

# **De Facto States**

The quest for sovereignty

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## 7 The Abkhazians

### A national minority in their own homeland

*Edward Mihalkanin*

On 18 March 1989 an Abkhazian national assembly was held in the village of Lykhny under the leadership of a group calling itself the National Forum of Abkhazia – Ajdgylara in the Abkhazian language.<sup>1</sup> The assembly, numbering between 30,000 and 37,000 people, passed a resolution, the Lykhny Declaration, asking the Central Committee of the Communist Party of the Soviet Union (CPSU), the Presidium of the Supreme Soviet and Council of Ministers of the USSR to restore Abkhazia's status as a Union Republic.<sup>2</sup> On 24 March 1989 an edited version of the Declaration was printed in all Abkhazian and Russian newspapers.

Sadly, as had happened too many times before, the expression of Abkhazian national sentiments sparked an equally strong Georgian response. Around 12,000 Georgians held their first rally to protest the Declaration on 25 March in Gali, and this was followed by other rallies in Sukhumi, Leselidze and other towns in Abkhazia and Georgia.<sup>3</sup> The increasing tension and competing national demonstration in Abkhazia led to a multi-day rally by 100,000 Georgians in Lenin Square, in front of the Government House, in Tbilisi, the capital of the Georgian SSR.<sup>4</sup> Soviet Interior troops, under the command of General Rudionov, attacked the rally with shovels and poison gas, killing twenty and injuring hundreds. Although Secretary General Mikhail Gorbachev disassociated himself from that Politburo decision and the top party and government officials in Georgia were removed from office, the violence was a turning point. 'The April Tragedy fundamentally radicalized political life in the republic'<sup>5</sup> and transformed a movement for civil rights into a demand for Georgian independence.<sup>6</sup> As Fuller observed early on:

One of the factors that gave rise to the demonstrations was indignation over the demand by the minority Abkhaz that their ASSR, currently a part of Georgia, be detached from the republic and given Union republic status – a demand that served to fuel Georgia's nascent chauvinism towards the non-Georgian population of the republic.<sup>7</sup>

These events quickly led to a full-scale war between Georgia and Abkhazia in 1992 and 1993, leading to a bitter stalemate ever since, but with a de facto

Abkhazian state in control of its historic homeland. What follows will be a short review of Abkhazian history to 1978; the Georgian–Abkhazian dispute and the 1992 to 1993 war; post-war Abkhazian–Georgian relations; and the political and economic prospects for Abkhazia and Georgia. The chapter will conclude with a discussion of Abkhazia as an example of a *de facto* state.

### **Abkhazian history to 1978**

The core of Abkhazia is bordered on the north and east by the Caucasus Mountains and the River Psou, on the south and west by the Black Sea and the south and east by the River Inguri and spurs from the Caucasus Mountains.<sup>8</sup> As to the Abkhazian people, ‘all the evidence points to their continuous occupation of the land over the last three millennia’. Sometime between the fourth and sixth centuries Abkhazia coalesced into a subject kingdom of West Georgia, which in turn was a vassal state of the Byzantine Empire. Christianity officially was introduced into Abkhazia during the reign of Justinian. Wars against Byzantium, Persia and the Arabs, from the sixth through the eighth centuries helped forge Abkhazia into a nation.<sup>9</sup>

Leon II established the kingdom of Abkhazia, which included all of western Georgia, in the late eighth century after soundly defeating an Arab army with the support of Byzantium.<sup>10</sup> By the late 970s, the Kingdom of the Abkhazians and the Kartvelians was formed; this was the origin of the Georgian Kingdom, which reached its peak during the reign of Queen Tamar (1184–1213). Georgia could not withstand the brute force of the Mongol invasions and broke apart into a number of kingdoms and principalities. Abkhazia developed as a separate principedom.

Officially Abkhazia became a protectorate of Russia in 1810, though Abkhazians in the mountainous areas continued to struggle against Russia for decades afterwards.<sup>11</sup> In June 1864, Russia abolished the Abkhazian principedom and replaced it with the Sukhum District. A major Abkhazian revolt broke out on 26 July 1866, with an estimated 20,000 Abkhazians participating. The rebellion was quickly crushed, with Russia forcing an estimated 20,000 Abkhazians to go into exile. The last major revolt during tsarist times occurred in 1877 and was linked to revolts in the north Caucasus and the Russo–Turkish War of 1877 to 1878. It has been estimated that due to Russian expulsions and Abkhazian fear of reprisals, anywhere from 120,000 to 200,000 Abkhazians left Abkhazia for Turkey.

In some ways, the ‘contemporary’ hostility between Georgia and Abkhazia can be traced back to the confused conditions in Russia from 1917 to 1921. Abkhazia entered the Union of United Mountain Peoples of the Caucasus after the February/March Russian Revolution.<sup>12</sup> In November 1917, an Abkhaz assembly established the Abkhazskij Narodnyj Soviet (ANS) or the Abkhazian People’s Council, which passed a declaration on 9 November 1917 calling for the ‘self-determination of the Abkhazian people’. On 11 May 1918 the Union of Mountain Peoples was reorganized into the North Caucasian Republic, and it included Abkhazia as one of its constituent territories. On 26 May 1918 the Democratic Republic of Georgia was proclaimed.<sup>13</sup>

In late June 1918, Georgia invaded Abkhazia and subjected it to military rule until March 1921. In fact, this Georgian domination of Abkhazia aided the imposition of Soviet rule on 4 March 1921, and the Abkhazian Soviet Socialist Republic (SSR) was proclaimed officially on 31 March 1921.<sup>14</sup>

The Abkhazian SSR had full republic status, and in 1922 Abkhazia became a member of the Transcaucasian Federation under the terms of a special union treaty with Georgia, in which Abkhazia maintained its union republic status. The Federation constituted an original part of the Union of Soviet Socialist Republics (USSR) formed on 30 December 1922. In 1925, an Abkhaz constitution was adopted which codified Abkhazia's union republic status and treaty relationship with Georgia. From 1922 to 1936, Nest'or Lak'oba, an Abkhazian, led the Abkhazian government. Lak'oba repeatedly failed to implement party directives and resisted introducing collectivization to Abkhazia in 1930 to 1931. Joseph Stalin promised not to force collectivization if Lak'oba agreed to reduce Abkhazia's status to an autonomous republic within Georgia, and the change became official in February 1931.<sup>15</sup>

The promise was not kept even though Lak'oba helped Lavrenti Beria become head of the Georgian Communist Party in 1931 and the party head for the whole Transcaucasia in 1932. In December 1936, Beria presented Lak'oba with a plan to resettle peasants from western Georgia to Abkhazia. Lak'oba supposedly replied 'over my dead body'. The next day, 16 December 1936, Lak'oba was murdered and Beria instituted a purge of the Abkhazian government, accusing it of conspiring to assassinate Stalin. Under the leadership of Stalin, a Georgian, and Beria, a Mingrelian, the Soviet regime reintroduced the tsarist policy of forced relocation and exile. As part of a deliberate 'Georgianization-drive', Beria oversaw the forced resettlement of Georgians, Armenians and Russians from 1937 to 1953. Beria's policies resulted in the ethnic Abkhazian proportion of the population of Abkhazia declining from 28 per cent in 1926, to 18 per cent in 1939, to 13.3 per cent in 1950 and 1955.<sup>16</sup>

Under Beria's direction, the new Abkhazian government introduced a new Abkhaz alphabet and script based on Georgian; however, the systematic assault on Abkhazian culture would have to wait the end of World War Two. According to Slider, 'the period after World War II until Stalin's (and Beria's) death in 1953 was an especially harsh one for the Abkhaz, as Beria launched a campaign apparently designed to obliterate the Abkhaz as a cultural entity'.<sup>17</sup> The Georgian-dominated Abkhaz government closed all schools that used Abkhaz as the language of instruction and made Georgian the mandatory language of instruction. Abkhaz journals and Abkhaz-language radio broadcasts were halted while all district-level Abkhaz newspapers ceased publication. The government of the USSR gave the most fertile lands in Abkhazia to Georgian settlers, and increased access to higher education for Georgians at the expense of the Abkhazs. In fact, plans were being developed in the late 1940s to relocate the total Abkhaz population to Kazakhstan or Siberia.<sup>18</sup>

The more blatant anti-Abkhaz measures ended with the deaths of Stalin and Beria. Abkhaz journals, newspapers and radio broadcasts were re-established in

the mid and late 1950s. Also, Abkhaz schools re-opened and a new alphabet for the Abkhaz language was introduced, replacing the Georgian one imposed in the late 1930s. Mass meetings and demonstrations demanding the removal of Abkhazia from the Georgian SSR took place in 1957, 1964, 1967, 1978 and 1989. As a result, there were 39 Abkhaz schools in 1966 and 91 by 1978. Further, Abkhazs increased their numbers at different government levels. Abkhazs constituted 4 per cent of district and city secretaries in 1949, 30 per cent in 1963 and 37 per cent in 1978; and 29 per cent of party department heads in 1949, 40 per cent in 1963 and 45 per cent in 1978. In fact, from the late 1950s to the early 1970s, Abkhazia was 'one of the few non-Russian administrative units in the USSR to have both its first and second party secretaries drawn from the native population'.<sup>19</sup>

The Abkhaz could still point to economic and cultural grievances. Abkhazia in 1970 had a higher percentage of its population (50.7 per cent) in the peasant category than any other major group except the Moldovians. The state budget for Abkhazia was 40 per cent lower on a per capita basis than Georgia's; while the increase in capital investment for Georgia as a whole was 39.2 per cent, in Abkhazia it was 21 per cent. The only official language in Georgia was Georgian although only 1.4 per cent of Abkhazs spoke it according to the 1979 Soviet census. University entrance exams were in Georgian and Abkhazs had trouble entering institutions of higher learning: there were only 34 Abkhaz graduate students throughout the USSR in 1975.<sup>20</sup>

The most successful Abkhaz agitation before 1989 occurred in 1978. As part of the discussions concerning the revising of the Soviet constitutions in 1977 and 1978 under Leonid Brezhnev, 130 Abkhaz intellectuals sent a letter to the Central Committee and the Supreme Soviet of the USSR, which criticized the Abkhaz government and explicitly called for Abkhazian secession from Georgia. There were also public demonstrations demanding significant changes.

As a result, the Sukhumi Pedagogical Institute was developed into the Abkhaz State University, which led to a major increase in size of the student body; Abkhaz television began to broadcast in Abkhaz in November 1978; and two new Abkhaz art and education journals were established. Also, new capital investment was brought to Abkhazia and new road, airport, hospital and school construction were begun.<sup>21</sup> The result of these policies was Georgian disquiet, an Abkhazian demand for even greater reforms and deterioration in relations between Abkhaz and Georgian nationals within Abkhazia.

### **The Georgian–Abkhazian dispute and the 1992–1993 war**

Neither side was satisfied with the settlement of 1978. Georgia began a programme of settling Georgians in Abkhazia with the goal of decreasing the Abkhaz percentage of the local population. The Abkhazs realized what was happening and Abkhaz–Georgian relations within Abkhazia deteriorated. Consequently, 'the daily lot of members of both adversarial communities were

humiliation and violence'. In the 1980s, 'muffled hostility' was being transformed into 'overt hatred'.<sup>22</sup>

On 17 July 1988 a group of Abkhaz intellectuals requested that Abkhazia be transferred to the authority of the Russian Soviet Federated Socialist Republic (RSFSR).<sup>23</sup> In response, a crowd of several thousand people protested against Abkhaz secession and the treatment of Georgians in Abkhazia on 18 February 1989 in Tbilisi.<sup>24</sup> The Georgians feared that the USSR was purposely supporting the Abkhazs so that violence between the nationalities would give the Soviets the pretext necessary to intervene militarily in Georgia. The Abkhazs were convinced that the instability in the USSR made it the time to press their maximum demands before the opportunity was lost to them.

The Soviet government responded with the massacre of 'Black Sunday', of 9 April in Tbilisi, which killed for the Georgians the idea of a 'Soviet People' and confirmed their suspicions that the Abkhazs were nothing but tools in the hands of the Russians, to be used to beat down the Georgians. Whereas the Abkhazs saw the drive for Georgian independence as the final attempt to destroy them as a people and to merge them into a Georgian nation.

The Georgian Supreme Soviet asserted Georgia's sovereignty, including the right of secession, on 18 November 1989. It also approved a special commission's report that said Georgia's union with the USSR was 'an annexation' achieved through brute military force and occupation.<sup>25</sup> In response, on 25 August 1990, the Abkhaz Supreme Soviet passed a declaration on the State Sovereignty of the Soviet Socialist Republic of Abkhazia. The Georgian legislature declared the act null and void.<sup>26</sup>

In the October 1990 parliamentary elections, Zviad Gamsakhurdia's Free Georgia Round Table coalition won an overwhelming number of seats in the Georgian Supreme Soviet and began a policy of 'Georgia for the Georgians'.<sup>27</sup> Vladislav Ardzinba, a historian, was elected chair of the Supreme Soviet of Abkhazia on 4 December 1990.<sup>28</sup> A referendum was held throughout Georgia on 17 March 1991 on the question of the continued existence of the USSR. Georgians throughout the country boycotted the election. However, 52.3 per cent of the Abkhazian electorate did vote and 98.6 per cent of those voters supported the continued existence of the USSR.<sup>29</sup>

Abkhazians and other non-Georgians boycotted the Georgian national referendum held to decide the Georgian independence issue on 31 March 1991. With 90 per cent of the registered voters casting ballots, 98 per cent of the voters supported 'the restoration of the independence of Georgia' based on the declaration of independence of 26 May 1918. Acting quickly, Gamsakhurdia convinced all the members of the Georgian Supreme Soviet to pass the declaration of independence unanimously on 9 April 1991.<sup>30</sup>

Gorbachev, aware that the Soviet Union was in serious disarray but confident that he was still relevant, presented a treaty plan to replace the Union Treaty of 1922 on 18 June. Georgia's Minister of Education, Temur Koridze, threatened that if Abkhazia signed the treaty, 'rivers of blood would flow'.<sup>31</sup>

The attempted anti-Gorbachev coup of 19 August was designed to forestall what the putschists saw as the disintegration of the USSR but instead it hastened the collapse of the Soviet Union. The sudden dissolution of the USSR froze the republic boundaries in the configuration Stalin had left them in the Soviet Constitution of 1936, so Abkhazia found itself inside a Georgia made independent by the latter's unilateral declaration of independence. Gamsakhurdia became 'increasingly dictatorial' very quickly, 'arresting political opponents, imposing censorship of the media and blaming Moscow for any manifestation of dissent'.<sup>32</sup> This situation was threatening to the Abkhazs because the 'autocrat' viewed all national minority concerns, be they Abkhazian, Ossetian or Adzharian, as part of either a Soviet or Russian 'conspiracy'. Gamsakhurdia's increasingly xenophobic rule exhibited an intolerance and violence that rejected the political participation of 'minorities' that had lived as neighbours of the Georgians for centuries.

In early 1991, the Gamsakhurdia government legally established a National Guard to act as the army of Georgia. Paramilitary groups had begun to form in Georgia in the 1980s. There may have been as many as 60,000 members of these groups by early 1990, the most important paramilitary force being the Mkhedrioni or Horsemen. Jaba Ioseliani, a convicted bank robber, organized this extreme nationalistic militia in 1989.<sup>33</sup>

Gamsakhurdia's authoritarian rule quickly provoked serious internal opposition. Armed clashes between pro- and anti-Gamsakhurdia groups occurred in Tbilisi in August and September. The Mkhedrioni and others launched a coup and Gamsakhurdia fled the country on 6 January 1992.<sup>34</sup>

Former Soviet foreign minister Edward Shevardnadze soon afterwards became the chairman of the newly-formed State Council. After fleeing to Grozny, Chechnya, Gamsakhurdia rallied his supporters against Shevardnadze's government. Opposition within Georgia centred in Gamsakhurdia's home province of Mingrelia, directly south and east of Abkhazia.<sup>35</sup>

Early in the morning of 14 August 1992 Georgia invaded Abkhazia, taking control of the Sukhumi airport on 14 August and then entering the capital city. The Abkhaz government regrouped in Gudauta, a town north-west of Sukhumi. Georgian troops launched a successful amphibious landing near Gagra and took the city by 19 August. The same day, Tengiz Kitovani, the Defence Minister, announced that all of Abkhazia was under Georgian control except for Gudauta and surrounding communities.<sup>36</sup> In response, the Abkhaz government issued a full-scale mobilization of all Abkhaz males between the ages of 18 and 40. In late October 1992, Georgian forces vandalized and burned down the university, museum, state archive and language research institute, embittering Abkhaz-Georgian relations to today.<sup>37</sup>

Although the Russian government was officially neutral in the war, the Russian Supreme Soviet on 25 August passed a resolution condemning Georgia for starting the war and there was a 'leakage of weapons' from Russian military facilities to the Abkhazs.<sup>38</sup>

The turning point in the war was the battle for Gagra, which the Abkhazians retook on 2 and 3 October 1992.<sup>39</sup> By regaining Gagra, the Abkhazs freed themselves from a two-front war and secured the ports and border of north-west

Abkhazia, thus being able to ensure supplies and volunteers to continue its war effort. The conquest of Gagra allowed Abkhazia to go on the offensive for the rest of the war and it was able to retake all of the territory north of the Gumista river to the Russian border.

The Abkhazs launched three unsuccessful offensives to retake Sukumi on 5 January, 16 March and 1 July 1993. It was during this six-month period that a Russian tilt toward Abkhazia became more pronounced in response to Georgian actions, especially after a Russian army helicopter was shot down in Abkhazia on 14 December 1992. The Russian government also gave itself an important role in the Transcaucasia specifically, and for the whole 'near abroad' more generally, when Russian President Boris Yeltsin, on 28 February 1993, asserted that 'responsible international organizations, including the United Nations, should grant Russia special powers as a guarantor of peace and stability in the region of the former union'.<sup>40</sup>

By 27 September 1993 Abkhaz forces had recaptured Sukumi and its airport. Although Shevardnadze had vowed to remain in Sukumi 'even if I am the last one' and would defend it with 'the last drop of our blood', he vacated the city along with the last of the defending Georgian troops on 27 September. The Georgian troops retreated in such confusion that the Abkhaz forces were able to advance to the Ingur river by 30 September; this has become the de facto order between Abkhazia and Georgia.<sup>41</sup>

Under the auspices of the United Nations (UN), representatives of Abkhazia and Georgia began to meet in November 1993 to discuss a ceasefire and other topics. Although a ceasefire agreement was not reached until May 1994, the war was effectively over by 1 December 1993, after a final Abkhaz offensive captured the eastern portion of Svanetia province.

### **Post-War developments in Abkhazian–Georgian relations**

Most observers agree that without Russian support Abkhazia would not have defeated Georgia in the war. In the early phase of the war, Russian planes and ships bombed and shelled Georgian-controlled territory, while the Abkhaz forces acquired Russian arms for their direct use. By the end of 1992 Abkhazia forces had Russian heavy artillery and tanks, and Russia bombed Georgian-held Sukhumi in February 1993. Although the Russian government was surprised when Abkhazia broke the ceasefire in September 1993, the Russian military in the area did not seem to be. The Russian forces on the border between the opposing forces 'made no attempt to forestall the attack'.<sup>42</sup>

The resulting diplomatic stalemate was inevitable given the intractable sentiments of the Georgians and the Abkhazs. Georgian Minister of State Vazha Lortkipanidze said: 'The Abkhaz conflict is a military and political conflict started in order to preserve the Soviet Union, and it is the Russian government that is responsible for it'.<sup>43</sup> Abkhazian Foreign Minister Sergei Shamba stated, 'we have no intention of giving up our independence. Under the alternative scenario there exists a real threat of annihilation for the Abkhazian race'.<sup>44</sup>

In the face of the debacle of the Georgian defeat at the hands of Abkhazia and a major threat from Gamsakhurdia's forces, the Zviadists, Shevardnadze tacitly changed Georgian policy vis-à-vis Russia. Georgia had refused to join the Commonwealth of Independent States (CIS) when it was formed by Russia, Ukraine and Belarus on 8 December 1991, and when it was expanded by a protocol with eight additional former republics two weeks later on 21 December.<sup>45</sup> The Zviadists launched a major offensive against the Georgian government, and on 8 October Shevardnadze announced he would advocate Georgia joining the CIS. Georgia agreed to a collective security treaty with Russia on 25 and 26 October. Soon thereafter, Russian troops had secured the rail line from Poti to Tbilisi, and Shevardnadze 'requested' that Russia's Black Sea Fleet protect the city of Poti. Georgia leased to Russia four military bases, including one in Abkhazia, for 25 years. Further, Russia was to protect the land and maritime borders of Georgia and provide training and equipment to the Georgian armed forces.<sup>46</sup>

Talks began between Abkhazia and Georgia on 1 December 1993, which led to the signing of a Declaration of Understanding in Geneva. The two sides agreed to a ceasefire, prisoner exchange and continuation of the negotiations. By the terms of a joint communiqué, the two sides agreed to CIS peace-keeping forces (CISPKF) to monitor the ceasefire.<sup>47</sup>

Negotiations continued, and on 4 April 1994 the parties signed a 'Declaration on measures for a political settlement', also known as the 'Moscow Agreement'. By the terms of this agreement the parties were committed to a 'strict formal cease-fire' and to the 'non-use of force or threat of the use of force', and the parties 'reaffirmed their request for a peacekeeping force' that would include Russian troops. Further, Abkhazia was to have its own constitution and 'state symbols, such as anthem, emblem and flag'. Finally, Abkhazia and Georgia agreed that 'powers for joint action would include foreign policy; border guards and customs; energy; communications and transport; and protection of human and civic rights'.<sup>48</sup>

A 'Quadripartite Agreement on Voluntary Return of Refugees or Displaced Persons (Annex II)' also was signed on 4 April. The signatories to this document were representatives from Abkhazia, Georgia, Russia and the United Nations High Commissioner for Refugees (UNHCR). By the agreement, the parties agreed to 'guarantee the safety of refugees and displaced persons' during 'voluntary repatriation'. The right to return was not to apply to persons who had 'committed war crimes and crimes against humanity' nor to people 'who have previously taken part in hostilities', or who 'are currently serving in armed formations, preparing to fight in Abkhazia'.<sup>49</sup>

Abkhazia approved a new constitution on 26 November 1994, to replace the one from when Abkhazia had been an autonomous republic of the Georgian SSR in the Soviet Union.<sup>50</sup>

Russia closed its border with Abkhazia on 19 September 1994, supposedly to help stop aid to Chechnya. On 19 December, it closed the border with Abkhazia along the River Psou. By orders of the Russian Foreign Ministry, Abkhazia's major port, Sukhumi, was closed to Abkhaz shipping on 30 August 1995. The

Russian government ordered Sukhumi closed to all shipping on 5 January 1996. Russian Deputy Foreign Minister Boris Pastukhov, on 30 August 1995, declared Abkhazian passports invalid outside the CIS even if people had valid visas.

In violation of the Moscow Agreement, Georgian officials repeatedly threatened violence when discussing the issue of Abkhazia. In August 1994, Georgian Deputy Prime Minister Tamaz Nadareishvili labelled Abkhazian President Vladislav Ardzinba a 'state criminal'. In February 1995, Shevardnadze said 'we must stop this epidemic of disintegration... we must resolve to take all prompt and necessary measures regardless of cost'. On 3 September 1996 Nadareishvili said: 'I think we should go back to Abkhazia and restore our authority there by force. Of course there will be more blood, more casualties.' At the end of that same month, Georgia conducted military exercises near the conflict zone. In July 1996 Nadareishvili said that agreements between Abkhazia and Georgia had no legal basis.<sup>51</sup>

The most progress in resolving the diplomatic stalemate came in 1997. On 15 August 1997, Ardzinba and Shevardnadze signed a joint statement in Tbilisi wherein they both promised to 'renounce force, demonstrating patience and mutual esteem, and settle differences peacefully through negotiations'.<sup>52</sup> In November 1997, Abkhazia and Georgia, under UN auspices, established a coordinating council consisting of representatives of both parties, in which regular negotiations would be held with the goal of resolving outstanding issues.<sup>53</sup>

Georgian guerillas organized as the White Legion and the Forest Brothers, consisting mostly of Georgian internally displaced persons from Abkhazia, 'systematically targeted' CIS peacekeepers and Abkhaz forces in the Gali region of Abkhazia in 1997 and 1998.<sup>54</sup> The commander of the White Legion, Zurab Samushiya, was a follower of Gamsakhurdia, while the head of the Forest Brothers, Dato Shengelia, had been a member of the Mkhedrioni. On 12 May 1998, the Forest Brothers attacked Abkhaz forces in the village of Khumukhkuri. This was a prelude to the six-day war of 19 to 25 May 1998, begun when the guerillas attacked an Abkhaz guard post, killing 17 Abkhaz police officers. In response, on 21 May, 1,500 Abkhaz militia men launched a successful counter-offensive against the guerillas. It is estimated that between 30,000 and 40,000 Georgians fled the Gali region.<sup>55</sup>

By the terms of the Gadauta ceasefire of 24 May 1998, both Abkhazia reinforcements and Georgian guerillas were to be withdrawn from the Gali region. Also, Georgia promised to forestall any future guerilla activities in Gali. Notwithstanding the distrust generated by the violence, Abkhazian and Georgian representatives agreed, in June 1998, to negotiate and sign two documents, an 'Agreement on Peace and Guarantees for Preempting Armed Clashes' and a 'Protocol on the Return of Refugees to the Gali Raion and Measures to Restore the Economy'. The first document sought to make permanent the ceasefires of 14 May 1994 and 24 May 1998, the second to resolve the issue of establishing a schedule for the return of Georgian refugees to Gali.<sup>56</sup>

By 1999 it was clear that the Georgian government felt it could withstand Russian pressure and began to articulate openly a pro-Western posture, and

to raise the stakes diplomatically vis-à-vis Abkhazia. In February 1999, the Parliamentary Committee on Defence and Security formally requested NATO 'to protect Georgia's security and independence'.<sup>57</sup> In April 1999, Shevardnadze said that Georgia wanted to join NATO and in an interview with the *Financial Times*, in October 1999, stated that Georgia 'will knock vigorously on NATO's door' in 2005.<sup>58</sup>

Abkhazia conducted a referendum on 3 October 1999 on Abkhazian independence as enshrined in the Constitution of the Republic of Abkhazia adopted by the Supreme Council of the republic on 26 November 1994. On election day, 87.6 per cent of the registered voters took part and 97.7 per cent of the voters approved the constitution. President Ardzinba and the People's Assembly proclaimed independence on 12 October 1999.<sup>59</sup> President Ardzinba ran unopposed and also won re-election to his second five-year term in October 1999, and announced that one of his main goals was to initiate conversations with these countries that might be open to extending diplomatic recognition to Abkhazia.<sup>60</sup>

Russia continued its 'carrot and stick' approach in late 1999. In September, Russia unilaterally reopened its border with Abkhazia, closed since December 1994.<sup>61</sup> Also, in what was considered a major agreement at the time, Georgia and Abkhazia signed a protocol designed to stabilize conditions on either side of the de facto border on 11 July 2000. By the protocol, both sides agreed to reduce the number of their police and other types of forces in the conflict zone to 600; to establish joint special organizations to suppress crime and smuggling in the zone; to continue to renounce the use of force to settle the conflict; and to complete the draft protocols on the 'Non-Renewal of Hostilities' and on the repatriation of Georgian displaced persons to Abkhazia's Gali raion, under discussion since June 1978.

In a report to the UN Security Council in late January 2001, Kofi Annan said that if deadlock over Abkhazia continued it 'could jeopardize the whole peace process'. Annan noted the abductions of UN military observers who were part of the UN Observers Mission in Georgia (UNOMIG) and pointed out that Georgia and Abkhazia were primarily responsible for their security. The UN Security Council adopted a resolution, on 31 January 2001, strongly requesting Georgia and Abkhazia to sign two documents: an agreement on peace, which would make the ceasefire permanent, and a protocol on the return of refugees to the Gali raion that the two sides had been discussing since June 1998.<sup>62</sup>

Tensions between Georgia and Abkhazia over their border region increased dramatically in April 2001 as a series of arrests, hostage-takings and detentions unfolded. Dieter Boden, the UN special envoy for Abkhazia, mediated a meeting between Abkhazian and Georgian officials. Abkhazia had complained to UNOMIG, according to Annan's 24 April report to the Security Council, that 'several groups of armed persons are crossing the cease fire line into Abkhaz controlled territory'. Russian officers of the CISPKF had reported Abkhaz compliance with the July 2000 protocol while the Russians had observed a build up of armed men on the Georgian side of the River Ingur.<sup>63</sup>

On 4 October 2001 several hundred Chechen and Georgian guerillas attacked Giorgievskoe, a village in eastern Abkhazia. During the fighting, on 8 October,

a UN helicopter was shot down, killing all nine people aboard. The partisans pushed their attack and were said to have nearly reached Sukhumi. In response, Abkhazia carried out air strikes against the guerillas in the Kodori gorge. The Abkhaz defence spokesman, Garry Kupalba, said 'the terrorists suffered heavy losses',<sup>64</sup>

Abkhazian Prime Minister Anri Djergenia, in a Russian television interview on 14 October said that Abkhazia would seek 'associate status' with the Russian Federation. On 18 October, Vice President Valerii Arshba announced that the Abkhaz were drafting proposals for Russian Federation membership. The next day, Djergenia said that the two countries would have a common economic policy. On 23 October Ardzinba said that while 'Abkhazia is *de jure* and *de facto* an independent state', in its future relations with Russia,

Abkhazia is a subject of international law (a member of the UN and other international organizations), but at the same time it implements [a common] foreign and defense policy together with Russia, has a shared currency and customs union with Russia and jointly with Russia guards its state border.<sup>65</sup>

Although Boden presented a draft agreement on the constitutional relationship between Georgia and Abkhazia in December, the Abkhazian government explicitly rejected it on 5 February 2002, while in response to the UN Security Council resolution of 31 January, Astamur Tania said 'we will not consider this document'.<sup>66</sup>

Georgia became more aggressive over the Abkhaz issue: on 20 March, the Georgian parliament alleged that Abkhazia was a 'haven for international terrorists'. In response, the Russian Foreign Ministry issued a statement:

Georgia has clearly adopted the policy of preparing the domestic and international public for new attempts to solve the Abkhaz problem by force ... under the guise of unfounded official claims about the presence of international and Arab terrorists in Abkhazia.<sup>67</sup>

To underscore Russian anger at Georgia, 150,000 Abkhazians were provided with Russian passports in June. The new passports permitted an estimated 70 per cent of the Abkhazian population to claim Russian citizenship. The Georgian Foreign Ministry called the distribution of Russian passports to Abkhazians an 'unprecedented illegal campaign'. Shevardnadze suggested in a national radio address that the Russian action 'effectively amounts to covert annexation and the violation of Georgia's sovereignty'. The Abkhazian prime minister, Anri Djergenia, bragged that he was a Russian citizen and had been one for years. Djergenia explained his reasoning saying 'the more Russian citizens who live in Abkhazia, the greater guarantee that Georgia will not begin a new war. Every great power is duty-bound to defend its citizens, wherever they live'.<sup>68</sup>

Edward Kokoyev, the President of South Ossetia, met Djergenia in September. The two leaders negotiated a mutual defence treaty to protect each other from Georgian 'aggression'.<sup>69</sup> As the new year (2003) opened, lingering

issues continued to bedevil Russian–Georgian relations to the benefit of Abkhazia. Moscow and Tbilisi are still at odds over the Russian demand that Georgia extradite Chechens accused of fighting against Russia. And Russia has no immediate plans to close its Georgian military bases. Also, the opening of a Russian–Abkhazian rail line has obviously rankled Georgian officials. Georgian Minister of Transport and Communication Merab Adeishvili, on 27 December 2002, labeled the reopening a ‘blatant violation of international norms and bilateral agreements’. The Russian Foreign Ministry was puzzled over Georgia’s ‘insistence on draconian measures to isolate Abkhazia’.<sup>70</sup>

### **Political and economic prospects of Abkhazia**

Both Abkhazia and Georgia are worse off today than they were in 1991 during the last days of the Soviet Union. Abkhazia has been weakened economically by the 1992 to 1993 war, the subsequent embargo and its international isolation. Georgia has been weakened economically by the separatist movements in Abkhazia and South Ossetia; its wars against Abkhazia and South Ossetia; its civil war of the early 1990s; disruptions in its trade with Russia; and by general disorder and corruption within Georgia.

Due to the precariousness of its position, Abkhazian politics appears to have had less open strife and dissension, since it was deemed necessary to repair the Abkhazian economy, badly damaged by the war and subsequent embargo. Before the 1992 to 1993 war, Abkhazia ‘was one of the most prosperous regions of the former Soviet Union’. The Caucasus Mountains protect Abkhazia and it has one of northernmost subtropical climates in the world. The country had a strong agricultural base, resting on citrus, tea, tobacco, olives, figs, nuts and wine. Abkhazia, with 0.2 per cent of the Soviet population, provided 20 per cent of the Russian demand for tea, for example. Wood products and fish were also important exports.<sup>71</sup>

The Abkhazian economy was different from many other regions of the former USSR. Its subtropical climate on the Black Sea and the restrictions on foreign trade oriented Abkhazia’s products to the Soviet market, but collectivization never took hold, as Abkhazian agricultural production of citrus fruits, tea, nuts and other products did not lend itself to such production. Consequently, there was a tradition of family farms and orchards in Abkhazia. After World War Two, major investments in tourism established Abkhazia as a major destination for Soviet tourists. Hotels, spas and sports complexes were built, and the Soviet government developed the civilian airport outside of Sukhumi at this time. The large influx of tourists has aided the development of the private sector in such areas as bed-and-breakfast establishments, handicraft production and street vendors.<sup>72</sup>

The 1992 to 1993 war affected at least 70 per cent of Abkhaz territory. One estimate puts the economic damage of the war in destruction of property and personal belongings at \$10 billion. In the first full post-war year (1994), industrial production was down 93 per cent, hydro-electric generation 60 per cent, and the GDP of the rural economy was down 75 per cent. The average per capita income

in 1994 was \$120, down from \$800 in the 1980s.<sup>73</sup> The Georgian forces, in addition to destroying homes, schools, bridges and tunnels, looted Abkhazia, stealing aircraft, locomotives and train cars, buses, trucks, automobiles and computers. The Georgians also plundered farms and plantations. Citrus, tea and tobacco exports in 1994 were 19 per cent of their 1989 level. Overall the GDP in 1994 was 14 per cent of the pre-war level.<sup>74</sup> The human loss is grimmer. There were an estimated 5,000 fatalities, and 1,256 people became disabled from the war. It is also estimated that 6,000 children became orphans as a result of the conflict.<sup>75</sup>

Although trade with Russia and Turkey continued even during the strictest enforcement of the blockade, it is estimated that the trade restrictions engendered losses equal to the pre-war Abkhazia GDP. By the end of 1999, 62 per cent of Abkhazian imports came from Turkey, while 45 per cent and 54 per cent of Abkhazia exports went to Turkey and Russia respectively. Trade revived after Russia ended its trade embargo against Abkhazia in the autumn of 1999. By the end of 2002, Abkhazia imported flour, petroleum and sugar from Russia, and exported citrus fruits, fish, timber and wine to Russia. Abkhazia's tourism industry has also revived, relying on Russian tourists, mainly members of the armed forces of Russia.<sup>76</sup> Tourists numbered 12,000 in 1996.<sup>77</sup> Abkhazia has experienced some economic growth: one estimate puts the average annual growth rate from 1994 to 1997 at between 30 per cent and 40 per cent, while another puts the growth at 15 per cent to 20 per cent per year from 1994 to 1999. Average per capita income rose \$250 by 1996.<sup>78</sup>

Abkhazia has great potential economically. The tourist resorts in Pitsunda, Gagra and New Athar were not damaged by the war, and even without new investment Abkhazia could handle over one-million visitors a year. Even during the embargo, Russians were returning to visit Abkhazia.<sup>79</sup>

In terms of natural resources, Abkhazia is self-sufficient in coal, has some oil and natural gas deposits, and has substantial reserves of timber, one of its main exports to Turkey. Abkhazia exports coking coal, marble, limestone, cement, copper, lead and zinc. The country is also very well supplied with water and Abkhazia's hydro-electric potential is estimated to be at 25-billion kilowatts.<sup>80</sup> In short, Abkhazia would be economically viable as an independent country, and recognized as such by the international community.

A main factor in the domestic political stability in Abkhazia has been the consistent leadership role of Vladislav Ardzinba. A historian by training, he was elected chair of the Supreme Soviet of Abkhazia on 4 December 1990.<sup>81</sup> It fell to him to rally the Abkhazian nation to face the brutal Georgian invasion of the country in August 1992.<sup>82</sup>

On 26 November 1994 the Abkhazians adopted a new constitution which declared that Abkhazia was a sovereign state. Yet the Abkhazian government stated it was not declaring independence from Georgia.<sup>83</sup> Abkhazia held elections for president and a referendum on independence on 30 October 1999. Ardzinba was re-elected to a five-year term with 99 per cent of the votes. In the referendum, 97 per cent supported the 1994 Constitution. In response, the Abkhaz legislature enacted the State Independence Act which declared Abkhazia to be

a fully-independent state on 12 October 1999.<sup>84</sup> Abkhazia held parliamentary elections on 2 March 2002; Georgia condemned the elections as illegal and no international organization recognized them.<sup>85</sup> Gennady Gagulia was appointed prime minister in autumn 2002, and called on the international community to help Abkhazia economically.<sup>86</sup> A problem for Abkhazia since late 2000 has been the rumours about Ardzinba's health. Georgian newspapers have alleged repeatedly that he is afflicted with Parkinson's disease.<sup>87</sup>

### **Abkhazia as a de facto state**

Although Abkhazia has been in control of its territory with a functioning government for almost eleven years, its future is far from certain. It appears that Abkhazia has been able to take advantage of Russian hostility towards Georgia, yet Russia appears to be unwilling to extend diplomatic recognition to Abkhazia, lest Georgia and other countries such as Turkey and Azerbaijan extend the same recognition to Chechnya.

It is possible, too, that what stays Russia's hand is the old dream of dominance in the transcaucasian region. Some in the Russian government appear to want to re-integrate both Abkhazia and Georgia into the Russian Federation. Others may not want to deal with a hostile and sullen Georgia *within* Russia and so would rather keep Georgia nominally independent but weak. This strategy appears to have been nullified in the wake of Georgian hostility and the deployment of US power in the region after 11 September 2001. A third approach might be to make Abkhazia a de facto protectorate and to extend Russian de jure recognition in the midst of an international uproar which would inhibit a response from the US, Europe and countries of the region.

Abkhazia, along with the other countries analyzed in this book, is a de facto state and not a de jure state because of the post-World War Two 'situation of normatively-sanctified fixed territorial borders and internationally-guaranteed sovereignty'.<sup>88</sup> Robert Jackson's analysis of the 'new sovereignty game' identified two main distinctions of this post-1945 situation. First, 'rulers can acquire independence [statehood] solely in virtue of being successors of colonial government rather than having to demonstrate the ability to govern'. Second, 'weak states may no longer be deprived of their sovereignty through colonialism, conquest, or partition'. Consequently, the new sovereignty game created a large number of quasi-states – states that lack most capabilities protecting sovereignty, yet which have the same rights as all other states because of the principle of juridical equality of states.<sup>89</sup>

The new sovereignty game created a second type of state: the de facto state. The same principle which uphold quasi-states 'also prevents the acceptance of other groups regardless of how legitimate their grievances, how broad their popular support, or how effective their governance. Quasi-states and de facto states are thus both children of the new sovereignty regime'. In short, the quasi-state has recognition but lacks capabilities, whereas the de facto state has capabilities but lacks recognition.<sup>90</sup>

Of course, recognition is vitally important because it allows access to the public goods that the international community doles out via such institutions such as the International Monetary Fund and the World Bank. The community of states in its decisions on recognition acts as a gatekeeper for the private sector as well. States not recognized as such have more difficulty obtaining loans, capital investment and other necessary resources for a functioning economy. And yet, the decision on recognition is not based solely on law but rather ‘the process of legitimization is ultimately a political phenomena, a crystallization of judgment that may be influenced but is unlikely to be wholly determined by legal norms and moral principles’.<sup>91</sup>

Pegg identifies four factors which act as ‘figurative ceilings’ that stop *de facto* states from attaining sovereign statehood, and they are all applicable to Abkhazia.<sup>92</sup> The first factor is the changing normative environment on territory. The traditional norms permitted if not required changes in territorial boundaries. Territorial borders were fluid and helped sustain the balance of power. Contemporary norms during the post-World War Two era attempted to ‘freeze the map’ and sanctified existing boundaries. The new norm rested in part on the globalization of the legal principle *uti possidetis* geographically and the expansion of the principle conceptually in that it was applied against irredentist and secessionist movements. As Pegg has pointed out, existing states have a vested self-interest to reinforce existing state boundaries. Each supports the other in their presumptions to a monopoly of power within their territory.<sup>93</sup>

A second factor putting a ceiling on attempts of Abkhazia and other *de facto* states to become *de jure* is the changing conceptions of sovereignty. As Barkin and Cronin put it, since ‘understandings of legitimacy tend to change from era to era ... the rules of sovereignty are neither fixed or constant, but rather are subject to changing interpretations’. In their terms the international community has alternated between the conceptions of ‘state sovereignty’ and ‘national sovereignty’. The former stresses the link between sovereign authority and a defined territory, the latter ‘emphasized a link between sovereign authority and a defined population’. When the former predominates, as it does today, the international community ‘will tend to defend the rights of established states against nationalist claims of domestic ethnic groups’.<sup>94</sup>

A third factor is the shift from ‘empirical statehood’ to ‘juridical statehood’, which mirrors the shift in sovereignty concepts noted above. For centuries, ‘demonstrated capacity for self-government created capability and respect which warranted recognition’.<sup>95</sup> UN General Assembly Resolution 1514, adopted 14 December 1960, reflected the change as it counselled that ‘inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence’.<sup>96</sup> Having an efficient government, supported by its population and in effective control of territory is literally not germane to a *de facto* state’s attempt to be accorded sovereign statehood.

The last factor which Pegg argues has established a ceiling against *de facto* states attaining *de jure* status was a new recognition norm. Until World War One, recognition was granted when states ‘successfully demonstrated their empirical

capabilities'. Since the First World War, recognition is based on opinions about the legitimacy of a state's origin and its policies. A very important determinant is if the 'prior sovereign' grants recognition to a new state. Recognition is now a political and not a legal decision. Overall, today, there is 'a strong general refusal to recognize any secessionist entity that does not receive consent from its existing sovereign'.<sup>97</sup>

While the previous four factors have inhibited *de facto* states from joining the international community, Pegg has identified two other factors that have provided the impetus for peoples to strive for independence that creates the context for the emergence of *de facto* states. The first factor Pegg calls 'weak state security dynamics' and refers to those states which lack legitimacy and socio-political cohesion. For most of these states, their primary threats are 'internally generated' and constitute the gravest threat to their existence. These weak or quasi-states have boundaries that lack any geographic, economic, ethnic, religious or linguistic sense.<sup>98</sup>

Another dynamic contributing to weak states is that most such states are multinational, not nation states. The core of the 'insecurity dilemma', in Holsti's terms, is that the attempts to create a strong state result, instead, in perpetuating the weaknesses of a state. As Holsti explains it, 'without a nation, a state is fundamentally weak. But in attempting to build strength, usually under the leadership of an ethnic core, minorities become threatened or excluded from power'.<sup>99</sup> The principle of self-determination has also served to aid the development of independence/secession movements. The UN, in practice, sharply limited the application of self-determination to colonies and a handful of exceptions, such as those people living in apartheid regimes. Although, as Pegg has pointed out, 'secession and decolonization are based on the same principle', the international community has embraced the latter, rather than the former.<sup>100</sup>

Why is it that the 'self' in 'self-determination' refers now to former colonies and former Soviet Socialist Republics rather than to groups of people who are readily recognizable as nationalities? And, more to the point of this chapter, how do the legal principles of state sovereignty and territorial integrity come to be used to defend a Georgian military junta that illegally overthrew a democratically elected government, unilaterally declaring itself independent *and* declaring all Soviet laws null and void, except those that related to the territorial extent of the former Georgian SSR? If all Soviet laws are null and void, then the Soviet law making Abkhazia an autonomous republic of Georgia is null and void, and Georgia has no inherent legal right to the territory of Abkhazia.

Abkhazia has been stuck in its *de facto* status since late 1993 due to the factors mentioned above. The international community was concerned about the violence that could possibly have erupted in the face of the break up of the Soviet Union. Thus, an easy way of handling the break up was to accept the USSR republic boundaries, in a similar way to the granting of independence to the colonies of Asia and Africa. Georgia was accorded status as an independent country because of its former republic status. Abkhazia lacked that status and so was frozen out.

The second factor referred to by Pegg is that the dominance of 'state sovereignty' privileged Georgia's claims to statehood while delegitimizing the 'national sovereignty' claims of Abkhazia. Georgian claims rested on its status as a union republic which permitted its secession under the Soviet constitution. Abkhazia was an autonomous republic, an administrative unit within Georgia, so its national claims were ignored by the international community.

Thirdly, the new norm of juridical statehood mirrored the state-sovereignty rule. As a constituent part of the USSR, Georgia was seen to have legitimate statehood although its government was not in control of at least one-third of the country. Abkhazia having a government in control of territory does not provide it a basis for statehood under the post-colonial dispensation.

Lastly, since the USSR recognized Georgian independence the latter is now a legal member of the state system, no matter how often it has failed to show an ability to govern effectively. Abkhazia, being denied recognition from its 'prior sovereign', Georgia, is frozen out of the international community because of political calculations dressed up as legal norms.

The Abkhazs have been in a very difficult situation for over eleven years now. They believe that a false move could, literally, lead to the genocide of their national community. They realize the disproportionate power of Russia and act accordingly. Yet Abkhazia will be able to make its own way in the world, basing its national interest solely on the well-being of its own people.

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