cannot be jeopardised or compromised in the pursuit of donor support. As a mitigation measure, all (international and local) staff should receive conflict sensitivity training/briefing on recruitment/deployment, with reference to the UN Code of Conduct included in their ToRs.
- The UN must have strong standing/credibility within the IC of the state through which assistance is programmed in order to have the ability to implement assistance in the contested sovereignty area. For successful operation, donors and partners must trust the UN agencies and programmes to operate in the collective best interests of all parties. Institutional envy and/or resentment in consequence of preferential access/acceptance is a tangible risk in cases where some sectors of the IC are prevented from access to or functioning in a contested territory. In worst-case, the statements and/or actions of detractors within the IC can inhibit or undermine UN-led assistance. Assistance priorities and activities in contested-sovereignty areas must have high-level support within the UN system, and this support must be effectively communicated within the IC.
- Institutional association with certain streams and sources of funding (e.g. assistance funds associated with political conditionality and/or funds from a donor with a strong position on the sovereignty issue) can undermine the UN’s ability to operate in the contested-sovereignty area by calling into question the UN’s neutrality and impartiality. Multi-partner trusts can dilute “tainting” to acceptable levels and reduce reputational risk to the UN. Similarly, specific donor visibility requirements can undermine the chances of successful assistance delivery and impact negatively upon the UN’s continued acceptance within the contested territory.

- Delivery of assistance through a third party (e.g. NGO) can be useful in providing a ‘firewall’ from political risks. Reliance upon third parties can, however, pose challenges for impact and sustainability, for monitoring of aid-effectiveness, and can be incompatible with the visibility expectations of some assistance donors.

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ANNEX

Georgia: Background and context

The ‘perestroika’ period of the 1980’s saw the emergence of various secessionist movements across the Soviet space, including in the ‘autonomous’ republics of Abkhazia and South Ossetia, which had been incorporated into the Georgian Soviet Republic in the 1920s. With the dissolution of the USSR, Abkhazia and South Ossetia sought to establish themselves as full-fledged republics within the Soviet Union, thereby reclaiming what they believed to be a historic (pre-USSR) independence. The collapse of the USSR also prompted the emergence of ethno-nationalist sentiments, bringing to the surface longstanding and deep-rooted grievances between various nations and peoples within the USSR’s artificially-created borders. In Georgia, tensions quickly escalated into armed conflicts – in South Ossetia in 1990-1992 and in Abkhazia in 1992-1993. These conflicts resulted in the death of an estimated 20,000 people and the internal displacement of more than 300,000 people, mainly ethnic Georgians fleeing the conflict in Abkhazia. Following the cessation of hostilities in the early 1990s there have been sporadic outbursts of violence in both territories, while negotiations between the Government of Georgia in Tbilisi and the two Russian-backed entities ensured a ‘frozen’ status quo pending a political settlement. In the aftermath of the August 2008 conflict in South Ossetia, the Russian Federation (and five other UN member states) recognised the independence of South Ossetia and Abkhazia, while Georgia and the majority of the Western international community consider the two territories to be “occupied” by Russia.

Both conflicts have a number of overlapping factors, including competing ‘national’ myths as to the nature of their respective national identities, history, culture and language, as well as geopolitical considerations. Following the 2008 conflict, however, Georgia has prioritised international support to reverse what it views as ‘annexation’ and ‘Russification’ of these territories by Moscow. The unresolved nature of these conflicts undermines Georgia’s sustainable peace and development. Inside Abkhazia and South Ossetia, the conflicts and isolation since the early 1990s has caused deprivation and widespread devastation, creating a parlous socio-economic situation: industry, agriculture and infrastructure remain devastated; the social safety net has been destroyed; poor social protection mechanisms force many people to live on subsistence farming; there is a general shortage of income-generating opportunities; the collapse of social services and infrastructure (water, sewage, roads and electricity) undermines recovery and development; and social services (schools, healthcare facilities, etc) barely meet the basic needs of the local population.

Internally, despite wide-ranging reforms since 2003, Georgia still has much to do to strengthen its institutional and democratic performance. Last year’s Parliamentary election marked the first ever peaceful transfer of power, but the current constitution means that the Georgian Dream-dominated Government and Parliament are hampered by ‘political cohabitation’ with the (now opposition) President from the United National Movement. This has slowed down further reforms and has complicated policy making processes. The Presidential elections in October 2013 are widely expected to see another Georgian Dream victory, which will end the ‘political cohabitation’ but will only highlight Georgia’s many problems – the courts are perceived by many to lack independence, the media and civil society remain polarised, there is insufficient effort to involve civil society and minorities groups in policy processes to determine the country’s political, social, and economic directions, etc. Georgia’s institutional weaknesses, therefore, combined with numerous structural conflict drivers rooted in historical and geopolitical realities pose a serious impediment to the consolidation of Georgia’s long-term peaceful development.


Following the change of government in Tbilisi, which brought in new people with different view on how to solve the conflicts and manage relations with Russia, there was initially some optimism among certain segments of the

international community that the change might also lead to positive developments in the conflict dynamics. However, for their part, the Abkhaz and South Ossetians quickly rejected the new Georgian overtures, and sought to capitalize on the political transition in Tbilisi by launching a political-diplomatic assault on both the new Georgian leadership and the main international actors working in Abkhazia and on conflict resolution. With regard to the former, they have repeatedly called for “practical steps not words” to lay the basis for dialogue, in the first instance conclusion of legally-binding bilateral non-use of force arrangements. They also proposed a number of practical measures (allowing them to travel to Europe on Russian passports, renaming the State Ministry for Reintegration, opening direct routes via third countries, etc.) that Tbilisi could take to demonstrate its good intentions. In the context of the difficult political co-habitation in Tbilisi, however, it is highly unlikely that any of these measures can be affected in the nearest future, which will further widen the trust deficit between Tbilisi on the one hand, and Sukhumi and Tskhinvali on the other.

Kosovo: Background and Context

The predominant language in Kosovo is Albanian. Serbian is the primary language within the Serbian community, and is widely spoken by older members of the general population. Turkish and Gorani languages are spoken within the respective communities. Kosovo society is conservative, heavily based on traditional codes and attitudes, but is mostly secular in its behaviour. Sunni Muslims constitute the majority within the Albanian, Roma-Ashkali-Egyptian, Bosniak, Gorani and Turkish communities. Adherence to a more fundamental interpretation of the Islamic code is increasing, motivated in part by political and economic exclusion, particularly affecting the youth population. There is a small Roman Catholic community within the Albanian population. The Serbian community is almost uniformly Orthodox Christian.

The modern history of Kosovo is characterised by inter-ethnic dispute and competition between the predominantly Orthodox Christian Serb community and the predominantly Sunni Muslim Albanian community, with each party taking turns to exercise dominance over the other. Kosovo was a frontier province of the Ottoman Empire until 1912. During imperial times the Christian population was dominated by the predominantly Muslim ruling elite. The Ottoman Empire in Europe was destroyed by the First Balkan War of 1912. Kosovo became part of the newly created Kingdom of Serbs, Croats and Slovenes (later to become the Kingdom of Yugoslavia). In the Kingdom, the Serbian Orthodox community exercised dominance over the Muslim community. During the World War of 1939-1945, large sections of the Albanian community sided with the occupying Axis powers (Italy and Germany) in return for promise that Kosovo would be included within a new “Greater Albania”. During this period grievous crimes were committed against the Slavic population in Kosovo and neighbouring Macedonia, which remains a source of resentment to this day. After the war Kosovo was included in the Socialist Federal Republic of Yugoslavia, the immediate post-war period was characterised by violent reprisals against the Kosovo Albanian population accused of having collaborated with the Axis powers. Throughout the period 1945-1974, the Serbian community was dominant over the Albanian community. Following the adoption of the 1974 Constitution the Albanian community achieved a position of dominance within an autonomous Kosovo, Serbs complained of negative discrimination in terms of public services and public sector employment opportunities. In 1989, Serbia greatly curtailed Kosovo autonomy in claimed attempt to limit growing Albanian nationalism, and from 1991 initiated repressive measures against the Kosovo Albanian community. The 1990’s saw the development of a low-level armed insurgency against the Yugoslav state apparatus, lead by the Kosovo Liberation Army (UCK). The insurgency widened and became more severe, resulting in open armed conflict during the period 1989-1999. NATO intervened, leading to military defeat for Yugoslavia. In 1999, Kosovo was placed under United Nations interim administration mandated by United Nations Security Council Resolution 1244.



During the course of the 1998/1999 conflict there were numerous incidents of ethnic-cleansing and ethnically-motivated violence. Together with an episode of ethnically-focused violence, cultural vandalism and population displacement in 2004, this has created and reinforced an atmosphere of mutual animosity and distrust between communities which persists. The ethnic map of Kosovo has been drastically altered in consequence of large-scale population displacement in 1999 and 2004. Data from the 2011 population census indicates that the Kosovo Serb population has decreased by 87%, non-majority communities - collectively referred to as “Other” - have decreased by 34%. Albanians now constitute an estimated 92% of the Kosovo population.

Resolution 1244 was initially welcomed by the Kosovo Albanian community as a formal end to Serbian rule and the first step towards international recognition for Kosovo, whereas 1244 was initially opposed by the Kosovo Serbs who perceived it as erosion of Serbian sovereignty imposed by virtue of military defeat. With political developments since 1999, the Kosovo Albanian community has come to regard 1244 as an enduring obstacle to the consolidation of sovereignty, whereas the Kosovo Serb community has come to view 1244 as its last “lifeline” preventing full secession of Kosovo from Serbia.

The EU and US supported Comprehensive Proposal for the Kosovo Status Settlement (2007), a.k.a. the “Ahtisaari Plan”, initiated a period of supervised independence for Kosovo. The Plan was implemented in Government controlled areas of Kosovo, but without UN Security Council endorsement and without acceptance by the Government of Serbia or the Serbian population. In February 2008, the Kosovo authorities unilaterally declared independence from Serbia. The declaration was rejected by Serbia and the Kosovo Serb community. The Kosovo Constitution specifies Kosovo as a multi-cultural society, and provides specific protection for cultural heritage, religious and linguistic rights. In practice, the society is not inclusive or tolerant of diversity, constitutional protections are selectively applied and the protection of minorities is incomplete.

From the perspective of the Kosovo Serb community, the Kosovo institutions are a real and immediate threat to their personal security, with persistent territorial ambition to consolidate the sovereignty of independent Kosovo and subject the Serb community of Kosovo to unwanted “foreign” rule. From the perspective of the Kosovo authorities and the Kosovo Albanian population the Kosovo Serbs are “spoilers”, resisting the authority of the Kosovo institutions, undermining the validity of the independent Kosovo state and presenting a permanent threat to the security and integrity of Kosovo.

On 19 April 2013, under international pressure and with facilitation by the EU, the Governments of Kosovo and Serbia signed a historic agreement concerning the normalisation of relations between the two states/entities. While welcomed by both Belgrade and Prishtinë/Priština and by most of the international community, the agreement is rejected by the Kosovo Serb community. Serbia maintains that the agreement does not constitute formal recognition of Kosovo sovereignty, although most observers consider that it does. The Kosovo Serb community was not involved in the negotiations process that resulted in the agreement. Implementation of the agreement is progressing, but the implementation schedule has already slipped in the face of weak but consistent obstruction by the majority of the Kosovo Serb community. The agreement does not enjoy the full support of the Kosovo Albanian community, with charges that the agreement makes too many concessions to Serbia.