

## Opinion

### The Joint Border-Protection Agreement – Reactions from Abkhazia

The following articles, written by Abkhazian authors, were originally published in the Georgian bi-weekly journal “Liberal”. They discuss the latest developments between Moscow and Sukhumi after the Russian recognition of Abkhazian independence on 26 August 2008. They devote particular attention to the joint border-protection agreement that was signed by President Dmitry Medvedev and his de-facto counterpart Sergei Bagabsh on 30 April 2009. The agreement gives Russian border guards the right to patrol the frontier dividing the separatist region of Abkhazia from Georgian-controlled territory. A similar agreement was signed with the South Ossetian government. There are no exact figures about how many Russian border guards will be assigned to either region, or how long the agreement will stay in force. As always, any opinions expressed in the Caucasus Analytical Digest are exclusively those of the authors.

### Successive Documents between Abkhazia and Russia Will Ultimately Breakup the Abkhazian Nationality

By Inal Khashig, Abkhazia

According to the Abkhazian constitution, an international or state agreement signed on behalf of Abkhazia is illegal if it contradicts laws adopted in the republic of Abkhazia. In fact, the constitution asserts the supremacy of domestic law over international treaties for specific historical reasons.

In 1994, during a difficult period for Abkhazia, Vladislav Arzinba, Abkhazia’s first president, knew well that the process of establishing an Abkhazian nationality would be a long and complicated process. He deliberately protected independent Abkhazia against future temptations and outside pressure. Accordingly, we should admit that the agreement on the joint protection of the border signed by Medvedev and Bagabsh in the Kremlin is illegal according to Abkhazian legislation.

The agreement transfers to the Russian border guard a 100 km section over which Russian jurisdiction will apply. However, the Abkhazian constitution makes clear that Abkhazian sovereignty is indivisible and this sovereignty applies to the entire territory of the republic. The agreement violates the central principle of the constitution. In this context, Bagabsh’s assertion that “the agreement has been verified many times and at the given moment is optimal” give rise to doubt. For Abkhazia, it is important to feel secure, however this is not our final objective. We seek to build an effective independent state and this objective cannot be achieved without respect for our legislation.

In addition to the agreement on joint protection of the border, there are several other Russian-Abkhazian agreements which contradict the Abkhazian constitution, including the agreement on cooperation between the Procurator General Offices of Russia and Abkhazia. The Abkhazian constitution prohibits an Abkhazian citizen’s extradition to another country. The existing situation resembles that of October 1917 when the Bolsheviks overthrew the Russian Empire and changed the existing laws through various decrees. Current agreements concluded with Russia look like those decrees.

Nobody is denying that Russia is the only partner and friend of Abkhazia. We should take Russia’s interest into account without harming our state system. We should not consider that Abkhazia is in debt to Russia for the assistance which Moscow is providing to us. As Russian political scientist Nikolai Zlobin said, Abkhazia owes Russia as much as Russia owes Abkhazia.

It is difficult not to agree with this conclusion. Regrettably, we never speak about it loudly. It seems that it is only in Abkhazia’s interest to deploy Russian border guards on the Georgian-Abkhazian border, locate Russian military bases on our territory, transfer railway management to Russia, etc. A magnified desire to thank Russia may ultimately turn into an anti-Russian attitude in the country, driven by the survival instinct of the Abkhazian nationality and Abkhaz ethnos as well.

Let's carefully review the border agreement concluded with Russia. There is a clause in it which says that Russian border guards are entitled to privatize the residential area they are temporarily allocated. This clause fundamentally contradicts the residence legislation of Abkhazia.

Since Russian border troops will be staffed by contractors, it means that about 1,300 families will be allowed to settle in Abkhazia. Over time this figure will increase by mathematical progression. We should not forget that the same rights will be given to those working on the Russian bases. According to the last initiative of Bagabsh, he is going to deprive Abkhazian citizens of the exclusive right to purchase real estate and extend it to Russian citizens as well. He made this statement at a press-conference.

If Bagabsh's initiative is enacted, 140 million Russian citizens will gain the right to purchase real estate in Abkhazia. If even five percent of the Russian population uses this opportunity, Abkhazians will have great difficulty finding each other. Such an outcome would finally put an end to the possibility of returning hun-

dreds of Abkhazian Diaspora living abroad. Moreover, the Russian citizens settled in Abkhazia will easily be able to obtain Abkhazian citizenship in the future. Consequently, a politician will propose that Abkhazia be included into Russia by all means.

The Abkhazian government calms the population by arguing that this agreement is temporary. On the one hand, nothing is as permanent as "temporary", especially for a small state like Abkhazia. On the other hand, considering the abnormal tempo of integration in the Russian-Abkhazian relationship, it is difficult to predict that in five or ten years there will be a governor in Abkhazia who would review the border agreement or reclaim the railway from the Russian railway ministry. This person will not be in Russia's good graces.

We have other big facilities which will require Russian governance, including the airport, ports, oil sector, Enguri hydroelectric plant, among others. In order to avoid deadlock, our attitude should be changed. Otherwise, Abkhazia will have no future as an independent state.

*The article was originally published in Liberal, No. 2, 3-17 June 2009.*

#### *About the Author*

Inal Khashig is the editor of *Chegemskaia Pravda*, an Abkhaz newspaper.

## **Elections with a Russian Accent**

By Anton Kriveniuk, Sukhumi

**F**ormer Abkhazia vice-president Raul Khajimba, who resigned his office on 28 May, blamed the government for acting against national interests at a recent press-conference held at the office of the opposition movement Asatsa. This move was not surprising as Khajimba has never been a member of Bagabsh's team. "I frankly told the president and Prime Minister Alexander Ankvab about this," he said to journalists. Bagabsh made the same comment in regard to Khajimba's resignation.

The former vice-president agrees with the opposition that the economic projects supported by the president and the agreement on joint protection of the border contradict national interests. According to Khajimba, neither the parliament nor the Security Council discussed the important agreements which Abkhazia concluded with Russia. The economic agreements regarding the railway, airport and especially oil extraction were drafted with a lack of transparency. Opaque economic cooper-

ation with Russian companies first caused dissatisfaction among Abkhazian society in May.

The opposition first protested against the president of Abkhazia. The government met this challenge by accusing the opposition of rousing anti-Russian interests. The state TV channel broadcast a program in which citizens of various regions blamed opposition leaders for promoting the anti-Russian cause. Cooperation with Russia is a delicate issue in Abkhazia. The attitude of society towards the northern neighbor is constructive, especially after its recognition of Abkhazia. Nevertheless, the Abkhazian government's close relationship with Russia causes anxiety.

The government is actively promoting its accusations of anti-Russianism through state TV. The opposition used the Abaza channel, which broadcasts only in Sukhumi and belongs to one of the oppositionists.

The issue of Russia provokes diverse opinions. "I'll vote for Bagabsh. Separation from Russia is incompre-