

THE WAR REPORT 2018

GEORGIA-ABKHAZIA: THE PREDOMINANCE OF IRRECONCILABLE POSITIONS *



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* For ease of reading, there are no qualifiers such as 'de facto', 'unrecognized' or 'partially recognized' in relation to Abkhazia. This does not imply a position on its status, nor does the article make any judgement regarding this. Abkhazia is recognized as an independent state by Russia, Nicaragua, Venezuela, Nauru and Syria. Georgia considers it to be a territory occupied by the Russian Federation (RF). A majority of UN countries support its territorial integrity.

INTRODUCTION

Georgia was engaged in an Abkhaz conflict in 1992–2008 with some respites. The Georgian regular Armed Forces and volunteers fought against the Abkhaz from the breakaway territory of Abkhazia and the Confederation of Mountain Peoples of the Caucasus in 1992–1993, which resulted in an Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 (Moscow Agreement). The Moscow Agreement did not prevent further bloodshed and the conflict peaked again in 1998

and 2001, which drove a wedge further between Georgia and Abkhazia and complicated the process of reconciliation. In August 2008, Russian Federation (RF) forces along with Abkhaz security actors were embroiled in a conflict with Georgian armed forces, which turned the war into an international armed conflict. In the aftermath of the conflict, over 200 civilian monitors were deployed to Georgia by EU Member States to contribute to the stabilization of the situation on the ground.¹ They monitor compliance by all sides with the EU-brokered Six-Point Agreement of 12 August 2008, signed by both Georgia and the RF, and the Agreement on Implementing Measures of 8 September 2008.² On 26 August 2008, Abkhazia was recognized as an independent country by the RF, followed by some Pacific and Latin American countries, with recent recognition declared by Syria. On 28 August 2008, the Parliament of Georgia passed a unanimous resolution declaring Abkhazia and South Ossetia to be territories occupied by the RF and the Russian peacekeepers an occupying force.³

Although the conflict is far from a solution, the main actors on the ground remain committed to stability and conflict-related incidents are rare.

HISTORICAL ELEMENTS OF THE CONFLICT

The Abkhaz are an ethnic group who live in the Caucasus region. Their language belongs to the Northwest Caucasian family of languages, and while some of them are Sunni Muslims, they belong to Orthodox Christian Church. The Georgians speak a unique South Caucasian language and the majority belong to the Orthodox Christian Church.

¹ European Union Monitoring Mission in Georgia, Factsheet, https://eumm.eu/data/image_db_innova/EUMM%20Factsheet%20ENG%202018%20MAY.pdf (last accessed 28 August 2018).

² Ibid.

³ UN Security Council (UNSC), Report of the Secretary-General on the Situation in Abkhazia, Georgia, UN doc S/2008/631, 3 October 2008.

The Georgian historian Pavle Ingoroqva claimed that the ‘historical’ Abkhaz – the people to which authors used to refer as Abkhaz in the writings of previous centuries – were in reality Georgian tribes, while the contemporary Abkhaz descended from Adyghean tribes who had come from the North Caucasus to settle in Abkhazia in the 17th–18th centuries⁴.

The Georgian-Abkhaz conflict stems from the turbulent period at the end of the First World War.

The Georgian-Abkhaz conflict stems from the turbulent period at the end of the First World War. On 25 May 1918, Georgian independence was declared, and in June of that year, an Abkhaz delegation went to Tbilisi to sign a treaty of union with Georgia. Abkhaz historians claim that the treaty was invalid because the delegation had not been empowered to sign it.⁵ Following this, on 17–22 June 1918, the Georgian Army with its commander, General Mazniashvili, was deployed to the whole seashore from Tuapse to Sochi to counter the Red Army threat. This aggravated the situation in Abkhazia as the military command of Mazniashvili ignored the local authorities and oppressed the local population,⁶ driving the first wedge between Georgia and Abkhazia. On 21 February 1921, the Parliament of Georgia adopted its constitution, which specified that Abkhazia (District of Sukhumi) was an integral part of Georgia that would nevertheless enjoy autonomy in the administration of its affairs.⁷

However, after only a few days, on 25 February, Soviet rule was forcibly established in Georgia, and on 31 March 1921, the Soviet Socialist Republic (SSR) of Abkhazia was proclaimed.⁸ Both Soviet republics crafted a political union in December 1921, noting that foreign affairs would remain fully within the competence of the Georgian SSR.⁹ In 1922, Georgia, Armenia and Azerbaijan formed the Federative Union of the Socialist Soviet Republic of Transcaucasia and Abkhazia entered the Federation as part of Georgia. In 1925, Georgia and Abkhazia adopted Soviet constitutions that again referred to political union: ‘The Abkhaz SSR, united on the basis of Union Treaty with the Georgian SSR, enters Trans-Caucasus Soviet Socialist Federative Republic

⁴ C. Francis, *Conflict Resolution and Status: The Case of Georgia and Abkhazia (1989–2008)*, ASP/VUBPRESS, 2011, p.68

⁵ S. Chervonnaya, *Conflict in the Caucasus: Georgia, Abkhazia and the Russian Shadow*, Gothic Image, 1994, p.119

⁶ Ibid. p. 119

⁷ Art 107, *Constitution of Georgia, 1921*, <https://matiane.wordpress.com/2012/09/04/constitution-of-georgia-1921/> (last accessed 28 August 2018).

⁸ Chervonnaya, *Conflict in the Caucasus*. P.121

⁹ *Union Treaty Between the SSR of Georgia and the SSR of Abkhazia - 16 December 1921*, Abkhaz World, <http://abkhazworld.com/aw/reports-and-key-texts/601-union-treaty-between-december-1921> (last accessed 28 August 2018).

through the Georgian SSR¹⁰ underlies the Constitution of the Abkhazian SSR. However, the term ‘autonomy’ in reference to Abkhazia was not used in official documents in the first Soviet decade (1921–1931)¹¹. Abkhazia’s status was initially downgraded to autonomous republic within the Georgian SSR in 1931 when a resolution was passed on changing the Abkhazian Republic into the Abkhazian Autonomous Soviet Socialist Republic within the Georgian SSR; this proposal was confirmed by the Stalin Constitution in 1936.¹² This period was critically analyzed by the Georgian academics, who claimed that Abkhaz side essentially misinterpreted these facts in their struggle against the homogenous statehood of Georgia and in favor of the creation of an independent Abkhazian state¹³.

Georgian-Abkhaz relations in the Soviet period were tense due to the underlying political atmosphere and the anti-Abkhaz approach employed by the Soviet authorities. From 1933, Lavrenti Beria instituted an anti-Abkhaz policy that was maintained and strengthened until both his and Stalin’s deaths in 1953, including the abolition of the of Abkhaz language, the introduction of the Georgian language and script, the forced importation of various nationalities and forced deportation of the Abkhaz intelligentsia.¹⁴ The Abkhaz population periodically requested the expansion of their rights and there was continuous low-level mistrust; however, the real schism between the Georgian and Abkhaz communities did not occur until 1989.

THE GEORGIAN-ABKHAZ SCHISM IN THE EARLY 1990S

In 1988, Georgia adopted a programme with regard to the state language that stated that Georgian would be used for all official communication; this was incorporated into law. On 18 March 1989, the Popular Forum of Abkhazia, the Aidgylara, with the support of other Abkhaz groups from the village of Lykhny, gathered Abkhaz elders to sign a declaration demanding secession from Georgia and the upgrade of the region’s status to a republic.¹⁵ This

10 Art 4, Constitution of the Soviet Socialist Republic of Abkhazia, 1 April 1925, Abkhaz World, <http://abkhazworld.com/aw/reports-and-key-texts/589-constitution-ssr-abkhazia-1april1925> (last accessed 28 August 2018).

11 Chervonnaya, Conflict in the Caucasus. p.121

12 Chervonnaya, Conflict in the Caucasus. p.121

13 See more: Z.Papaskiri. ‘Another look at one of the false historical postulates of the Abkhazian separatist ideology: on the question of Abkhazia’s political-state status in 1921-1931’, *The Caucasus and Globalization* 6 (2012), p.168-183

14 G. Hewitt, ‘Abkhazia: A Problem of Identity and Ownership’, *12 Central Asian Survey* 3 (1993).p. 267-323

15 C. Francis, *Conflict Resolution and Status: The Case of Georgia and Abkhazia (1989–2008)*,

led to protests and demonstrations organized by the pro-independence movement in Tbilisi in April, which were brutally dispersed by the Soviet Army.¹⁶ In the days following these events, the Soviet Georgian Ministry of Higher Education announced that it was opening a branch of Tbilisi University in Sukhumi, to be based in the Georgian sector of the existing Abkhazian State University. This resulted in a further series of ethnic clashes between Georgian and Abkhaz communities in Sukhumi on 15 July and Ochamchira on 16 July 1989.¹⁷

The Abkhaz community continued its efforts to separate from Georgia. On 17 March 1991, Abkhazia participated in a Soviet referendum and voted in favour of remaining within the Soviet Union, while Georgia boycotted the referendum. In November 1991, the Third Congress of the Mountain Peoples of the Caucasus took place in Sukhumi and the participants adopted the Treaty for a Confederative Union of the Mountain Peoples of the Caucasus, the first article of which proclaims the new Confederation to be ‘the legitimate successor of the “Mountain Republic”’ created on 11 May 1918, of which Abkhazia was a part.¹⁸ Georgia declared its independence in April 1991 and was embroiled in a war with South Ossetia and later in a civil war between those who supported President Zviad Gamsakhurdia and his opponents.

In February 1992, the Parliament of Georgia voted to reinstate the constitution that the independent Georgian republic had adopted in 1921, which referred to Abkhazia as autonomous. In response, the Supreme Council of Abkhazia in Sukhumi voted on July 23 to reinstate the constitution that the Abkhazian Soviet Socialist Republic had adopted in 1925, which referred to Abkhazia as an equal member of the Georgian-Abkhaz union.¹⁹

The first Georgian-Abkhaz conflict began in August 1992. There are two versions of why it started. According to the first, Georgia staged a military operation to ensure security of movement along the railroad connecting Russia with Georgia and Armenia (which passes through Abkhazia), the security of the main highways and the security of objects of strategic importance. The second version claims that Georgian

The first Georgian-Abkhaz conflict began in August 1992.

ASP/VUBPRESS, 2011.p.72

16 Ibid. p.72

17 Ibid. p.74

18 G. Hewitt, *Discordant Neighbours: A Reassessment of the Georgian-Abkhazian and Georgian-South Ossetian Conflict*, Brill, 2013. p.85

19 International Crisis Group (ICG), *Abkhazia Today*, Europe Report no 176, 15 September 2006, http://old.crisisgroup.org/_/media/Files/europe/176_abkhazia_today.pdf (last accessed 28 August 2018).

national guards were sent to Abkhazia to release Georgian officials, including Deputy Prime Minister Alexander Kavsadze, who had been abducted by pro-Gamsakhurdia insurgents in western Georgia and were being held somewhere in Gali District. Nevertheless, Georgian Minister of Defence Tengiz Kitovani, who was commanding the operation, ignored clear instructions from President Eduard Shevardnadze and proceeded straight to Sukhumi to suppress the secessionist regime.²⁰ After ferocious fighting, Georgian troops finally reached Sukhumi and the RF sponsored an initial ceasefire agreement, which was signed in Moscow on 3 September 1992. The parties agreed that Georgian territorial integrity would be preserved and the Georgian armed forces present in the conflict zone would not exceed the agreed level required for the protection of railway and strategic installations.²¹

On 1 October 1992, Abkhaz forces, along with fighters from the Confederation of Mountain Peoples of the Caucasus military, were deployed in operations across Abkhazia and managed to regain control of Gagra, which ensured access to logistical and military support from North Caucasus. Throughout 1993, Abkhaz forces periodically attempted to regain control over Sukhumi, until on 27 July, a new ceasefire agreement was attempted. The agreement set out the non-use of force against each other in the conflict zone, the deployment of international observers and peacekeeping forces, the establishment of the trilateral Georgian-Abkhaz-Russian interim monitoring groups and the phased demilitarization of the conflict zone.²² On 24 August 1993, the United Nations Security Council decided to establish the UN Observer Mission in Georgia (UNOMIG), comprising up to 88 military observers, plus minimal civilian support staff, to verify compliance with the ceasefire agreement.²³ Despite this, Abkhaz forces launched attacks and took control of Sukhumi on 27 September 1993, and in a few days controlled the whole of Abkhazia except Upper Kodori Gorge. Fierce fighting followed, with serious human

20 D. Shenfield, 'Origins and Evolutions of the Georgian-Abkhaz Conflict', *Abkhaz World*, 15 October 2008, <http://abkhazworld.com/aw/conflict/31-origins-and-evolutions-of-the-georgian-abkhaz-conflict> (last accessed 28 August 2018).

21 UNSC, Moscow Agreement, UN doc S/24523, 8 September 1992, <https://peacemaker.un.org/georgia-moscow-agreement92> (last accessed 28 August 2018).

22 Agreement on a Cease-Fire in Abkhazia and Arrangements to Monitor its Observance, UN doc S/26250, 27 July 1993, <https://peacemaker.un.org/georgia-ceasefireobservance93> (last accessed 28 August 2018).

23 UN, 'Georgia – UNOMIG – Background', 2009, <https://peacekeeping.un.org/mission/past/unomig/background.html> (last accessed 28 August 2018).

rights violations committed by all sides, including civilians who cooperated with military forces.

According to the UN fact-finding mission report,²⁴ grave human rights violations are reported to have taken place during each of the phases of the armed conflict, both during and in the aftermath of the attacks. Such violations are said to have included extrajudicial executions, torture, rape, looting, burning of houses and apartments as well as their unlawful occupation, often at gunpoint, and forced deportations. Each party to the conflict has also accused the other of carrying out 'ethnic cleansing' in the areas under its control. Civilians, including women, children and elderly persons, as well as combatants who were no longer actively participating in armed confrontations, were victims of violations of the right to life and physical integrity, the right to personal security and property rights.²⁵

The war resulted in significant casualties which, according to a Human Rights Watch report, included 4,000 Georgian individuals killed, 10,000 wounded and 1,000 reported missing. On the Abkhaz side, 4,040 were killed (2,220 combatants and 1,820 civilians), approximately 8,000 were wounded and 122 were marked as missing in action. The Office of the UN High Commissioner for Refugees has also been supervising the repatriation of some 200,000 displaced persons to Abkhazia since autumn 1994.²⁶

In the spring of 1994, Georgia and Abkhazia signed four documents that laid the groundwork for an Agreement on a Ceasefire and Separation of Forces. On 14 May 1994, the agreement was signed in Moscow. It established security zones (no armed forces or heavy military equipment) and restricted-weapons zones (no heavy military equipment). The parties agreed to the deployment of the peacekeeping force of the

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Commonwealth of Independent States (CIS). Under the supervision of representatives of the CIS peacekeeping force and UN observers, with the participation of representatives of the parties from the Kodori Valley, the troops of the Republic of Georgia would be withdrawn to their places of deployment beyond the frontiers of Abkhazia.²⁷

24 UNSC, Report of the Secretary-General's Fact-Finding Mission to Investigate Human Rights Violations in Abkhazia, Republic of Georgia, UN doc S/26795, 17 November 1993.

25 Ibid.

26 Human Rights Watch, *Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict*, March 1997, <https://www.hrw.org/reports/1995/Georgia2.htm> (last accessed 28 August 2018).

27 Agreement on a Ceasefire and Separation of Forces, UN doc S/1994/583, 14 May 1994, <https://peacemaker.un.org/georgia-ceasefire94> (last accessed 28 August 2018).

NEW VIOLENCE IN 1998 AND 2001

New violence sparked between Georgia and Abkhazia in Gali District in May 1998, where Georgian irregular forces (the White Legion and Forest Brothers) clashed with Abkhaz forces.²⁸ On 25 May 1998, the Protocol on Ceasefire, Separation of Armed Formations and Guarantees on Inadmissibility of Forcible Activities were signed in Gagra. Both sides agreed to the ceasefire and, separately, Abkhazia committed itself to refraining from unlawful forcible acts against the peaceful population of the Gali region. The Georgian side undertook to take effective measures aimed at preventing the penetration of terrorist and subversive groups, armed formations and individuals into Abkhaz territory, activities that had had detrimental effects on the political processes in the region.²⁹ In 1999, Abkhazia held a referendum and proclaimed independence, which profoundly affected attitudes towards the political settlement of the conflict.³⁰

Heavy fighting recurred in Abkhazia in October 2001, when the Chechen field commander Ruslan Gelayev, at the request of the Georgian authorities, attempted to advance into Abkhazia through Kodori Gorge.³¹ The operation failed, but it had several serious practical and political implications. Kodori became notorious again in 2006 for a police operation conducted by Georgian security forces. In 2004 and 2005, the Georgian Ministry of Defence took steps to abolish the three paramilitary groups (Monadire, Svaneti and Khevsureti) operating under the region's control in Kodori Gorge. The Monadire leader, Emzar Kvitsiani (the former representative of the Georgian president in



28 Author's field interview.

29 Protocol on Ceasefire, Separation of Armed Formations and Guarantees on Inadmissibility of Forcible Activities, 25 May 1998, <https://peacemaker.un.org/georgia-protocol-ceasefire98> (last accessed 28 August 2018).

30 Shenfield, 'Origins and Evolutions of the Georgian-Abkhaz Conflict'.

31 Author's field interview.

Kodori), defiantly announced that he would not disarm, and Tbilisi thus launched an operation to disarm the paramilitary organizations forcefully; Kvitsiani escaped capture, however.³² The UN acknowledged that the 'new and tense situation' had resulted, at least in part, from the Georgian special operation in the Upper Kodori Valley, the Security Council urged the country to ensure that no troops unauthorized by the Moscow ceasefire agreement were present in that area.³³

THE 2008 AUGUST WAR

The year 2008 was crucial for Georgian-Abkhaz relations. A declaration of independence in Kosovo affected the entire RF, prompting the development of a more intense relationship between Abkhazia and the RF. On 6 March 2008, the RF lifted the economic sanctions it had imposed on Abkhazia under the collective pressure of the CIS in 1996³⁴ and, subsequently, the Russian president issued a decree authorizing the establishment of direct ties with Abkhazia and South Ossetia. Later, in April that year, a remotely piloted Georgian reconnaissance aircraft was destroyed by an air-to-air missile fired from a Russian fighter jet. Russia's military denied any involvement in the episode.³⁵ A UN report said the attack was 'fundamentally inconsistent' with Russia's role as a peacekeeper and it criticized the Georgian government, too, saying that the use of drones over Abkhazia violated the separation of forces agreement.³⁶ The RF increased the number of peacekeepers in Abkhazia and a battalion of some 400 reportedly unarmed RF Railroad Troops was sent to Abkhazia to repair the railroad on 31 May without warning or the consent of the Georgian government.³⁷ The situation in Abkhazia became even more tense in July as a result of a deadly explosion in Gali, a clash between Georgian and Abkhaz forces in Kodori and the suspension of the tripartite meetings that had brought together the Georgians, the CIS peacekeeping force and UNOMIG.

The dramatic escalation of hostilities in South Ossetia on 7 and 8 August 2008 and the subsequent Georgian-Russian conflict profoundly affected the situation in the

32 ICG, Abkhazia Today.

33 UN, 'Georgia – UNOMIG – Background'.

34 Unrepresented Nations and Peoples Organization, 'Abkhazia: Russian Sanctions Lifted', 7 March 2008, <http://unpo.org/article/7700> (last accessed 28 August 2018).

35 C. J. Chivers, 'U.N. Blames Russia for Downed Drone', The New York Times, 27 May 2008, <https://www.nytimes.com/2008/05/27/world/europe/27georgia.html>.

36 Ibid.

37 GlobalSecurity.org, 'Railroad Troops / Railway Forces (Zheleznodorozhniki)', <https://www.globalsecurity.org/military/world/russia/railroad-troops.htm> (last accessed 28 August 2018).

Georgian-Abkhaz zone of conflict.³⁸ Following a UN report, on 8 August, the Abkhaz side began introducing heavy weapons into the restricted weapons zone in violation of the 1994 Moscow Agreement and a series of bombardments was carried out in the Upper Kodori Valley. On 12 August, the Abkhaz side launched a ground attack and established control over the Upper Kodori Valley. Meanwhile, on 9 August, Russian forces reportedly carried out aerial attacks in western Georgia, including on the Senaki military base and military targets in the port of Poti, as well as around the town of Zugdidi. On 10 and 11 August, the RF introduced large numbers of troops into the zone of conflict by road, rail and air. While the troops were initially deployed on the Gali side of the ceasefire line, they were later moved into the Zugdidi side of the zone of conflict and adjacent areas in Senaki and Poti. Russian navy ships were deployed along the coast. The RF called this introduction of troops a 'peace enforcement operation'. The Government of Georgia characterized it as 'aggression'.³⁹

MAIN ACTORS

Georgian Forces: The number of personnel involved in the Georgian Armed Forces is about 37,000.⁴⁰

Russian Forces: According to a UN report, 9,000 troops and 350 units of armoured vehicles took part in the 2008 war on Abkhaz territory. The troops were not part of the CIS peacekeeping force and were therefore clearly acting outside the 1994 Moscow Agreement. The RF called this introduction of troops a 'peace enforcement operation'.⁴¹ On 17 February 2010, the Agreement Between the Russian Federation and the Republic of Abkhazia on an Integrated Russian Military Base on the Republic of Abkhazia's Territory was signed in Moscow. The agreement's provisions regulate the respective parties' jurisdictions regarding the integrated Russian military base on Abkhaz territory.⁴² At the present time, Russia's dominance of Abkhazia has become nearly total, with 4,000–5,000 Russian land, air and naval troops believed to be deployed in the region. There are also approximately 1,000 RF Federal Security Service border guards in Abkhazia.

On 21 November 2015, the Agreement between

38 UNSC, Report of the Secretary-General on the Situation in Abkhazia.

39 Ibid.

40 'Georgian Armed Forces capacity retained for 2017', Agenda.ge, 15 September 2016, <http://agenda.ge/en/news/2016/2188>.

41 UNSC, Report of the Secretary-General on the Situation in Abkhazia.

42 Office of the President of Russia, 'Agreement on a Russian Military Base in Abkhazia Has Been Submitted to the State Duma for Ratification', 8 August 2011, <http://en.kremlin.ru/events/president/news/12221> (last accessed 28 August 2018).

the Russian Federation and the Republic of Abkhazia on a Joint Group of Armed Forces of the Russian Federation and the Republic of Abkhazia was signed in Moscow. The agreement and the attached provisions set out the purpose of and the procedure for creating, deploying and using the Russian-Abkhazian Joint Group of Armed Forces.⁴³

Abkhaz Forces: The Abkhazian Armed Forces are made up of three armed branches - land forces, the navy and air forces. Land forces are deployed in three military districts: the central (Sukhumi), eastern (Ochamichira) and western (Pitsunda). There are 2,200 active personnel, the Abkhazia Air Force is equipped with 5 L-39 jet trainers, 3 transport aircrafts and 6 helicopters. The Abkhazian Navy consists of 1 battalion (350 persons) and 15 motor boats.⁴⁴

THE SIX-POINT AGREEMENT OF 12 AUGUST 2008

The EU brokered a Six-Point Agreement on 12 August 2008, which was signed by both Georgia and Russia alongside the Agreement on Implementing Measures on 8 September. The principles to which the parties have subscribed are:⁴⁵

- (1) Not to resort to force
- (2) To end hostilities definitively
- (3) To provide free access for humanitarian aid
- (4) Georgian military forces withdrawing to their usual bases
- (5) Russian military forces withdrawing to the lines held prior to the outbreak of hostilities; pending an international mechanism, Russian peacekeeping forces implementing additional security measures
- (6) The opening of international talks on the security and stability arrangements in Abkhazia and South Ossetia

Over 200 civilian monitors were sent by EU Member States to contribute to the stabilization of the situation on the ground following the August 2008 conflict through the EU Monitoring Mission in Georgia (EUMM) established in September.⁴⁶ The CIS collective peacekeeping force was thus officially terminated on 15 October 2008, and in June 2009,

43 Office of the President of Russia, 'Law on Ratification of Russia-Abkhazia Agreement on Joint Group of Forces', 22 November 2016, <http://en.kremlin.ru/acts/news/53291> (last accessed 28 August 2018).

44 'Russian and Abkhaz Military will be acting as a United Front', Parliamentary Gazette, 2 November 2016, <https://www.pnp.ru/politics/2016/11/02/voennye-rossii-i-abkhazii-budut-deystvovat-edinyim-frontom.html> (in Russian).

45 Council of the European Union, 'Extraordinary Meeting, General Affairs and External Relations Brussels, 13 August 2008', Press Release, http://eeas.europa.eu/archives/delegations/georgia/documents/eu_georgia/13august2008_en.pdf (last accessed 28 August 2018).

46 European Union Monitoring Mission in Georgia (EUMM), 'About Us', https://eumm.eu/en/about_eumm (last accessed 28 August 2018).

the UN Security Council failed to extend the mandate of UNOMIG. On 1 October 2009, a UN team was established to support the UN Representative to the Geneva International Discussions. At a later stage, it was transformed into a Special Political Mission of the UN financed through its regular budget. It is also noteworthy that on 26 August, the RF recognized Abkhazia as an independent state. On 28 August 2008, the Parliament of Georgia passed a unanimous resolution declaring that its territories in Abkhazia and South Ossetia were being occupied by the RF, claiming that the Russian peacekeepers constituted an occupying force.⁴⁷ The next day, the Government of Georgia declared the 1994 Moscow Agreement null and void.⁴⁸

Since then, Georgian-Abkhaz relations have reached a stalemate. The period 2008–2012 was marked by a series of murders targeting Abkhaz and RF security actors in Gali District, which made the security situation very tense and unpredictable. Since then, the security situation on the ground has been controlled to avoid conflict, with the exception of a few grave incidents such as the murder of Georgian citizen Giga Otkhazia by an Abkhaz border guard in 2016. Georgia expressed serious concerns with regard to the decision of Abkhaz authorities to close two southernmost controlled crossing points at Nabakevi and Meore Otobaia in early March 2017, which limited its access to Abkhazia.⁴⁹ Abkhazia participates in the Geneva International Discussions and is part of the Gali Incident Prevention and Response Mechanism (IPRM), which deals with incidents along the Administrative Boundary Line (ABL). In the political domain, the ties between Russia and Abkhazia have been strengthened, culminating in the signing in November 2014 of a treaty declaring an 'alliance and strategic partnership', which discusses closer coordination in the areas of defence, foreign policy, customs and border control, law enforcement, education and social welfare.⁵⁰ However, there is no consensus among either the Abkhaz elite or within Abkhaz society about the area's future relationship with Russia, nor is a return to Georgia considered a viable option.

47 UNSC, Report of the Secretary-General on the Situation in Abkhazia.

48 Ibid.

49 Council of Europe, Consolidated Report on the Conflict in Georgia (October 2016–March 2017), 11 April 2017, https://www.ecoi.net/en/file/local/1403135/1226_149915804_sg-inf-2017-18e.pdf (last accessed 28 August 2018).

50 'History: Georgian and Abkhaz Conflict', Conciliation Resources, <http://www.c.r.org/where-work/caucasus/history-georgian-abkhaz-conflict> (last accessed 28 August 2018).

HUMANITARIAN IMPLICATIONS

The 2008 war negatively impacted Abkhazia and Georgian residents, who lived predominantly in Gali District and Kodori. The OSCE indicated that there were no reports of deaths from bombing or other combat operations and that few injuries or house destructions occurring in either area during the conflict or its aftermath were reported.⁵¹ The Upper Kodori Valley in northeast Abkhazia was taken over by Abkhazian forces during the military operation on 12 August 2008 and, as a consequence, 2,500 individuals, mainly from the Svan ethnic group, fled over the mountains into Georgia proper.⁵² Of these, only between 100 and 150 are reported to have returned.⁵³ The Abkhaz Ministry of Foreign Affairs stated that there were no obstacles to return; however, the returnees had to understand that they would be returning to the 'State of Abkhazia'.⁵⁴ In practice, despite efforts undertaken by co-chairs in the framework of the working group addressing humanitarian issues during the Geneva International Discussions, hardly any progress has been made with regard to the return of these displaced persons.⁵⁵ The situation has fundamentally still not changed.

In fact, the Abkhaz authorities have introduced the multiple processes of borderization, fencing and passportization. The restriction of freedom of movement, security measures and irreconcilable positions have increased, creating further tensions in Georgian-Abkhaz relationships. Similarly, the Georgian Law on Occupied Territories imposes targeted restrictions on access, trade and communication in relation to Abkhazia, though the document envisages some flexibility in response to human rights and humanitarian needs.⁵⁶

Following the OSCE report, ethnic Georgians in the Gali District were increasingly concerned not only about their security, but also about future prospects for preserving their identity, language and culture, as well as maintaining links

51 OSCE, Office for Democratic Institutions and Human Rights (ODIHR), Human Rights in the War-Affected Areas Following the Conflict in Georgia, 27 November 2008, <https://www.osce.org/odihr/35578?download=true> (last accessed 18 September 2018).

52 UNHCR, Emergency Operation in Georgia, 9 September 2008, <http://www.unhcr.org/uk/48c688c32.pdf> (last accessed 18 September 2018).

53 OSCE, ODIHR, Human Rights in the War-Affected Areas.

54 Ibid.

55 Council of Europe, Commissioner for Human Rights, Report on Human Rights Issues Following the August 2008 Armed Conflict by Thomas Hammarberg, Commissioner of Human Rights for the Council of Europe (Tbilisi, Sukhumi and Gali, 8 to 12 February 2009), CommDH(2009)22, 15 May 2009, <https://rm.coe.int/16806db689> (last accessed 18 September 2018).

56 Law on the Occupied Territories of the Republic of Georgia. No 431 – IIS, 23 October 2008, <https://matsne.gov.ge/en/document/download/191325/en/pdf> (last accessed 18 September 2018).



with Tbilisi; in this regard, the question of passports and citizenship was one of the most troubling current issues for them.⁵⁷ The Law on the Status of Foreign Citizens and the Law on the Procedures for Exit and Entry were adopted simultaneously in December 2015 in Abkhazia, affecting the residents of Gali and possibly slowly resulting in classifying Gali returnees as foreigners.⁵⁸ Ethnic Georgians living in Gali are strongly advised to obtain Abkhaz passports or resident permits in order to benefit from Abkhaz services and cross the ABL without any hindrance. However, Abkhazia requires an official document issued by the Georgian Ministry of Justice proving that someone has renounced their Georgian citizenship in order to issue them with an Abkhazian passport.⁵⁹ The lack of Abkhaz documents has had an impact on the Gali inhabitants' property rights and those without Abkhaz passports have no possibility of making real-estate transactions, even in Gali.⁶⁰ The majority of those residing in Abkhazia today, except most Georgian returnees to Gali, are simultaneously citizens of the Russian Federation.⁶¹ Russian citizenship formally entitles them to travel abroad; however, this has in practice been very complicated and has been heavily criticized by the Abkhaz authorities.⁶² Furthermore, the restrictions placed on ABL crossings continue to have a detrimental impact on access to education and commercial activities. A number of school children have been crossing into Gali on a daily basis, though the numbers have steadily decreased from some 128 in 2009–2010 to around 50 in 2014–2016 and 38 in 2016–2017.⁶³ Currently, only 16 children are

57 OSCE, ODIHR, Human Rights in the War-Affected Areas.

58 T. Hammarberg and M. Grono, Human Rights in Abkhazia Today, July 2017, <https://www.palmecenter.se/wp-content/uploads/2017/07/Human-Rights-in-Abkhazia-Today-report-by-Thomas-Hammarberg-and-Magdalena-Grono.pdf> (last accessed 18 September 2018).

59 'Abkhazia Demands Georgians Renounce Citizenship Before Issuing Passport', Democracy and Freedom Watch, 24 January 2018, <http://dfwatch.net/abkhazia-demands-georgians-renounce-citizenship-issuing-passport-49812>.

60 Hammarberg and Grono, Human Rights in Abkhazia Today.

61 Ibid.

62 Author's field interview.

63 Hammarberg and Grono, Human Rights in Abkhazia Today.

reported to be crossing, which is considerably less than in previous years.⁶⁴ An average of 3,000 crossings per day are reported on the main bridge over the Inguri River, marking an increase that has presumably resulted from the closure of other points.⁶⁵

Serious problems remain with regard to education in the mother tongue. The Georgian central government continued to object to the rules which oblige schools to use Russian as the language of instruction, allowing only for very limited access to the Georgian language.⁶⁶ Georgian-language schools in the Gali and Tkvarcheli Districts formally shifted to Russian-language instruction in 1994; Georgian was taught as a foreign language or an elective subject.⁶⁷

The restrictions imposed and number of crossing points reduced by the Abkhaz authorities have had a detrimental effect on cross-ABL trade. In this context, the Georgian Law on Occupied Territories penalizes business dealings with Abkhazia and some foreign companies that have sought to establish links with local counterparts have run into problems with Tbilisi; most have had to leave, given Tbilisi's concerns to not have its sovereignty undermined.⁶⁸

Detentions remain an additional key challenge in Abkhazia, and a significant concern. The Georgian authorities continue to resolutely protest against the so-called 'borderization' process and condemn it in strong terms,⁶⁹ while Abkhaz authorities detain those who cross the ABL without proper documentation and penalize them for violating the state border.

DEVELOPMENTS IN 2018

The release of Georgian prisoner Giorgi Lukava, labeled a 'war criminal' by Sukhumi authorities, caused massive protests across Abkhazia in January 2018. The opposition condemned President Raul Khajimba for releasing a war criminal and called for his resignation. Both Georgian and Abkhaz participants have been engaged in the IPRM under the auspices of the UN.⁷⁰ The case of the murder

64 Council of Europe, Consolidated Report on the Conflict in Georgia (October 2017–March 2018), Document presented by the Secretary General, 11 April 2018, <https://rm.coe.int/consolidated-report-on-the-conflict-in-georgia-october-2017-march-2018/16807b81cc> (last accessed 18 September 2018).

65 Ibid.

66 Ibid.

67 Hammarberg and Grono, Human Rights in Abkhazia Today.

68 Ibid.

69 Council of Europe, Consolidated Report on the Conflict in Georgia (October 2017 – March 2018).

70 EUMM, 'The 55th IPRM Meeting Takes Place in Gali', 25 April 2018, https://www.eumm.eu/en/press_and_public_information/press_releases/6284/?year=2018&month=5 (last accessed 28 August 2018).

of Giga Otkhozoria remains high on the agenda and the EUMM reminds participants that justice was not served, underlining that impunity in such grave crimes remains unacceptable.⁷¹

Abkhazia continues its cooperation with Russia and, in February 2018, the Abkhaz parliament ratified the agreement with Russia on medical services and assistance. Meanwhile, the Georgian central government reaffirmed the principled position of engaging in a direct dialogue with the 'Abkhazians and Ossetians',⁷² though no concrete steps have been undertaken to establish a platform for direct communication. Alternatively, in April the Georgian government adopted a package of legislative amendments in the framework of its peace initiative, 'A Step to a Better Future', covering three main objectives: to ease and expand trade across dividing lines; to simplify education opportunities for the population living in Abkhazia and Tskhinvali region/South Ossetia and further ease access for the population of Abkhazia and Tskhinvali region/South Ossetia to the services and benefits created in the course of development and successful cooperation with partners, including in the process of European integration.⁷³ The Abkhaz Ministry of Foreign Affairs regards this as another populist move by the Georgian side in order to impress Georgia's western partners.⁷⁴ Abkhaz-Georgian relations further deteriorated, particularly in June 2018 when the Government of Georgia approved the so-called Otkhozoria-Tatunashvili list, a decree authorizing its foreign affairs

international organizations on imposing visa restrictions for individuals included in the blacklist, and banning their financial and property transactions.⁷⁵ This has had negative implications for the search for mutually acceptable solutions within the IPRM and Geneva International Discussion frameworks.

ABOUT THE AUTHOR

Grazvydas Jasutis is a scholar and conflict management practitioner. He notably worked in Georgia, Indonesia, Kosovo, Macedonia, Mali and Burkina Faso and conducted field researches in North Caucasus, primarily in Chechnya, Dagestan, Ingushetia and North Ossetia-Alania. He specializes in the post-soviet space and analyses the developments in the conflict and post-conflict zones from various perspectives, including gender, human rights, and terrorism. He is a Visiting Lecturer at Graduate Institute of International and Development Studies in Geneva, at Jean Monnet University and at Lyon Science Po. He wrote this article during his time as Visiting Research Fellow at the Geneva Academy.



and justice ministries to work with foreign partners and

⁷¹ Ibid.

⁷² Council of Europe, Consolidated Report on the Conflict in Georgia (October 2017 – March 2018).

⁷³ K. Tsikhelashvili, 'Ketevan Tsikhelashvili: "We are Making Open and Determined Peace Statement"', Democracy and Freedom Watch, 4 April 2018, <http://dfwatch.net/ketevan-tsikhelashvili-making-open-determined-peace-statement-50197>.

⁷⁴ Republic of Abkhazia, 'The Commentary of the MFA of the Republic of Abkhazia', 4 May 2018, http://mfaapsny.org/en/allnews/news/statements_speeches/kommentariy-mid-respubliki-abkhaziya-v-svyazi-s-resheniyami-soveta-evropy/ (last accessed 18 September 2018).

⁷⁵ 'Government Unveils Tatunashvili-Otkhozoria List', *civil.ge*, 27 June 2018, <https://civil.ge/archives/245184>.

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As an annual publication, The War Report provides an overview of contemporary trends in current armed conflicts, including key international humanitarian law and policy issues that have arisen and require attention. This article on the Georgia-Abkhazia conflict will form part of the War Report 2018.