

Several Observations Related to the Perception of the Georgian-Abkhazian Conflict, by Liana Kvarchelia

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Is There A Conflict Or Not?

The Georgian-Abkhazian conflict can rightfully be considered as protracted - 28 years since the end of the Georgian-Abkhazian war, it is still unresolved, although there are differing opinions within Abkhazian society on whether the conflict can be considered over.

Abkhazia's acquisition of independence and recognition, primarily by Russia, is the most important factor in strengthening Abkhazian statehood. However, this does not necessarily mean that the conflict is exhausted, because as long as Georgia maintains its claim to Abkhazian territory, it is not only impossible, but also dangerous, to consider the conflict resolved. It is unlikely that in the near future, Georgia will voluntarily or by compulsion (given the current international balance of power, there is no world-player ready to compel Georgia) recognise the independence of Abkhazia. Considering the recent experience of the 44-day war in Nagorno-Karabakh, one cannot exclude the possibility of military retaliation under conditions favourable for Georgia. Such a situation cannot be considered a stable and long-term peace. At present, the primary restraining factor for Georgia is the presence of a Russian military base on the territory of Abkhazia as well as Russia's self-imposed obligation to ensure the security of the Republic of Abkhazia in accordance with the Russian-Abkhazian cooperation agreement.

According to the opposing viewpoint, the recognition of Abkhazia's independence by several states implies the automatic end of the conflict, even if the Georgian side does not agree with this. Georgia is recognised as an adversary; however, those who support this view argue that the external security-guarantees from Russia will neutralise the potential threat posed by Georgia for many years, if not permanently. With this approach, consciously or unconsciously, the resolution of the conflict is in effect equated with the presence of external guarantees of security against any potential revanchist action.

Interestingly, there are also varying positions within Georgia regarding the conflict. The majority of the political establishment prefer exclusively to discuss Russian-Georgian conflicts. They join some Abkhazian politicians and experts in denying the existence of a Georgian-Abkhazian conflict. The Georgian version attempts to leverage the heightened tensions between Russia and Western countries and secure the latter's support by portraying Georgia as a victim of Russia, not as the aggressor as it actually was in 1992. Essentially, Georgia's law on the so-called "occupied territories" asserts its claims to Abkhazia's territory, absolves itself of responsibility for initiating the wars in 1992 and 2008, denies the existence of a Georgian-Abkhazian conflict, and fails to recognise Abkhazia as a party to the conflict and in negotiations. By adopting the "Occupied Territories" law, Georgia not only closes off the

topic of political negotiations with Abkhazia but also legally locks Russia in the role of primary party to the conflict.

Georgian and Abkhazian politicians and experts deny the existence of a Georgian-Abkhazian conflict for different reasons. Despite their different motives, they agree on one thing - Abkhazia is effectively being denied subjecthood.

The Right to Self-Determination of Nations or the Principle of Territorial Integrity?

After the Soviet Union officially ceased to exist as a state on 26 December 1991, the international community hastily recognised 15 new states (the former Soviet republics), although the process of the actual dissolution of the Soviet Union was still ongoing. It was happening against the backdrop of a sharp surge of nationalism in the newly recognised independent states (in the absence of democratic institutions) and the strengthening of resistance of the peoples in the former autonomous republics who believed that their right to national self-determination was being unjustly sacrificed to the new geopolitical reality.

It would seem that the collapse of the Soviet Union itself should have marked the capitulation of the principle of respect for “territorial integrity” in favour of the right to self-determination of nations. In reality, however, recognition of the priority of the latter had its limits, and they were harshly delineated by the international community along the borders of the former Soviet republics. In fact, an attempt was made to stop the process of the dissolution of the Soviet Union halfway, without taking into account all the legal aspects and without paying due attention to the long history of contradictions between individual union-states and autonomous entities, such as Georgia and Abkhazia, for various historical reasons. In addition, the process of recognising former Soviet republics was taking place without any preliminary conditions (such as respect for human rights, the rights of ethnic minorities, etc.) imposed by the international community, which gave the newly recognised states significant freedom of action in what they considered their internal policy.

Conflict or War?

In political science and conflict-studies, the term “conflict” is used to describe situations in which two or more parties have incompatible goals. The concept of conflict is broader than the concept of war. War is the peak of conflict, its open and violent phase. The presence of conflictual relationships with a long history usually leads to war. The Georgian-Abkhazian war, which became the culmination of the long history of denying the autochthonous status of the Abkhazian people by Georgia and even their identity, as well as attempts to suppress their national aspirations, is no exception in this regard. However, in Abkhazian society, one can hear quite painful reactions to the use of the term “conflict”. Some believe that the use of this term diminishes the tragedy and heroism of wartime, although, in reality, one is only talking about the use of terminology accepted in political science.

Non-recognition as denial of collective rights

Georgian-Abkhazian stand-offs have almost a century-long history. In the USSR, they naturally had a latent character, although they turned into protest-actions almost every ten years. After

the collapse of the USSR, the central driving force of the conflict became Georgia's intensified promotion of the idea of creating a national state (including Abkhazia and the Abkhazian people) based on Georgian ethnicity, and, on the other hand, the resistance of the Abkhazians to encroachments on their identity and statehood.

The military phase of the conflict (1992-1993) with all its attendant cruel losses and destruction became a point of no return, closing the question for Abkhazian society about the possibility of coexistence of Abkhazia and Georgia within a single state-formation.

The fact that in the first years after the Georgian-Abkhazian war of 1992-1993, the Abkhazian side was forced to agree to compromise-options for a political settlement (ideas of a joint-state, a common state) under pressure from international mediators, options which, by the way, were rejected by the Georgian side, does not necessarily mean that Abkhazian society was ready to accept such agreements. The society, barely surviving under the conditions of trade- and economic sanctions in a war-torn country, rather perceived the Abkhazian position as an enforced tactical move necessary to buy time. Therefore, it is not surprising that, when the question of supporting the sovereignty of the republic was put to a referendum in Abkhazia in 1999, many people in Abkhazian society were sincerely surprised, considering this issue resolved immediately after the end of the war in 1993.

In a similar context, namely Kosovo, the war and the crimes associated with it became the main argument in favour of the impossibility of the coexistence of Kosovo and Serbia within one state. At a certain stage, mediators announced that all the possibilities of the negotiation-process had been exhausted. This was followed by a series of recognitions from Western countries, primarily the United States.

Understanding the geopolitical background of the recognition or non-recognition of a particular state, it is still impossible to ignore the fact that the presence of a sufficiently long military phase in a conflict is a weighty argument in favour of recognising the independence of a formation that claims its own statehood, has a long history of statehood, and in view of the fact that this state was not the initiator of military actions. Among Western diplomats, one can often hear the opinion that the world cannot recognise independence achieved by force. This statement does not apply to Abkhazia, as it was not the initiator of the military campaign in 1992. Independence was the result of repelling Georgian aggression. In addition, this resistance was accompanied by huge losses.

Given that having their own state is not only a form of national self-determination for the Abkhazians, to which they have the same rights as any other people, but also a collective need born out of the war to exist protected from Georgian threats, refusal to recognise such a need and right is nothing other than discrimination.

Are direct negotiations with Georgia necessary?

The ethno-political nature of the conflict that determines the character of the basic contradictions between the parties, the military phase in the conflict-history that makes it extremely difficult to find compromises, and the diametrical opposition of political positions

(occupation vs independence) all suggest that a comprehensive settlement of the conflict is likely in a long-term perspective. In this case, is there a need to engage in negotiations today?

Until 2008, Abkhazia was a party to negotiations with Georgia, although over several years leading up to the August 2008 war, a clear trend emerged in Georgian politics (with the advent of Mikheil Saakashvili to power) to break the existing negotiating format in order to push the Abkhazian side into the background and pit Georgia against Russia as the party to the conflict. To achieve this, the Georgian side violated previous agreements (for example, as a result of the deployment of Georgian military units in the Kodori Gorge of Abkhazia in 2006), official and unofficial negotiations were disrupted, provocations were organised in border areas, and so on.

After the August 2008 war, a new negotiation-format, the so-called “Geneva Discussions”, was created. Its official name refers to issues of security and stability in the South Caucasus. However, in substance, it is focused on the consequences of the August 2008 war. Georgia now formally refuses to negotiate with Abkhazia and South Ossetia as parties to the conflict, insisting that it is a Russo-Georgian conflict and stating its readiness to sign a Agreement on the Non-Use of Force with Russia, not with Abkhazia and South Ossetia. Russia does not recognise itself as a party to the conflict, and international intermediaries agree that there are several levels to this conflict. As a result, in the Geneva discussions, representatives of the parties participate in a personal capacity.

The format of the Geneva discussions has allowed for a certain level of interaction in resolving a limited range of operational issues (such as the security-situation in border-areas and some humanitarian issues), but not more than that. Today, many criticise the Geneva discussions for their static, if not rigid, nature and low effectiveness. However, all parties participating in the discussions are interested in maintaining this platform. The Georgian side considers it an important achievement that a format has been created in which Abkhazia and South Ossetia no longer have the negotiating status they had before 2008. The interest of Abkhazia can only be explained by the fact that there are simply no other international platforms of a similar level for presenting their own position by Abkhazian officials (present at the discussions in a personal capacity).

In contrast to the current Geneva discussions, which focus on the aftermath of August 2008, previous negotiating cycles (Geneva-1 and Geneva-2) were based on the military events of 1992-1993. Today's agenda actually overlaps the problems associated with the Georgian-Abkhazian war, and rearranges the emphasis on the issue of responsibility for the outbreak of hostilities in 1992. Direct talks between Georgia and Abkhazia would bring back events from 1992-1993 onto the agenda and restore Abkhazia's status as a fully-fledged party to the negotiations.

After the ruling party “Georgian Dream” came to power, Georgian politicians, at least in their statements, expressed readiness to engage in direct dialogue with the Abkhazian side but persistently refused to sign a joint agreement on non-use of force with Abkhazia. Gradually, the rhetoric of official Tbilisi regarding direct talks with Abkhazians shifted towards statements about readiness to build trust with Abkhazian society (but not with its official

representatives), which fits into the strategy of non-recognition of Abkhazia as a subject of the political process.

Abkhazia's President Aslan Bzhania has unequivocally expressed his support for direct talks with Georgia since his first days in power, emphasising the need to sign an agreement on the non-use of force and talking about the opportunities that could open up for the region as a result of unblocking transportation-communications. The same position has been repeatedly voiced by the Secretary of the Security Council, Sergey Shamba. However, there has been no reciprocal step from the Georgian side.

Against the backdrop of prolonged silence from official Tbilisi in support of bilateral dialogue, representatives of Georgian civil society have spoken out. However, reaction came not from Tbilisi, but from opposition-circles in Abkhazia, and it was directed against President Bzhania, whose statements about readiness for direct talks were sharply criticised, although in the absence of substantial arguments. The opposition was particularly outraged by Abkhazia's foreign policy concept, despite the fact that the concept assumes that Abkhazia's independent status is not up for discussion. At the same time, it states the need for "multi-level negotiations" with Georgia, which provoked protest-statements from the opposition, demanding a rejection of any talks with Georgia, except for the Geneva discussions.

As for the Georgian authorities, recently the head of the State Security Service, Grigol Liluashvili, spoke out against direct talks with Abkhazia, saying: "...we should talk, but we need to be extremely careful not to be left alone with them (Abkhazians) in these talks, and in order that the force which really effectively controls these territories not escape responsibility." In fact, this means not engaging in formal talks in which Abkhazia would participate as an official party. Focusing on the responsibility of the "third party" distracts attention from Georgia's own responsibility. Today, using this tactic is even easier than it was on the eve of 2008 during the presidency of Mikheil Saakashvili, given the current deep crisis in relations between Russia and Western countries and the strengthening trend of considering Abkhazia, despite historical and other facts, in the context of Russo-Georgian stand-offs and in the same row as the DPR [Donetsk People's Republic], LPR [Lugansk People's Republic], and the Crimea.

Thus, it turns out that direct negotiations face resistance from two sides: on the one hand, the Georgian authorities do this, on the other hand, some Abkhazians politicians do so. In the first case, continuity in the policy of preventing the recognition of Abkhazia's subjecthood in any form, exploiting the "occupation" theme, and presenting Georgia as a "victim" is evident. In the second case, we primarily observe a populist attempt once again to use the conflict as a tool in the domestic political struggle and to present the idea of direct negotiations (although negotiations with the Georgian side have been held throughout the post-war period and under much more complex conditions) as something that implies a retreat from national interests. And this is happening against the backdrop of an acute lack of rational discussions of all the benefits and risks of one decision or another and the making of predictions about various scenarios for the development of the situation, especially in light of recent events in the region (the Karabakh war and new nuances in the geopolitical structure). In the end, both strategies work to undermine the prospects for direct negotiations.

Under pressure from the Abkhazian opposition, supported by the Parliament, the President of Abkhazia removed the point on conducting “multi-level negotiations with Georgia” from the text of the foreign policy concept, which was considered a “victory” by the opposition. The removal of the indeterminate word "multi-level" in this context would not raise questions. However, changing the position regarding negotiations as such can only be justified by the absence of reciprocal steps from Georgia. All other reasons serve to solve purely domestic political problems.

Meanwhile, there are a number of questions that could become the subject of direct negotiations (with the mediation of the EU, UN, and Russia). First and foremost, this is the question of signing a bilateral agreement on the non-use of force. As for other issues, there are areas such as energy, where working-contacts have been maintained throughout the post-war period - both sides are interested in the normal functioning of the Ingur hydroelectric power-station. Common (regional) interests may also include issues related, for example, to the unblocking of transit transport-communications, trade, and ecology. These issues should be discussed in the context of the overall international de-isolation of Abkhazia, the main obstacle to which is Georgia's destructive position. The establishment of cultural, educational, and economic contacts between Abkhazia and the outside-world requires Georgia to abandon its policy of marginalising and isolating Abkhazia, and an important step in this direction should be the cancellation of the law on so-called “occupied territories”.

Constructive negotiations could help create an environment in which the parties not only formally exclude the use of force as a way of resolving the conflict but also possibly come to a common understanding that injustice and inequality, expressed, *inter alia*, in the international isolation of Abkhazia and with contingent humanitarian, economic, and political consequences, only fuel the conflict, steadily worsening the overall climate in the relations between the parties and in the region *tout court*.