

Georgia: Building a European State in the Caucasus

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The right of every sovereign nation to be free and independent in exercising its domestic and foreign policies is the cornerstone of international law and the modern international order. Yet the recent history of the Georgian nation underscores that even in modern times this principle does not go unchallenged by those who tend to view international relations through prism of the 19th century – an era when major powers vied to establish spheres of influence. In fact, it would seem that some nations would like to revive that era.

In Georgia, it is our fundamental sovereign will to build a modern European democracy and integrate our nation into the Euro-Atlantic community of democratic states. It is vital to note that these goals do not merely represent the whim of certain political elites or parties, but of the vast majority of citizens – a fact confirmed over time by national referendums. But our ability to exercise our freely chosen path has proved extremely difficult. We have had to face significant internal challenges, which are natural in periods of transition from communist/statist to democratic institutions. However, it is the military threat posed by our northern neighbor, together with its interference in our internal affairs, that has proved to be the biggest challenge to our sovereignty.

In a closely interdependent world, it is not surprising that events in one region will have serious implications for the rest of international community. Nevertheless, there is a tendency in some quarters to dismiss the importance of Georgia's fight for its sovereignty and freedom to choose its own democratic future. The complex geopolitical context of the situation in Georgia makes it profoundly important. The question of whether or not Georgia will retain its sovereignty, preserve its territorial integrity, and continue the process of integration into the Euro-Atlantic community will bear deeply on the future of the entire Caucasus and Black Sea region, not to mention Central Asia and Europe.

The rule of force cannot be allowed to prevail over the rule of law. We all have a common interest in preserving a peaceful coexistence among states. The Georgian government is fully committed to being a responsible partner within the international community and supporting efforts to maintain and strengthen the international order. However, to help us do this, we need the active engagement of our international partners in supporting our own fight for sovereignty and territorial integrity – as well as our right to develop peacefully, democratically, and in ever closer alliance with the Euro-Atlantic community.

Historical Background

Russian Empire and Soviet Union

Some historical background can shed light on the current situation in our neighborhood. The Caucasus always has had strategic appeal to large empires. As a result, Georgia rarely has enjoyed significant periods of peace. Throughout most of the country's history, our struggle for independence also has been

a struggle for our European identity. The signing of a strategic alliance with Russia in 1783 was an attempt to preserve our European identity by strengthening our ability to resist the threat of the Ottoman Empire and Persia. By that time, Russia already was starting to show its strong interest in the region and establish itself as a regional player. However, soon after the agreement was signed, instead of fulfilling its obligation to protect Georgia, in 1801 Russia became the first country in history to occupy Georgia and defile its sovereignty.

Georgia eventually gained independence from the Russian empire in 1918 and began to take steps to become a European democracy. Unfortunately, only three years later, communist Russia again invaded and crushed Georgia's fledgling democracy. The Red Army's invasion led to 70 horrific years of occupation by the Soviet Union.

First years of independence

On March 31, 1991, as a result of a national referendum in Georgia (including the Abkhazian Autonomous Republic and former South Ossetia), Georgia adopted an Act of Independence from the Soviet Union. The newly liberated country reverted back to the internationally recognized borders of December 21, 1921.

On October 21, 1991, the former Soviet republics signed a document that confirmed the disintegration of the USSR (the Belovezh Treaty). With the exception of Georgia and the three Baltic states, the former Soviet Republics joined together to establish the Commonwealth of Independent States (CIS).

Simultaneously, post-communist state institutions started to form in our country. The then-government, facing a series of urgent political, economic, social, and military challenges, had to institute a deep-rooted reform program.

The first years of independence were extremely challenging for every former Soviet republic. None had political cultures, traditions of state governance, or experience of free market economics. In addition, the republics had to negotiate the many bear-traps laid by the Soviet Union to deter those who might dare to wish for independence. The planned, interdependent economies of the Soviet republics were based not on economic efficiency but on the political necessity of reinforcing the Union. It was the Soviets' intention that the breakup of the Union would result in subsequent economic collapse. However, in the event, it was the Soviet Union's cynical cultivation of ethnic differences and separatism that ultimately had a more devastating impact on the newly autonomous states.

The orientation chosen by Georgia was based on a democratic mandate that for the first time saw its national interests rooted in public consensus. However, these interests quickly turned out to be incompatible with Russia's own political and geostrategic goals. As a result, Russia, from the outset of the post-Soviet era, instituted policies aimed at undermining Georgian statehood. Georgia was impeded by internal challenges as well as external threats. Russia played a significant role in destabilizing Georgia.

In policy terms, one of the first areas where Russia's strategy of destabilization became apparent was in the field of ethnic manipulation. The Russian authorities –building on tensions Moscow itself had stoked among “separatist elites” in Georgia's autonomous regions – sought to further inflame the situation by dividing Georgia's territory. In Abkhazia, for instance, the political elite remained totally dependent on Russia to the extent that, following independence, they did not appreciate or respond to the parity offered in the Abkhazian Supreme Council by the Georgian national government (at the expense of the reduction of the number of Georgian representatives). While newly independent Georgia attempted to adjust its policies to accommodate these autonomous republics, Russian policy aimed at fomenting differences in

the political attitudes of the newly formed political elites in the Georgian capital, in the anticipation of sparking internal confrontation.

This goal of sowing discord resulted in a series of civil confrontations both in the autonomous areas of Georgia and in Georgia's capital, Tbilisi. The deteriorating security situation, combined with the weak state of public institutions, opened the way for organized criminal groups and militias to gain substantial power. And so they did.

This trend took hold among the elites in the capital as well as among the local elites in Sukhumi and South Ossetia/Tskhinvali region, in both cases encouraged by Russia. These groups, claiming to be driven by "national interests," actively opposed each other, resulting in conflict, the destruction of property, the plunder of public and private assets, the terrorizing of local populations, theft, banditry, and the labeling of all of these violent and criminal activities as "ethnic confrontation."

It is noteworthy that the above-mentioned groups obtained weapons, bullets, and other forms of military material from Russian military bases located on Georgian territory and directly from Russia, leading to a marked increase in the amount of weaponry and ammunition at their disposal. In parallel to the deteriorating security situation, Russian military instructors arrived in Georgia to train the separatists. At the beginning of this period of conflict, the separatists used mainly small-caliber pistols and automatic firearms; however, by the end, tanks, battleships, and mortars were widely available. For example, on August 14, 1992, the 643rd rocket-carrying air regiment of the Russian armed forces provided the Abkhaz separatists with 984 automatic guns, 267 pistols, 18 mortars, 600 flare pots, over 500 trench bombs, bullets, gun powder, military vehicles, uniforms, food, chemical weapons, and other engineering equipment.

The plan to further inflame ethnic tensions was not limited to the local population. With the help of Russian Special Services, volunteer mobilization centers were formed in the North Caucasus. From those centers, "boeviks" (warriors) were sent in an organized fashion to different hot spots in Georgia. In this manner, Kazakhs, as well as Chechens, Ingush, Armenians, and other Caucasian nationals found themselves involved in the conflict in Georgia.

At crucial points during the conflict, Russian military forces became directly involved in combat and directly participated in military operations. As well as Special Servicemen and commandos, Russian artillery and aviation were also actively used.

Russian direct participation in hostilities was particularly vivid during the air attacks over Sokhumi in both 1992 and 1993, during the assault on Sokhumi in March 1993, and the final assault on the city in September 1993 that resulted in ethnic cleansing of Georgians and other ethnic minorities. Russian involvement in the conflict in Abkhazia was coordinated by three high-ranking Russian generals: Sigutkin, Sorokin and Kondratiev. Finally, a group of elite officers was coordinated by the former chief of the Soviet Army's General Staff, General Aleksandr Kolesnikov. General Aleksey Sigutkin, perhaps the most important Russian officer during the conflict (who credits himself with designing the assault plan on Sokhumi) is now a member of Russian Duma from Pskov and leads the United Russia party.

Gen. Sorokin commanded the 345th airborne regiment. The loss of 24 personnel in combat is commemorated on the official website of the unit. The Sergeant of the regiment, Vitali Wolf, was even decorated with star of "hero of Russia."

The military involvement of Russian troops and mercenaries has been reported by independent sources. In 1995 Human Rights Watch reported:

The conflict in Abkhazia was heightened by the involvement of Russia, mostly on the Abkhaz side, especially during the war's initial stages. Whereas Russia has endorsed the territorial integrity of the Republic of Georgia, Russian arms found their way into Abkhaz hands, Russian planes bombed civilian targets in Georgian-controlled territory, [and]

*Russian military vessels, manned by supporters of the Abkhaz side, were made available to shell Georgian-held Sokhumi... The role of Russian actors in the conflict became considerably more pronounced during the first six months of 1993. This was precisely at a time when human rights abuses and violations of the laws of war attributable to heavy weapons obtained from Russian sources were becoming more serious. The Russian military took a direct role in hostilities on several occasions, and appears to have provided logistical support and supplies to the Abkhaz.*¹

The degree of Russian military involvement on the Abkhaz side is detailed in a 1999 book by Viktor Baranets, a high-profile expert from the Russian Ministry of Defense, and a former head of the Information-Analytical Department and a veteran of war in Afghanistan. He notes: "Georgian claims on arms supplies to the Abkhaz from Gudauta base, direct involvement of airborne brigade there in the conflict, and use of air force based on the airfield was corroborated by numerous photographs, documents and testimonies of numerous witnesses." He adds: "Denying them was senseless." He even describes a number of staged thefts from Gudauta arms stockpiles that involved paying guards 8,000 rubles and allowing the Abkhaz side to use Russian aircraft numerous times.²

On June 24, 1992, the Sochi (Dagomis) Agreement was signed. This was a bilateral agreement between Georgia and Russia that established principles for regulating the Georgian-Ossetian conflict.

Unfortunately, the Abkhazian conflict continued despite several negotiated ceasefire agreements. These included the agreements of September 3, 1992; May 14, 1993; and July 27, 1993 agreements signed under Russian guarantees. According to the CFA, Georgia withdrew all armor and artillery from the theatre and even paid Russia for the hire of cargo ships. In all three cases, the separatist armed forces of the disputed regions and the Russian Army violated the agreements. After signing the first agreement on September 3, 1992, the Georgian population in Gagra was subjected to mass executions and ethnic cleansing between October 1-3, 1992. The agreement of May 14, 1993, was also violated by separatist attacks on Tamishi (July 2), Gumista (July 5-6), and Shroma-Kamani (July 7-9).

After the third ceasefire agreement was signed on July 27, 1993 – which Georgia honored by demilitarizing Sukhumi – Russia and its proxies enhanced their buildup and, in just two months, launched an unprovoked offensive that resulted in the large-scale ethnic cleansing of the majority Georgian population of Abkhazia. As a result, up to 70% of Abkhazia's pre-war population was driven out, including other ethnic minorities resident in Abkhazia before the war.

These violations and the constant interference of the Russian Army and Russia's Special Services guaranteed that Russia would achieve its aim in the South Ossetia/Tskhinvali region and Abkhazia. The central Georgian Government lost control over these regions, thousands of civilians lost their lives in ethnic cleansing, and several hundred thousand people lost their homes. After the ethnic cleansing and forced mass emigration, only 20-25% of the pre-war local population was left in Abkhazia. To reinforce these developments, Russia manipulated diplomatic channels to lock in the status quo and legitimize it via a ceasefire agreement. It was during this period of time that Georgia agreed to join the CIS; on December 9, 1993, Georgia became a member of the CIS Collective Security Treaty Organization.

¹ Human Rights Watch Arms Project, Human Rights Watch/Helsinki, 'Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict', March 1995, Vol. 7, No. 7, pp. 7, 37.

² Accessible electronically at <http://militera.lib.ru/research/baranets1/index.html>

On May 14, 1994, the Moscow Agreement “On Ceasefire and Separation of Forces” in Abkhazia was signed, which determined all further peace process formats.

It is noteworthy that Russia’s diplomatic efforts resulted in Russia becoming the only recognized organized force in the region. In effect, Russia functioned as both the mediator and peacekeeper of a conflict that was both initiated by Moscow and in which it continued to be actively involved. Perversely, Russian occupying forces were thus granted the status of peacekeepers.

Supposedly neutral “peace processes” were established in the regions of South Ossetia and Abkhazia, enabling Russia to determine and control the situation in both regions. For the purpose of diplomatic cover, the peacekeepers in Abkhazia were called “CIS” peacekeepers, even though in reality the forces were composed exclusively of Russians. Similarly in the South Ossetia/Tskhinvali region, Russia was represented in two ways – as peacekeeping representatives from North Ossetia (an autonomous entity in the Russian Federation without international legal status) and as Russians. There was only one group of Georgian peacekeepers in operation. This exemplified the leverage that Russia achieved and came to exert in both conflict zones.

In reality, the “peacekeeping” forces located in Abkhazia and the South Ossetia/Tskhinvali region under the Sochi/Dagomis and Moscow agreements were not trained to carry out peace missions. These forces were ordinary infantry sub-divisions, which, in fact, were ordered to act as occupying forces (however, now doing so under the “agreed mandate”).

Clearly, a direct consequence of Russia’s actions and policies during this period was the weakening of Georgia’s statehood. This, in turn, minimized the chances of creating the favorable conditions that were necessary to resolve the conflict and develop the Georgian State. “The syndrome of lost wars,” numerous refugees and internally displaced persons (IDPs) combined to significantly damage Georgia’s economy, while the weakened condition of Georgia’s institutions served to undermine its efforts to free itself from Russia’s sphere of influence and acquire full autonomy.

Between 1994 and 1999, Russia gradually came to take up the position in Georgia that it had set out to achieve. As a result of the civic confrontations, ethno/political conflicts, and hostilities between Caucasian peoples that Russia had sought to exacerbate within Georgia, it was able to assume its desired position as the only organized and functioning military/political force. Hence, it could also claim to be the only force capable of guaranteeing peace and stability in the region.

It should be noted that, during this period, Russia failed to meet its “peacekeeping” responsibilities. For instance, it failed to create the necessary conditions for the safe and dignified return of IDPs and refugees, and it did not facilitate any confidence-building programs.

The formal and informal relations between the Russian Federation and its proxy regimes in the South Ossetia/Tskhinvali region and Abkhazia served the sole goal of obtaining maximum control over the situation in these Georgian regions. By pursuing such a policy, Russian authorities made both regions totally dependent on its “assistance,” turning them into tools with which to achieve its own larger political aspirations. This is why the regimes in the South Ossetia/Tskhinvali region and Abkhazia are, from an international legal standpoint, proxies of the Russian state—and their actions and policies are thus directly attributable to the latter.

The illegal “passportization” of the remaining population of the South Ossetia/Tskhinvali region and Abkhazia, Georgia, was a significant factor in Russia’s creeping annexation of the region. It can be viewed as a deliberate and well-constructed policy aimed at directly changing the legal status of the local population to establish the pretext of “a right to protect,” or “R2P,” in the event of direct Russian military intervention or even in the context of threats to intervene directly (notably the Russian Federation tried to

employ the R2P argument as one of the legal justifications for intervention in Georgia during its August 2008 invasion).

Moreover, “passportization” served as a tool for the Russian Federation to extend its control over residents who, as Russian passport holders, were paid pensions and other welfare benefits. Russian citizenship made the local population directly dependent to the Russian state. Russia’s policy was an illegal attempt to alter the citizenship of the South Ossetia/Tskhinvali region. A statement to this effect was made by the OSCE High Commissioner on Ethnic Minorities, Mr. Knut Vollebaek. In his letter of November 27, 2008, to the OSCE Chairman in Office, he underscored that “States should refrain from conferring citizenship en masse to residents of other States, which is in violation of the principles of sovereignty and good neighborly relations. The presence of one’s citizens or “ethnic kin” abroad must not be used as a justification for undermining the sovereignty and territorial integrity of other States.”³ Yet this is precisely what Moscow did in our now Russian-occupied territories.

In December 2000, a visa regime was introduced by Russia in relation to Georgia. However, the right to visa-free movement was maintained for Abkhazia and the South Ossetia/Tskhinvali region. The European Parliament in its resolution on the visa regime imposed by Russia on Georgia stated that: “[...] the imposition of visas with respect to international law is a matter for the sovereignty of a state, but regarding the plans to exempt residents of the secessionist Georgian regions of South Ossetia/Tskhinvali and Abkhazia from the visa regime imposed on Georgian citizens is a challenge to the territorial integrity and sovereignty of Georgia which the Government of the Russian Federation officially supports, and calls on the Government of the Russian Federation to reconsider these plans as they would **amount to de facto annexation** [emphasis added] of these indisputably Georgian territories.”

According to the Declarations and Recommendations adopted by the EU Parliamentary Cooperation Committee at its 3rd meeting on 18-19 June 2001, “regarding the exemption from the Russian visa regime of residents, who are Georgian citizens in the secessionist Georgian regions of Tskhinvali/South Ossetia and Abkhazia, [EU] maintains that this exemption is a challenge to the territorial integrity and sovereignty of Georgia, which could be considered as a *de facto* annexation of those regions, an annexation confirmed by the circulation of the Russian Ruble as the official currency for exchange in the Georgian regions Abkhazia and South Ossetia.”⁴

To sum up, Russia established full and effective control over two regions of Georgia; continued to operate four military bases on Georgian territory (Tbilisi, Akhalkalaki, Batumi, Gudauta); exercised full control over the regime in the Adjara Autonomous Republic (a regime led by Aslan Abashidze); and had a say in the appointment of high-level officials in the Georgian government.

Shevardnadze’s regime

There were always conflicting views about Eduard Shevardnadze outside and inside Georgia. The West for a long period of time saw him as a man who contributed to the unification of Germany and the dissolution of the Soviet Union. He was deemed to be a man with experience: a communist but still a politician of real caliber. He was seen as the man who could push for the democratic development of Georgia.

On the surface, his policies seemed to be meeting expectations. He managed to draw power away from various militia groups. He spoke about the democratic transformation of the country and his orientation to the West. Georgia was making progress. In 1994, Georgia joined the NATO Partnership for Peace

³ (https://www.osce.org/hcnm/item_1_32663.html)

⁴ Resolution of the European Parliament on the visa regime imposed by the Russian Federation on Georgia of 18 January 2001

Program. In 1999, we became members of the Council of Europe. With the European Union, however, a meaningful relationship started only after the Rose Revolution, and in earnest from 2006 when we became part of European Neighborhood Program (ENP).

Georgia started to support and participate in projects ultimately aimed at the diversification of energy supplies to Europe. The intergovernmental agreement in support of the BTC pipeline was signed by Azerbaijan, Georgia and Turkey on November 18, 1999, during a meeting of the Organization for Security and Cooperation in Europe (OSCE) in Istanbul, Turkey. The ceremony to launch the construction of the pipeline was held on September 18, 2002.

But despite of all this, Shevardnadze never made a full break with the Soviet past. Under his leadership, Georgia became a dysfunctional, totally corrupt state, with a ruined economy, poorly handled ethnic conflicts, a dysfunctional system of social welfare for citizens, and high levels of organized crime. Georgia became a state that spoke about democracy and a Western orientation, but in practice it was a typical post-Soviet, dysfunctional state easily influenced and manipulated by Russia. This was a state of affairs that Russia could have tolerated, one that posed no serious threat to its policy of re-establishing itself as a super power. The realization of this policy loomed larger after Putin consolidated power in his hands and started to take decisive steps in this direction, both inside Russia and on the international stage.

The Rose Revolution

The Rose Revolution was a dramatic change in the development of Georgia. It was an ultimate expression of public will for substantial and wide-ranging reform. Georgian society demanded an irreversible break from the past. It demanded democratic reform, an end to corruption, functioning, efficient state institutions, a developed, liberal economy, the peaceful solution to conflicts, and full integration with Europe. These were the clear reforms that the new Government started to undertake right after the elections.

It was an extremely challenging period. In effect, a newly elected Government set about establishing and developing a modern, functioning European state. Comprehensive reform had to be carried out without the luxury of time and without sufficient human and financial resources to carry it through. At the same time, it was an extremely interesting period, which drew in a large group of highly motivated young professionals, most of whom had been working in the non-governmental sector prior to the Revolution.

There were many hard choices and painful reforms to be carried out, but they were necessary in order to break with the Soviet past and start building a modern democracy in Georgia. Throughout this process, the Government of Georgia was engaged in an historically unprecedented program of internal reform, opening the economy, building democratic institutions and enforcing the rule of law. To do so, the Government created a new police force, established a reformed judiciary and the armed forces. It laid the ground for economic growth and development. It did so with the assistance of many partner nations, and with a clear eye on the goal of strengthening ties with the European Union and NATO. This process brought order to Georgia for the first time in the post-Soviet era. The alternative to these policies was continuing chaos, disorder, poverty, and isolation.

The reforms after the Rose Revolution

Among the main reforms Georgia achieved after the Rose Revolution are the following:

Justice

The Police. Total transformation from a corrupt institution into one that is highly trusted by Georgian society. This has been recognized as one of the most striking achievements of the Georgian Government's reform agenda.

The Prosecutor's Office. The same degree of reform as with the police, ensuring a just and high-quality criminal justice system.

The Judiciary. A number of measures undertaken to increase the independence of the judiciary, prohibit ex parte communication with judges on pending cases, reform the appointment and dismissal of judges, exclude the President from the High Council of Justice, ensure a majority of seats on the Council for representatives of the judiciary, increase the remuneration of judges, introduce jury trials, and establish a school of law and justice.

Penitentiary, probation, legal aid. Complete renovation of the infrastructure of penitentiary establishments to improve living conditions.

New Prison Code. Focusing on rehabilitation and re-committal, including the development of a Probation System.

In addition:

- A National Preventive Mechanism established under the Public Defender's Office to prohibit torture
- The establishment of education activities in the Penitentiary and Probation System, including Joint Programs with Universities and the Church
- Guaranteeing adequate healthcare for prisoners
- Providing prisoners with work opportunities
- From 2004, Georgia started to establish a system of legal aid capable of providing high-quality representation for those unable to pay for legal services and increasing access to justice for vulnerable groups in society.

Economy

- Out of 21 taxes under the former tax code, only 6 exist today
- All taxes are flat and easy to administer, leading to low incidence of corruption
- Out of 900 inefficient licences and permits, only 144 are required today
- One-Stop-Shop introduced in most public service areas
- The rehabilitation of infrastructure that was key to successful business development in Georgia, leading to job creation and specialisation
- Introduction of a diversified supply of gas and electricity; transformation into a net exporter of electricity

Some Outcomes of Economic Reform:

- World Bank/IFC rated Georgia #15 in Ease of Doing Business in 2009
- Top economic reforming country 05-09 in Eastern Europe and Central Asia
- Net FDI inflow reached about US\$ 2 billion in 2007, as high as 20% of GDP, the biggest investors in 2004-2008 being the UK, UAE, Netherlands, Turkey, and the US
- GDP average growth rate was 8.3% between 2004-2008, going as high as 12.3% growth in 2007
- Budget revenues increased 6-fold between 2003 and 2008

Even in the context of the 2008 war and the financial crisis, the economy remained resilient for a number of reasons:

- US\$4.5 bn. donor funding pledged in late October 2008 at the International Donors' Conference, including US\$1 billion assistance from the US Government
- IMF US\$750 stand-by arrangement facility completed in early September 2008
- Diversified economy
- Trade, FDI, inflows, energy
- Favorable public debt performance
- Total public debt as percent of GDP down from 56% in 2003 to 29% in 2008, and estimated to rise to only 32% in 2009
- Strong banking sector
- Unlike its CIS and CEE peers, Georgia's banking sector remained robust due to its high capital-adequacy ratio

Education

Georgia's national education system has also been reformed. The major aim of these reforms has been increasing the quality and accessibility of teaching. Similarly, the state scholarship system has been reformed and new practices have been introduced to eliminate corruption.

Social welfare

- Social expenditure reached 27.4% of Georgia's total national expenditure in 2008
- Expenditure has been prioritized, and social assistance has been targeted towards the most vulnerable
- Health insurance has been extended to cover 900,000 beneficiaries, 400,000 of who are also receiving further cash benefits

Development of state institutions

Reforms have also been introduced to strengthen Georgia's state institutions and establish an effective and efficient system of public administration. These reforms have sought to strengthen the financial management systems of the Georgian civil service, introduce meritocratic promotion practices, and thus eliminate corrupt practices.

Fight against corruption

The Transparency International Global Corruption Barometer for 2009 ranked Georgia above countries such as Italy, Bulgaria, Greece, Czech Republic, UK and Spain; only 2% of respondents reported having paid a bribe.

Developed policy for full reintegration of ethnic minorities

Comprehensive policy for full integration of ethnic minorities into the political, educational, economic and social life of the state of Georgia has been carried out. Special attention has been paid to the needs of regions populated with the ethnic minorities.

Georgia's democratic transformation has not been easy: there is, after all, no clear path to successful democratic reform. Whilst huge progress has been made, mistakes have also occurred. However, Georgia has learnt from its mistakes.

The events of November 2007 are a clear example of our desire to learn from our mistakes. No one, especially members of the Government, was satisfied with the handling of the political demonstrations in Tbilisi that month. Following the events, we sought advice from the European partners on how Georgia could improve its tactics, policing practices, and systems of communication. We believe that the way the Government handled the April 2009 demonstrations demonstrate our achievements in this area. We showed restraint, transparency, and maintained an open dialogue with the opposition. Our hope is to include them in the ongoing democratic reforms that the Government announced in July, which include changes to the constitution, election code, and justice system.

Unfortunately, these positive reforms have been undermined by Russia. Our nascent democracy has been perceived as a threat by the Russian Federation, which has continuously sought to undermine Georgia's development and stymie our attempts to further integrate into the Euro-Atlantic community. Events last summer demonstrated the existential threat that Georgia faces from the Russian Federation. Whilst direct Russian military aggression has stopped for the moment, the Russian Federation continues to violate fundamental norms of international law, as well as disregarding the Ceasefire Agreement negotiated by President Sarkozy in August 2008, Russia continues to occupy 20% of our territory.

Nevertheless, our policy remains the same: the continued democratic development of the Georgian state. We understand that the democratic and economic development of Georgia is the key to securing a

prosperous future for all Georgians. While we are determined not to be sidetracked by Russia's aggressive policies, we remain aware of the clear threat Russia poses and the ongoing need to secure international support to eliminate that threat.

Peace Initiatives

Reform of corrupt and dysfunctional state institutions was not the only challenge that our government has had to deal with. Finding ways for the peaceful resolution of the so-called "frozen conflicts" – brutally unfrozen last summer by Russia's invasion – has been a key priority for the Georgian Government. After the Rose Revolution, Georgia increased its engagement with the international community and sought to secure support in order to stop Russia's interference in its territories, deter future invasion, and push for a negotiated settlement.

In this vein, Tbilisi made numerous proposals for a negotiated settlement. Indeed, immediately following Georgia's first democratic election in 2004, the Georgian Government made the first of several efforts aimed at establishing a genuine peace process for the South Ossetia/Tskhinvali region and Abkhazia. Unfortunately, these warnings and proposals were met with relative indifference and, as a result, only minor confidence-building measures were implemented. Since Moscow effectively controlled the peacekeeping and negotiating structures – which it abused and perverted over the years – no meaningful consideration of the underlying issues was ever achieved. Indeed, when Western mediators did seek to intercede diplomatically in early summer 2008, their late efforts were also rebuffed by Russia and proved unsuccessful.

The Georgian Government, however, made significant efforts to achieve a peaceful resolution through soft power initiatives. One prominent example of the success of these efforts was the establishment of a Temporary Administrative Unit in the South Ossetia/Tskhinvali region, led by ex-separatist leader Mr. Dimitry Sanakoev, who was elected by the local population. Indeed, Georgia's peace initiatives – which included broad autonomy, power-sharing in the central government, guaranteed language/cultural rights, economic rehabilitation projects, and extraordinary constitutional rights – were all rejected by the Russian Federation.

Georgia's peace initiatives have all been based on a number of key principles, including that:

- the territorial integrity of Georgia should be respected
- the right of return for those displaced by conflict in the regions should be applied
- the reincorporation of Abkhazia and South Ossetia into Georgian sovereign political life should be carried out gradually so as to build confidence of both sides
- both territories should enjoy the widest possible constitutional autonomy
- peace-keepers should exercise full neutrality
- negotiating formats should have been changed ensuring real internationalization of the process

Unfortunately, Georgian proposals were repeatedly met with diplomatic obstruction by the Russian Federation or by actions on the ground in the disputed territories by the Russian-supported de facto authorities.

Indeed, prior to the invasion, Russia (and its puppet regimes in the disputed regions) sought to:

- deepen the separation from Georgia
- prevent the return of displaced persons
- limit confidence-building measures
- reinforce the grip of the Russian Federation over the proxy leadership
- increase the presence of Russian security personnel in the territories
- legalize Russia's political and economic presence in the territories
- ignore Georgia's direct approaches for resolution

- prevent the full participation of the de facto authorities in fora designed to negotiate a peaceful settlement.

These facts point to a deliberate dual strategy by Russia of non-engagement in substantive peace negotiations, along with a parallel deepening of Russia's engagement in – and control of – the politics, economy and security of the two territories.

Unwilling, and unable, to challenge by force Russia's refusal to negotiate, the Government of Georgia escalated its public objections and continued to call for the direct involvement of third parties who could intercede with the Russian Federation.

The need for international intercession and mediation became more acute during 2008. The escalation of the Russian Federation's activities in the territories – notably in Abkhazia, from March 2008 – became a source of deep concern for the Government of Georgia. The timing of these Russian activities led the Government of Georgia to assume that they were related to decisions regarding the status of Kosovo (the Unilateral Declaration of Independence by Kosovo on February 17 and its subsequent recognition by a number of states) and the March 2008 decisions of the NATO Summit.

By May 2008, the situation on the ground had altered dramatically and Russia appeared to have moved beyond the pretense of being an impartial mediator. Rather, the Russian Federation appeared to have opted for a path that would result in either the continued occupation, or complete annexation, of the disputed territories. Confronted by this reality, the Georgian Government sought international mediation and also approached the Russian Federation directly to kick-start negotiations.

Below is an illustrative list of some of the major peace initiatives that were proposed by the Government of Georgia or representatives of the international community in the period after 2004. Unfortunately, these initiatives were rejected by the Abkhazian/South Ossetian sides and/or the Russian Federation.

With regard to the South Ossetia/Tskhinvali region of Georgia, some of the recent peace proposals included:

- Protocol of Commitments signed on 24 January 2005 in Tskhinvali⁵
- Initiatives of the Georgian Government with respect to Peaceful Resolution of the Conflict in South Ossetia of March 24, 2005, including political status, language and education, social and economic rehabilitation
- Memorandum on the Agreement of Further Activities aimed at the Final Settlement of the Conflict in Tskhinvali Region/South Ossetia, Georgia
- The Georgian-South Ossetian Peace Plan developed by the Government of Georgia dated November 8, 2005⁶; supported by OSCE on 6 December 2005 in Ljubljana (see statement on Georgia, second day of the Thirteenth Meeting, MC(13) Journal No. 2, Agenda item); initially supported and then rejected by Russia
- OSCE proposed peace talks in late July 2008, rejected by South Ossetian proxy government. OSCE Chairman in Office, Finnish Foreign Minister Alexander Stubb, proposed that talks take place in Helsinki in early August between South Ossetian separatists and the Georgian Government; the proxy government rejected the proposal.

Increasing the number of OSCE military monitoring officers in the South Ossetia/ Tskhinvali region was high on the OSCE's agenda throughout 2006, 2007, and 2008. Such a step would have contributed to a

⁵ http://www.rrc.ge/law/Protoc_2005_01_24_e.htm?lawid=1349&lng_3=en

⁶ http://www.rrc.ge/law/oseti_2005_11_08_e.htm?lawid=1496&lng_3=en

higher degree of transparency and international awareness of the security situation in the South Ossetia/Tskhinvali region. It would also have served as a confidence-building measure. While the possibility of increasing the number of monitors was discussed at length on numerous occasions under the OSCE framework in the informal Group of Friends of Georgia, the Advisory Committee of Management and Finance, the Preparatory Committee of the Permanent Council, the Permanent Council and the Ministerial Council, all attempts were vetoed by Russia.

Indeed, despite an overwhelming majority of the OSCE Participating States supporting an increased monitoring mission, Russia continued to block its deployment. One of the examples of Russian opposition to this important possibility took place during the Preparatory Committee meeting on September 20, 2007. The Spanish Chairmanship, after long discussions and deliberations, distributed a "Draft Decision on Increasing the Number of Mission Monitoring Officers". While this draft was supported by an overwhelming majority of OSCE Participating States, the Russian Federation once again rejected the proposal and vetoed its adoption.

With regard to Abkhazia, Georgia, some of the recent peace proposals included:

- The "Road Map" of 2006 document prepared by the Georgian Government and aimed at the conflict resolution in Abkhazia, Georgia
- The President of Georgia initiated a proposal regarding the resolution of the conflict in Abkhazia, Georgia on March 28, 2008 – see *enclosed Annex*, including:
 - *Broad political representation for the Abkhaz, including the new post of Vice President of Georgia to be occupied by an Abkhazian.*
 - *The right to veto legislation related to the constitutional status of Abkhazia, and to issues related to Abkhaz culture, language, and ethnicity.*
 - *The establishment of a joint Free Economic Zone in the Gali region, including the sea port of Ochamchire.*
 - *International guarantees of Abkhaz autonomy and an offer to Russia to help mediate a peaceful resolution of the conflict.*

On June 23, 2008, the Deputy Minister of Foreign Affairs of Georgia delivered a letter to President Medvedev. It included additional details concerning the peace initiatives launched earlier by the President of Georgia. Unfortunately, this direct appeal was also rejected by President Medvedev on July 1.

The European Union organized peace talks on July 22-24, 2008, at which the separatists failed to appear. On July 22-24, the EU again tried to hold talks in Brussels between representatives of the Government of Georgia and the South Ossetian separatists with the participation of the Russian Federation. Once more, the separatists refused to participate; this time, they objected to the title of Minister Yakobashvili ("Minister for Reintegration"). In an effort to maintain a dialogue, the Georgian Government altered Mr. Yakobashvili's title to "Special Envoy for Conflict Resolution". However, despite this change, the separatists once again refused to attend the talks, this time on unspecified grounds.

The Peace Plan of the German Minister of Foreign Affairs (the "Steinmeier/German Plan") was proposed in the context of the Group of Friends meeting in June 2008. On July 18, the Abkhaz proxy regime and Russia rejected the German-mediated peace plan and refused to attend peace talks scheduled to occur in Berlin.

Throughout this period, the proposals submitted by the Government of Georgia sought to protect the human rights of ethnic groups who reside (or had resided) in these territories. Proposals included a voluntary, secure, and dignified return of all IDPs and refugees to their previous settlements. The disputed regions were offered the fullest possible autonomy, and were promised increased representation at the central government level. Despite these efforts, and the efforts of the International Community, the position of Russia and its proxy regimes has made a negotiated settlement an impossible goal.

In August 2008, the international community witnessed an unprecedented attack on Georgia. After many months of provocations and threats from the Russian Federation, Russian military forces crossed the Georgian–Russian border and used force against Georgia on Georgian territory.⁷ This use of force was illegal and unjustified under international law. It constituted an egregious breach of Georgia’s political sovereignty and territorial integrity, contrary to Article 2(4) of the UN Charter and customary international law.⁸ It violated also the key principle of non-intervention in international law and relations, and its magnitude and scale made it an act of aggression.⁹

Why is Russia obsessed with Georgia?

Why did Russia violate all red lines in post-cold war international relations and invade and occupy a small neighbor?

One of the most common answers to this question lies in Georgia’s strategically important location. Its potential as a corridor for energy and transport from east to west, one that is not controlled by Russia, is a key factor attracting the attention of the Russian Federation. It is well known that the diversification of energy supplies to Europe runs contrary to the political and business interests of Russia. And as we have seen this year and in years past, Russia is not hesitant to use its control over energy supplies as a means of political pressure.

The core of the problem for Russia is the independent democratic development of Georgia and its potential integration into the Euro-Atlantic community. If Georgia were to prove successful, there would be a greater chance that energy diversification projects would also succeed. However, more importantly, the democratic development of Georgia would give the lie to the myth, perpetuated by Russia, that conversion to democracy in the post-Soviet space is not possible. A successful, democratic Georgia would act as a beacon for others and undermine Russia’s cynical policy of re-imposing its sphere of influence in the region.

7 For background historical and legal detail see Rein Mullerson, ‘Precedents in the Mountains: On the Parallels and Uniqueness of the Cases of Kosovo, South Ossetia and Abkhazia’ (2009) 8 *Chinese Journal of International Law* 2–25; Michael Emerson, ‘PostMortem on Europe’s First War of the 21st Century’ (2008) 167 *CEPS Policy Briefs* 1 <<http://www.ceps.eu>> at 17 June 2009; Nicholas Lemay-Herbert, ‘Zone of Conflict; Clash of Paradigms in South Ossetia’ (2009) 2 *USAK Yearbook of International Politics and Law* 251-264; Derek Averre, ‘From Pristina to Tskhinvali: the Legacy of Operation Allied Force in Russia’s Relations with the West’ (2009) 85 *International Affairs* 575–591; Marc Weller, ‘Settling Self-determination Conflicts: Recent Developments’ (2009) 20 *European Journal of International Law* 111, 133; Noelle M. Shanahan Cutts, ‘Enemies through the Gates: Russian Violations of International Law in the Georgia/Abkhazia Conflict’ (2008) 40 *Case Western Reserve Journal of International Law* 281; Robert J. Delahunty and Antonio F. Perez, ‘The Kosovo Crisis: a Dostoevskian Dialogue on International Law, Statecraft, and Soulcraft’ (2009) 42 *Vanderbilt Journal of Transnational Law* 15, 21-22. Note that reference to these background readings does not, in any way, imply endorsement of the position taken therein.

⁸ Article 2(4) states that ‘[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State’. On customary international law see See, eg, *Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty*, GA Res 2131, UN GAOR, 1st Comm, 20th sess, 1408th plen mtg, UN Doc A/RES/2131 (21 December 1965); *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*, GA Res 2625, UN GAOR, 6th Comm, 25th sess, 1883rd plen mtg, UN Doc A/RES/2625 (24 October 1970); *Resolution on the Definition of Aggression*, GA Res 3314, UN GAOR, 6th Comm, 29th sess, 2319th plen mtg, UN Doc A/RES/3314 (14 December 1974); International Law Commission, *Draft Code of Crimes against the Peace and Security of Mankind*, as contained in Report of the International Law Commission on the Work of its 48th Session, 6 May – 26 July 1996, UN Doc A/51/10 (1996).

⁹ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v US)* (Merits) [1986] ICJ Rep 14 (intervention); *International Military Tribunal, Trial of the Major War Criminals before the International Military Tribunal, Nuremberg*, 14 November 1945 – 1 October 1946 (1947) vol 1, 186 (the crime of aggression).

The Rose Revolution had the potential to set a dangerous precedent in the neighborhood. Putin at the time was rebuilding an authoritarian, highly centralized, but economically successful state, and seeking to recapture the super-power status that, in his view, had been taken away by the West. The Rose Revolution and a potentially vibrant and successful Georgia ran contrary to Putin's policies and goals.

This became quite evident soon after the Revolution. The new Government in Tbilisi tried to start a new relationship with Russia. President Saakashvili's first international visit was to Moscow to start constructive discussions. However it very quickly became evident that Russia had other ideas. What it wanted was to prevent Georgia from becoming an independent sovereign state. Indeed, one of Russia's first demands to President Saakashvili was permission to appoint the Ministers of State Security and Internal Affairs. Needless to say, this was unacceptable to Georgia.

Concrete action followed. In 2006, Russia imposed a full trade, financial, postal, and transport blockade on Georgia (a highly aggressive act, given that 70% of Georgian exports at the time went to Russia). Moscow also began to discriminate against and expel ethnic Georgians from the Russian Federation. Over time, it took a number of further steps to escalate tension and sour relations. These included manipulation of the situation on the ground in Abkhazia and South Ossetia, an increased military presence in these regions, leading ultimately to war. Russia's intention was to break Georgia. Georgia managed to survive thanks to the growing capacity of a young democratic state and the assistance of its international partners.

Europe's engagement not only helped to save Georgia but prevented Russia from re-imposing a sphere of influence in the region. Russia sought to send a powerful signal throughout the Caucasus and Central Asia. It intended to show that developing a modern, functioning state in the region was highly risky and that the exercise of sovereign rights without the blessing of the Kremlin would have grave implications. It wanted to give substance to the myth that former Soviet republics (except for the Baltics) could never break free from their Soviet past or become truly independent from Russia.

The invasion of Georgia was profoundly shocking for everybody in the region. However, in the longer term, Russia did not achieve what it sought. Not only did Georgia survive as an independent state, but the whole region came out forcefully to defend not only Georgia's territorial integrity and sovereignty, but theirs as well.

Current situation, the role of the Europe

The current situation is by no means an easy one. The security situation is very fragile, the ceasefire agreement is not being implemented; Russia continues to occupy 20% of Georgian territory and increase its military presence; two of the three international monitoring missions (OSCE and UNOMIG) have been killed by Moscow's vetoes this year, humanitarian groups have almost no access to the occupied zones, the fate of the mechanism for conducting peace negotiations is even less clear, and the financial crisis complicates the economic situation in the country.

Despite all this, Georgia's future as a democratic nation remains intact. Democracy is already deeply rooted in Georgian society. Clearly it is not perfect; and there is still a long way to go. But the country has stood resilient in the face of foreign invasion and occupation. The Government fully understands that the biggest challenge is the development of civil society, and of greater political pluralism. This will not be an easy process, but we are fully dedicated to the cause and open to assistance and advice from our friends and allies.

Europe can play an extremely important role in this process by bringing Georgia closer and becoming engaged in assisting our efforts to build a European democracy in the Caucasus. The Eastern Partnership, and the opening of closer bilateral relationships with Europe, are extremely important for the

sustainable, secure development of Georgia. In particular, we are committed to moving forward together with negotiations on an Association Agreement with the EU, as well so on visa facilitation and a free trade agreement.

To conclude, since the Rose Revolution, we have started building a modern, independent, and efficient state. We now have to strengthen our civic society and democratic institutions. We will do this despite the threats and provocations coming from the north. In doing so, we will need help from Europe, not in order to confront Russia, but in order to consolidate the first European democracy in the history of the Caucasus.