

Analysis

Georgia's Secessionist De Facto States: From Frozen to Boiling

By Stacy Closson, Zurich

Abstract

Relations between Russia and Georgia have reached a new low. At the center of their quarrel are Georgia's secessionist regions, Abkhazia and South Ossetia. As Russia and Georgia accuse the other of troop movements in and around the secessionist territories, the UN, EU, OSCE, and NATO meet to determine their response. Critical to these deliberations are several underlying developments, which would benefit from an independent review. These include economic blockades of the secessionist territories, Russia's military support for the secessionists, the issuance of Russian passports to secessionist residents, and declarations of independence by secessionist regimes. In these circumstances, it has become difficult to contain the conflicts without resolving them. However, as conflict resolution has proven impracticable, it is time to consider altering present arrangements in order to prevent an escalation of violence.

Boiling Point

Several developments have brought the frozen conflicts to the present boiling point. First, relations between Georgia and Russia have deteriorated since 2004, when Georgia expelled alleged Russian spies, followed by a Russian embargo on Georgian goods and transport, and stricter visa regulations. Second, there have been increasing calls for independence from the Abkhazian and South Ossetian leaderships following Georgia's May 2004 ousting of Aslan Abashidze from his 13-year hold on the "presidency" of the autonomous Ajara region. Third, confrontations have escalated between the United States/Europe and Russia over Kosovo's unilateral declaration of independence and promises of NATO membership action plans (MAPs) for Georgia and Ukraine. Finally, in March the Russian government revoked the 1996 Commonwealth of Independent States (CIS) blockade of Georgia's secessionist territories and announced a formalization of ties.

A Story of Miscues

Starting in 2004, newly elected President Mikheil Saakashvili hoped that the conflicts would finally be resolved in the wake of Georgia's liberal economic reforms and a vigorous anti-corruption campaign. His government believed that a reformed Georgia would be a more attractive option for the Abkhazians and South Ossetians to rejoin. Moreover, the re-activation of a direct negotiation process, combined with carrots of cultural protection, reparations for war-time losses, and economic subsidies would hasten a resolution. However, the challenge for the Georgian government has been neither a lack of will, nor a lack of content, but rather one of forceful implementation, resulting in miscues.

For South Ossetia, Georgia's 2005 offer of autonomy equivalent to North Ossetia's in Russia, plus quotas for representation in the national parliament, executive branch, and judiciary went much further than previous offers. However, this proposal was preceded by Georgia's forced closure of the South Ossetians' principal livelihood, Ergneti market, which came at the expense of dozens of casualties and a sustained low-intensity conflict. Moreover, the offer was followed by Georgia's support for the election of an alternative government led by a former secessionist official, Dimitry Sanakoyev, representing the majority Georgian populated part of South Ossetia. The culmination of these actions bolstered de facto president Eduard Kokoity's role as the guarantor of South Ossetians' security.

Similarly for Abkhazia, Georgia's April 2008 offer was comprehensive: unlimited autonomy, the right to veto amendments to the Georgian constitution and laws regarding Abkhaz rights, and a free economic zone to redevelop areas destroyed by the war. However, after Georgian paramilitaries were relieved of their duties in regions along the de facto border, a government-in-exile accompanied by a nominal security force was established in the only part of Abkhazia under Georgian control, the upper Kodori Gorge. This move was deemed by the Abkhazians to be proof of an inevitable Georgian military offensive.

At the same time, the parties have employed different strategies, which are dangerously colliding. The Georgians have a two-pronged approach, internationalizing the conflicts in order to expose the role of Russia in the secessionist territories, while positioning alternative regimes and security forces in the de facto border areas. The Abkhazians and South Ossetians have increased their calls for independence from Georgia,

declining European offers to fund and implement economic rehabilitation, refugee return, and confidence-building measures. Instead, they are increasing their dependence on Russia for political, economic, and security assistance.

Domestic politics also complicate the process. The timing and content of conflict resolution is tied to the regimes' survival. Georgia and the de facto states, to a certain degree, share common legacies that ail the post-Soviet state-building process, including a lack of cohesion between the state and society, the capture of the state by political-economic elites, a manipulated judiciary, indiscriminate violence by security forces, limited freedom of expression, and a rigged electoral process. Thus, given disparate levels of socio-economic development, combined with an irregular application of the rule of law, the leaders' support base rests on fulfilling their campaign promises to end the conflicts.

As a result, the sides maintain their positions of interdependence versus wide autonomy, and there has been little interactive dialogue. Accordingly, four key issues remain unresolved.

Blockade or No Blockade

The first unresolved issue is the blockades on the secessionist territories. The socio-economic conditions in Abkhazia and South Ossetia have been worse than in the internationally recognized post-Soviet states because of the destruction wrought by the war, the blockades on normal economic activity, sparse employment opportunities, and the limitations placed on international assistance. The maintenance of a "state budget" has been more for show than substance, as the livelihoods of the citizens have been sustained by smuggling, remittances, international aid, and Russian government payments. In order to survive, the Abkhazians and South Ossetians have engaged in over a decade of informal trading, accounting for more than half of their cash earnings.

For Abkhazia, the 1996 CIS embargo permitted the direct import only of food products, medical supplies, petroleum products, and household items. A license from the Georgian government was required for everything else. To circumvent these restrictions, the Abkhazians resorted to trade along undetected or illegally sanctioned passageways, including the de facto borders, as well as at its seaports. Participating in the smuggling chains were Georgian, Russian, and de facto government authorities, armed forces, security services, peacekeepers, paramilitaries, criminals, and local residents.

The smuggling had several damaging effects on conflict resolution. First, it inhibited the development of legitimate institutions and sustainable economic devel-

opment on both sides of the de facto border. Second, the participation of Georgian security services and paramilitaries fostered the perception among residents in the secessionist territories that ceding authority to the Georgian government would not guarantee security. Third, the criminalization of the transit routes was accompanied by a rise in violence among competing groups, which was often mistaken for ethnic conflict or irredentism. Finally, illicit trade was so profitable for those working in political and security positions that the incentive for conflict resolution diminished.

Disrupting these informal networks, however, appears to be equally harmful. In South Ossetia, there was a thriving transport corridor from Russia through the Roki Tunnel down to the Ergneti market. As a result of forced closure, much of South Ossetia is now almost fully dependent on Russia and movement between the two communities is limited. Recent proposals from the Saakashvili government to develop a new market have gone unanswered. Instead, Russia's offer to officially rescind the blockade and to increase assistance is preferred.

Mysterious Air Raids and Stray Missiles

The second unresolved issue is Russia's military support for the secessionists. There have been five major bombing incidents in Georgia since 2001 and Russia has denied them all. In March 2001, nine unidentified jets bombed areas of Kodori Gorge under Georgian control. In August 2002, Georgia accused Russia of bombing its northern Pankisi Gorge. In March 2007, Mi-24 helicopters bombed upper Abkhazia, the Kodori and Chkhalt'a Gorges, and the Chuberi Pass. That same year, there was an air strike on the village of Tsitelubani in Shida Kartli region near South Ossetia. This past April, a MiG-29 fighter was videotaped downing an unarmed Georgian reconnaissance drone over the Gali region of Abkhazia. Only in the case of the missile in Shida Kartli did an independent commission conclude and openly state that it came from Russia.

Thus, either Russia gave the secessionists air combat and air defense forces, or Russian forces are conducting operations on their behalf. It is known that the secessionists have been trained by Russian forces or have served in the Russian army. Georgia claims that Russia periodically moves military equipment into the secessionist regions. Moreover, the international community has been unable to verify whether Russia vacated the Gudauta base in Abkhazia in compliance with a 1991 Conventional Forces in Europe agreement. Russia delegates its former civilian and military leaders to serve in key posts, including as the defense ministers of both Abkhazia (Sultan Sosnaliev) and South Ossetia (Anatoli Barankevich) and Chief of the Abkhaz

General Staff (LtGen Gennadii Zaytsev). Most recently, the Abkhazian leadership has announced that it is preparing an agreement with Russia that would guarantee Abkhazia's security in exchange for a permanent Russian military presence.

The Politics of Passports

The third unresolved issue is Russia's issuance of passports. Russia plays several increasingly conflicting security roles in the secessionist territories. Russia, along with the US, UK, France, and Germany, is a member of the UN Group of Friends, which is responsible for finding a resolution to the conflicts. Similarly in South Ossetia, Russia has either direct or indirect influence over three of the four parties to the Joint Control Commission (Russia, North Ossetia, South Ossetia, and Georgia). Russia, under UN auspices, staffs a CIS peacekeeping force along the ceasefire lines. However, in apparent contradiction to these functions, Russia issued passports to the majority of residents in the secessionist territories and is now their self-declared protector.

There is no immediate international legal precedence for this issuance, which raises several questions. Russia may have violated the non-intervention norm by sending agents into Abkhazia and South Ossetia to issue passports. Therefore, Russia's claim to a right to protect its citizens may be invalid. Moreover, it is questionable, particularly in Abkhazia, whether the recipients consider themselves to be citizens of Russia. Their decision could be affected by what Russia expects of them. While it is known that they have voted in Russian elections, the Russian government has yet to demand that they pay Russian taxes or be conscripted into the army. Finally, Russia may not wish to be held responsible for the actions of the secessionist regimes, including the fighter jets destroying Georgian property, the alleged violations of human rights on Georgian returnees, and the infringement of the IDP's property rights.

Declarations of Independence

The fourth unresolved issue is the declarations of independence. The implications for Russia of independence for the secessionist territories could be troublesome, leading it to recalculate current policies. The South Ossetian leadership states that it wants accession to the Russian Federation through unification with North Ossetia, the most prosperous republic in the North Caucasus. Presumably, it would be a challenge for the North's economy to absorb the much poorer South, including the possibility of significant numbers of South Ossetians moving north. It is also unclear if the South Ossetian leaders would willingly give up their positions to join the North's structures.

Moreover, the livelihoods of those residing in villages that resemble an ethnic checkerboard are in question. Perhaps most troublesome is the unresolved status of the displaced Ingush, who fled the Prigorodny district of North Ossetia in 1992 during a brief but violent ethnic conflict with the Ossetians. Compounding the Ingush's inability to return home have been waves of South Ossetian and Chechen war refugees into North Ossetia, occupying Ingush property.

The Abkhazians realize that their bid for independence is, paradoxically, solely dependent on Russian diplomatic representation. However, it is unknown whether Russia will ultimately support independence. No one understands this contradiction better than Abkhazian President Sergei Bagapsh, who was not meant to win if Russia had had its way. In the December 2004 presidential election, Raul Khajimba, the pro-Russia candidate and surrogate of former president Vladislav Ardzinba, lost to Bagapsh. Days of uncertainty led to judicial and parliamentary deliberations, with supporters of both candidates threatening violence. It ended in a Russian-mediated re-election, with Bagapsh as president and Khajimba as vice-president. However, Bagapsh subsequently appointed his own loyalist, Aleksandr Ankvab, as prime minister, and the pair consolidated power. Perhaps most troublesome for Russia is the potential reaction of the Chechens who, after losing two devastating wars for independence, are hardly appeased by their Kremlin-appointed leader.

Way Forward

Given the four unresolved issues complicating the resolution of the conflicts, the international community should focus in the near-term on preventing an escalation of violence.

Most importantly, mediators, perhaps the UN, should encourage the sides to use more neutral language when referring to the other party. The characterization by Georgia of the separatist zones as havens for criminals and terrorists exaggerates the situation and defeats confidence building. Likewise, the portrayal of Georgians as bloodthirsty nationalists who are willing to use force to regain the territories should be moderated. More factually-based reporting disseminated to all sides would help.

So would more contact among people on both sides of the de facto borders. Exchanges of goods and the re-opening of markets should be encouraged, managed by a joint customs institution. The EU should consider establishing border monitoring missions on the Georgian-Russian border in the secessionist territories.

New compilations of negotiation teams are needed. The EU should be much more involved, and effort should be made to ensure that Russia's presence is not

contradictory. Georgia may also wish to reconsider an early role for the Abkhazian and South Ossetian alternative regimes.

The international legal precedence for the issuance of passports, and the potential implications of Russian citizenship for Abkhazians and South Ossetians should be studied by a team of experts, perhaps under the auspices of the OSCE Minsk Group or the UN Group of Friends.

About the author

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Analysis

A Russian Perspective: Forging Peace in the Caucasus

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Abstract

Although frequently described as “frozen conflicts,” the situations in South Ossetia and Abkhazia, which seek independence from Georgia, are in fact deteriorating quickly. The precedent of Kosovo heartened the leaders of the break-away regions and spurred Georgia to take action to reintegrate its lands. In reaction to the West’s recognition of Kosovo’s independence, Russia began to institutionalize its support for South Ossetia and Abkhazia and formally lifted trade sanctions against them. This article argues that helping to unfreeze the conflicts is a bad policy for Russia. Instead, Russia would be better off trying to stabilize the conflict areas and only discussing the status of the various territories once their economic situation is secure.

Unfreezing Frozen Conflicts

Before analyzing the interests, plans, and role of Russia in regulating the ethno-political conflicts in Georgia, it is helpful to review the terms used to define them. In studying the situation in South Ossetia and Abkhazia, both experts and politicians talk about “frozen conflicts.” Unfortunately, this description is no longer correct. The “frozen” status of a conflict assumes the absence of any dynamics, whether positive or negative, and thus the preservation of the status quo. However, over the last four years, the conflict in the two Georgian territories has evolved. And this evolution has not been positive.

Across the post-Soviet space, and especially in Georgia, we are witnessing an “unfreezing” of ethnic conflicts. There is a change in the format of resolving the conflicts and also a desire to violate the legal base, which had been created for preventing the resumption of armed conflict in the beginning of the 1990s, namely the 1992 Dagomys Agreement on South Ossetia and the Moscow agreements of 1994 on Abkhazia. Unfreezing the conflict means changing the status of the disputed territories, or attempts to make such changes There

were several attempts to change the status quo in the conflict zones at the end of the 1990s and the beginning of the 2000s. At the end of 1997 and the beginning of 1998, the Georgian partisan groups Forest Brotherhood and the White Legion increased their activities in the area where the Russian peacekeeping forces were operating. They carried out violent acts against the Russian soldiers and Abkhaz policemen. In May 1998 the situation escalated into a military confrontation. The result of the military activities in the Gali District was a second wave of refugees among the local Megrelian population into Georgia. Georgian media described the events of 1998 as a second ethnic cleansing in Abkhazia after the one that took place in fall 1993. While it would be hard to describe the actions of the Abkhazian police toward the residents of the Gali District as “tolerant,” the Georgian partisan units, identifying themselves as defenders of the Georgian people, often used the Georgian (Megrelian) population as a living shield. On May 25, 1998, the two sides signed a cease fire agreement. After the tragic events of 1998, a new, spontaneous return of displaced people to the Gali District began. By the end of the 1990s, ac-