

GEORGIA ON OUR MINDS

**REPORT OF A FACT-FINDING MISSION
TO THE REPUBLIC OF GEORGIA
JULY 1994**

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FOREWORD

The ethnic conflicts that have surfaced following the collapse of the Soviet Union and the Communist system constitute a serious challenge to world peace and world order, especially in the Caucasus where oil, transportation networks, and political alliances are capable of determining power politics from Central Asia to Western Europe and even beyond. For this reason, after many years of study of nationalism in the former Yugoslavia, we organized a Fact-Finding Mission to visit the Republic of Georgia in July 1994. We did so to broaden our understanding in this realm (especially in relation to the former Soviet Union) and hopefully to assist the process of conflict mitigation in the area. In addition to the fact that Georgia had experienced three civil wars in the past four years, the conflicts there and elsewhere in the Caucasus appeared to have been more or less forgotten by the world at large. This Report documents the results of our Mission.^{1/}

The Fact-Finding Mission

Organized under the auspices of the Psychologist's Against Nuclear Arms for Peace and Ecological Balance in Sweden, financed by a grant from the Swedish Ministry of Foreign Affairs, and undertaken in cooperation with The Transnational Foundation for Peace and Future Research (TFF), an independent peace research foundation in Lund, Sweden, our Fact-Finding Mission visited Georgia (and its claimed territories of Abkhazia and South Ossetia) from July 6 to the July 30, 1994. It consisted of a multidisciplinary team of four people, as follows:

Dr. Marta Cullberg Weston, clinical psychologist/psychoanalyst and member of the Board of Directors of Psychologist's Against Nuclear Arms for Peace and Ecological Balance (Sweden) and the Board of Directors of The Transnational Foundation for Peace and Future Research (Lund, Sweden);

Dr. Burns H. Weston, Bessie Dutton Murray Professor of International Law and Associate Dean for International and Comparative Legal Studies, The University of Iowa (USA), and human rights advisor to the Board of Directors of The Transnational Foundation for Peace and Future Research (Lund, Sweden);

Dr. Jan Öberg, Swedish and Danish sociologist/peace researcher and Director of The Transnational Foundation for Peace and Future Research (Lund, Sweden); and

Mr. Klaus Rasmussen, doctoral candidate in political science, The University of Copenhagen (Denmark).

A Note About Method

While in Georgia, our Fact-Finding Mission extensively interviewed approximately 80 persons in government, politics, the media, intellectual communities, and representatives from the United Nations (UN), the Conference on Security and Cooperation in Europe (CSCE), and the

¹ The title of this Report ("Georgia on Our Minds"), referring to only one party in the conflict situation that makes up Georgia and its claimed territories of Abkhazia and South Ossetia, is an expression of literary license and is in no way intended to imply that the problems of Abkhazia and South Ossetia are not also very much on our minds.

Commonwealth of Independent States (CIS), as well as important agents in Abkhazia and South Ossetia. Reality is always multifaceted, and for this reason our Report, based on these interviews and as much up-to-date literature we could obtain,^{2/} attempts to mirror in comprehensive fashion the many different political, socio-economic, juridical, and psychological elements that make up Georgian life at this critical time.

However, despite repeated efforts, we were unable to interview the political leadership in Abkhazia, who, unlike the political leadership in South Ossetia, never managed to find a "suitable time" to meet with us. Our understanding of events and conditions in Abkhazia are based, therefore, on interviews with regional Abkhazian officials and representatives located in Abkhazia from the United Nations Observer Mission in Georgia (UNOMIG), the CIS, the International Committee of the Red Cross, *Médecins sans Frontières*, and local citizens representing the military, the press, and the arts, among others. Also, we relied on written source material.

The many and diverse persons interviewed, it is important to note, were not randomly selected. Rather, we chose people close to the center of the political process and often asked them the same or similar questions so as to add systematically to our knowledge and to discover simultaneously information that might be missing or misunderstood. In this organic way, in a relative short period of time, we were able to learn a great deal about the situation. While there is nothing inherent in the process to define its end, for practical reasons our time was limited to three weeks in the area.

We wish also to emphasize that it always has been our practice or rule never to quote people interviewed by name. We spell this out firmly at the outset of each interview to encourage maximum freedom of expression, without fear of retribution; also to ensure that members of our Fact-Finding Mission may return to Georgia or otherwise continue to work on specific projects related to Georgia without concern for their safety or success. Thus, precisely attributed quotations are missing from this Report.

Acknowledgments

We extend to all persons who took of their time to inform us about the situation in Georgia, Abkhazia, and South Ossetia our most sincere thanks. We are keenly aware, of course, that it is impossible to write a report that will please everyone. Thus, even while gratified by certain aspects of our report, many will be disappointed as well. Everyone interviewed, however, contributed significantly to our understanding, and for this reason we extend to all concerned our deepest gratitude, and not least to the several local English-speaking translators upon whom we relied. To them we acknowledge a special indebtedness, as we do also to Professor Stephen Jones of Mount Holyoke College who generously gave of his time to review this report.

* * *

We dedicate this Report, for which we are solely responsible, to the young people of Georgia, Abkhazia, and South Ossetia. May they find peaceful and just ways of co-existence! War is no sign of statesmanship. It is proof that humane problem-solving has failed. War itself is a defeat for humanity, only seldom a necessary evil. It is almost never a realistic means to solve problems.

Marta Cullberg Weston
Burns H. Weston
15 December 1994

² It should be understood that we have included citations to sources that reflect distinctive points of view. We have done so in order to ensure proper representation of different viewpoints.

I. INTRODUCTION

The Republic of Georgia is located on the southern slopes of the Caucasus Mountains between the Black and Caspian seas in a region--Caucasia--that is rich and colorful in cultural tradition and that evokes romantic associations of fiercely independent mountain people and of free-roaming Cossacks on white horses. Though times are changing, much of that tough, independent, and adventurous spirit is still present. Intense feelings of love and hate are evident everywhere, as are also strong loyalties to clan and family, and to the land on which these intense feelings and strong loyalties have been nurtured. But not to be overlooked is a nearly religious attitude toward generous hospitality. At one point, indeed, we were held as "hospitality hostages". To be a guest at a typical Georgian, Abkhazian, or South Ossetian dinner, complete with its tradition of toasting, is a life-long experience that enriches one's outlook on life.

Bordered on the north and northeast by Russia, on the southeast by Azerbaijan, on the south by Armenia and Turkey, and on the west by the Black Sea, Georgia was once an important part of "the Great Silk Road" of earlier times, and in many ways it still is a bridge between East and West and North and South. Its geo-strategic importance is self-evident.

The people of Georgia have a long and proud cultural history. Georgia was among the first countries to convert to Christianity (in 330 A.D.), and most of their early written texts were religious. The Georgian language, with its unique alphabet (one of fourteen different alphabets in the world), existed in written form as early as 400 A.D. and is linguistically distant from Slavic as well as the Turkic or Indoeuropean languages.^{3/} Georgia has also a rich cultural history of dance, music, theater and literature.

Historical and statistical data concerning Georgia may be noted in the accompanying chart on page 8. Absorbed by Russia in the first half of the Nineteenth Century, it proclaimed its independence in May 1918, with Soviet recognition being extended two years later. In February 1921, after being overrun by the Red Army, it was proclaimed a Soviet republic. In 1922, it entered the USSR as a component of the Transcaucasian Soviet Federative Socialist Republic (TSFSR). In 1936, it became a separate Union republic. And from 1936 until the early 1990s, it remained geopolitically as it was formed in 1922, with two autonomous republics (Abkhazia and Adzharia) and one autonomous region or *oblast* (South Ossetia) incorporated within its borders.

A truly multicultural society, Georgia has a large Armenian population (9%), as well as Russians (7.5%), Azerbaijani (5%), and Ossetians (3%) in addition to Georgians (69%). The 1989 census counted fourteen officially recognized national minorities within Georgia, nine of them numbering over 30,000 people. The ability to handle these minorities will seal Georgia's fate. As Georgian specialist Professor Stephen Jones has written: "The conduct [that] emerging states take towards their minorities [has] become a barometer of their democratic intentions."^{4/}

³ Darrell Slider, GEORGIA 13-14 (unpublished manuscript, forthcoming as a U.S. Government Country Study, c. 1993).

⁴ Stephen Jones, *Indigenes and Settlers*, in CULTURAL SURVIVAL QUARTERLY 30-32 (Winter 1992).

Georgia

Population*
5,464,000

Area
69,700 square kilometers

Capital and its population
Tbilisi, 1,283,000

Major ethnic groups†
Georgians, 69%; Armenians, 9%;
Russians, 7.5%; Azerbaijanis, 5%;
Ossetians, 3%

Major religion
Georgian Orthodoxy

Head of state
Eduard Shevardnadze (born 1928)

Prime minister
Otar Patsatsia (born 1929)

History
In 1783 western Georgia became a Russian protectorate and was absorbed into the Russian Empire during the nineteenth century. An independent state, ruled by a Menshevik socialist government, was established on 26 May 1918; it was recognized by Soviet Russia in May 1920. In early

1921, however, Bolshevik troops invaded, and a Soviet socialist republic was proclaimed on 25 February 1921. Georgia, Armenia, and Azerbaijan were later linked as the Transcaucasian Soviet Federative Socialist Republic (TSFSR), which joined the USSR on 30 December 1922. The TSFSR was dissolved in 1936, and separate Soviet socialist republics were created. Georgia declared its sovereignty on 9 March 1990 and its independence on 9 April 1991; the official name Republic of Georgia was adopted on 14 November 1990.

The economy
Georgia is predominantly agricultural. The subtropical climate favors the cultivation of grapes, citrus fruit, vegetables, spices, and tea. Food processing and wine production are the main industries. Georgia's spas helped make it a popular tourist destination until the recent fighting. The per capita gross national product in 1989 was \$4,410.

* As of 1991

† As of 1989

Source: Elizabeth Fuller, *The Transcaucasus: War, Turmoil, Economic Collapse*, in 3 RFE/RL RESEARCH REPORT 51, 56 (No. 1, January 1994).

After 200 years of almost uninterrupted Russian rule, Georgia is trying to become an independent, democratic State. In the late 1980s, *glasnost* and *perestroika* evoked strong yearnings for independence in Georgia, not surprisingly considering that Georgians have always strongly defended their language and always have managed to keep a strong sense of national identity. In fact, Georgia was the second republic after Lithuania to declare independence from the Soviet Union. But the problems in becoming independent and democratic have turned out to be gigantic.

At Georgia's Supreme Soviet balloting in October-November 1990, a pro-independence Free Georgia--Round Table coalition secured a parliamentary majority (155 of the 250 seats), and on April 9, 1991 it declared the Republic's independence. On April 14 it named its Chairman and leader of the pro-independence Free Georgia--Round Table coalition, Zviad Gamsakhurdia, to the new post of Executive President of the Republic. Approximately six weeks later, on 26 April 1991, Gamsakhurdia retained the post by winning 87% of the vote in Georgia's first direct presidential election.

In coming to power, however, Gamsakhurdia made much worse what already were very difficult problems in becoming independent of the Soviet Union. By espousing a virulent nationalism ("Georgia for the Georgians"), he antagonized most if not all of the ethnic minorities within Georgia and, in the process, provoked bloody conflict within the country--not once, but three times within three years before his apparent suicide on 31 December 1993 (after his government was overthrown in a *coup d'état* around New Year 1992). The pride of the Georgian people in their tradition of cultural non-discrimination did not prevent him from creating enormous trauma for the entire country based on ethnic division.

A wish for independence parallel to the one experienced by Georgia *vis-à-vis* the Soviet Union thus arose in Georgia's autonomous republics and regions, with Gamsakhurdia's untamed nationalism naturally causing the Abkhaz and the South Ossetians to become more and more embittered. An immature and unwise policy on Georgia's part, with covert Russian support for the self-determinist Abkhaz and South Ossetians,^{5/} led to war.

II. FROM SOVIET DEPENDENCE TO INDEPENDENCE: TRANSITION CHAOS

To declare independence is easy; to achieve it, difficult. While almost all the political parties during the 1990 elections had advocated political pluralism and a market economy, in many ways the transition from the command economic society within the USSR to an independent and democratic political system and market economy in Georgia has not come very far. And the problems mount and proliferate. Of course, one must remember that Georgia, except possibly for its brief period of independence from 1918 to 1921, has had *no* experience as an independent democratic society and economy.

The first leadership of any newly emerging democratic State, typically has no experience in democratic governance. Often elected on a nationalistic agenda, they (mis)use nationalistic conflicts to hide the fact that they have no real solutions to the economic and structural problems that face their newly independent country, and usually the problems that confront them are enormous. In the case of Georgia, the strong emotional power of the independence movement there led to an abrupt rupture of economic as well as political ties to the Soviet Union (and subsequently Russia), similar to an amputation without any alternate support system; and as all trade and investment in Georgia had been arranged by the Soviets to suit Soviet (and later Russian) convenience, the economic consequences to Georgia have been disastrous. The abrupt break from Soviet rule

⁵ See Section VI, *infra*.

created much economic disarray along the way in the form of disrupted energy supplies, a shutdown of many industries, and consequent hardships and shortages of water, electricity, and gas for the general population. In such a transition, populations are affected by psychological stress, one usually sees a regression wherein anxiety is activated and more primitive emotional mechanisms rise to the surface,^{6/} and the people become susceptible to ethnic antagonisms and populist rhetoric of a dangerous kind.

The Georgians are attempting to build a democratic society and economy from scratch. Worse, they are trying to do so under the continuing influence of an old mentality that seriously inhibits progressive change and that, at the outset, provoked a period of wholesale chaos. Professor Stephen Jones summarizes the old inhibiting legacy in an illuminating way:

[O]fficial nationalism, distrust of one's opponents, paternalism, hegemonism, censorship, the personalization of politics, and a corrupt and unaccountable bureaucracy were all passed on, virtually unaltered, to the new [Gamsakhurdia] regime. A politically unsophisticated population distrustful of institutions and inexperienced in the mechanisms of "checks and balances" and managed conflict, and rebounding from seventy years of Russian oppression, supported Gamsakhurdia's single-minded drive for unity and independence.^{7/}

Thus, in Georgia, the old repressive system, far from changing into democracy over night became, to quote an Ossetian writer, an "ethnocracy".^{8/} An intense nationalistic wave surged through the country, voiced by many politicians but foremost by Zviad Gamsakhurdia. Already in 1989, Andrei Sakharov was able to observe that "Georgia has become consumed with a chauvinistic psychosis and behaves towards its ethnic minorities like a little empire".^{9/}

A. Georgian Nationalism in the Wake of Independence

Zviad Gamsakhurdia was the son of a famous Georgian writer, and his own strivings to emulate his father in the academic field and in writing failed, and he became inclined towards mysticism. Nevertheless, his position as head of the Georgian Helsinki Watch Group during Soviet times, as well as his family name, made him well-known throughout the country, gave him the aura of a dissident and thus assured him a flying start in a political climate obsessed with independence from the Soviet Union. The West saw him--incorrectly--as a democrat, but in fact he turned out to be an autocrat.

People who knew Gamsakhurdia before his political career report of paranoid trends and a somewhat deviant personality. As a politician, his omnipotent and paranoid personality traits became quite problematic as they fused with a nationalistic preoccupation. Professor Jones comments that "his writings and speeches are infused with a Messianic vision of Georgia's future"

⁶ Marta Cullberg-Weston, *How Could It Happen? About Ethno-Nationalism and the War in the Former Yugoslavia*, (Psychologist's Against Nuclear Arms, Sweden 1993 (Swedish), 1994 (English)), at 29.

⁷ Stephen Jones, *Georgia: A Failed Democratic Transition*, in Bremmer et al. (eds), *NATIONS AND POLITICS IN THE SOVIET SUCCESSOR STATES* 288, 298 (Cambridge University Press, 1993).

⁸ Quoted in B.G. Hewitt, *Abkhazia: A Problem of Identity and Ownership*, 12 *CENTRAL ASIAN SURVEY* 267, 314 (No. 3, 1993).

⁹ *Id.*

and "reminds one of the fantastic pseudo-racial concoctions of nineteenth century pamphleteers".^{10/} We recognize this type of thinking from several newly independent States, as in the republics of the former Yugoslavia where a nationalistic fever ousted all reason and perspective in a self-glorifying egocentric circle.

By an ostentatious "Georgia for the Georgians" program, Gamsakhurdia fanned the nationalistic flames that had started in Abkhazia and South Ossetia. Calling the South Ossetians "ungrateful guests" in Georgia (as they had lived in South Ossetia for "only 300 years", according to the Georgian version), initiating rallies against the Ossetians, and abolishing the South Ossetian Autonomous Region's *oblast* status naturally created intense bitterness and animosity in South Ossetia. Against Abkhazia and South Ossetia, the Georgian government proclaimed a new Georgian language decree and encouraged rallies against the secessionist movements, rallies which turned violent. As one knowledgeable observer has put it:

Gamsakhurdia seemed to attack each ethnic group separately at different times. He started with the Abkhazians, afterwards he campaigned against the Ossetians, and later he turned all his attention to Armenians, denouncing their expansionism. He spoke of the secret plans of the Armenian Catholicos Vazgen the First to seize the Georgian Black Sea coast. During his election campaign, Gamsakhurdia visited rural areas where ethnic Georgians lived in community with persons belonging to other ethnic groups. Exploiting the expectation of getting private property, he promised to take away land from the arrogant foreigners and to give it to Georgians.^{11/}

Such tactics were, of course, effective in intensifying ethnic rivalry.

But Gamsakhurdia's authoritarian and undiplomatic ways towards his opponents, though he was initially a popular politician, created many enemies. His ambivalent reactions to the coup against Mikhail Gorbachev in Moscow further antagonized the opposition, including two important war-lords: Tengiz Kitovani and Dzaba Ioseliani. Kitovani has been appointed to lead the National Guard and Ioseliani had created his own armed force, the Mkhedrioni. A *coup d'état* led by Kitovani, Ioseliani, and former Prime Minister Sigua during late-December 1991 and early-January 1992 ousted Gamsakhurdia from office, and he subsequently fled to the Republic of Chechnya.

The military junta that ruled temporarily thereafter, however, could not establish any credible legitimacy despite a propagandistic campaign by Eduard Shevardnadze, calling it a change towards democracy. Thus, in March 1992, Kitovani, Ioseliani, and Sigua called upon Shevardnadze to return to Georgia as "Head of State", and a new era began. As shall be seen, however, Georgia remains in transition chaos and has yet to demonstrate any great improvement.

B. Economic Disaster

Georgia's economy is in a shambles and has been ever since Georgia's break with the Soviet Union. As such, it constitutes important background for many of Georgia's political instabilities. Economic deterioration and distress cause people to become vulnerable to populist propaganda of extreme sorts. Economic frustration among the people is easily projected on to minorities and others, making them scapegoats. It provides a fertile soil for the nationalistic propaganda of the likes of Zviad Gamsakhurdia who, in the end, only compounded Georgia's economic plight.

¹⁰ *Supra* note 7, at 305.

¹¹ Mikhail Saakashvili, CONFLICTS RELATED TO ETHNIC GROUPS IN GEORGIA: DESCRIPTION AND POSSIBLE WAYS TO PEACEFUL AND CONSTRUCTIVE SETTLEMENT 5 (Norwegian Institute of Human Rights, unpublished manuscript 1992).

The Georgian economy was closely tied to the Soviet system and it broke down upon Georgia's declaration of independence in 1990-91. In 1990, according to a World Bank report^{12/} more than 67% of Georgia's exports went to Russia while 60% of its imports came from Russia, with energy supplies coming through other Soviet republics at reduced prices. After independence, these states wanted world market price payment for gas, oil, etc., and Georgia had no cash. In agriculture, Georgia's specialization on such products as fruit, vegetables, tea, and wine was logical from a climatic viewpoint, but it left the country non-self-sustaining in basic foodstuffs, and industrial products were directed towards the Soviet market. The cut-off of the links to the Soviet Union (Russia) left the industry without raw materials, without energy supplies, and without a market. Production fell drastically, as Georgia had to close down over 60% of the Republic's industrial capacity (in January-February 1991).^{13/} Additionally, war in certain regions, with its own costs, aggravated the economic collapse of tourism, which had been an important source of income. All these elements led to a progressive break-down of the economic system and a free-fall in the economy. A restructuring of the economy is under way, but has not yet resulted in any improvements for the people or for industry.

Living in Tbilisi vividly illustrates the situation. In this beautiful city, there are big holes in the streets (partly a function of prior military conflict) or manhole covers missing (being stolen and sold for scrap) so that cars must drive very carefully on what little fuel is available. Almost every house is in bad repair and seriously in need of paint or plaster. The plumbing is often not working and water is an unreliable commodity. Electricity is often shut off, so that one may have to walk many flights for lack of a working elevator. Telephones function in certain districts, but not in others, and long-distant telephone calls are altogether impossible without a trip to the central telephone exchange (for lack of a working postal system through which to pay one's bills). The entire Parliament has but two computers to serve them!

The unemployment figures in Georgia may not be alarming, but the reality is that people do not earn any money at their work! An average salary is around forty US cents per month! So, to travel to collect one's salary (as indicated, the postal service does not work) often costs more than one is paid. At the same time, most prices today are at world market-levels. Only bread is still relatively cheap.^{14/} People survive on bread and on home-grown vegetables and cheese (a common commodity), but most families have to sell their possessions to survive. A minister in the government has a salary of approximately 2-3 US dollars per month, and one distressed governmental minister told us that his wife had to sell her jewelry for them to manage their finances. Today, approximately 90% of the population lives near or below the "poverty line".^{15/}

The black market dominates the economy. Average living costs are estimated at about 15-20 US dollars per month, so the shadow economy is of course substantial. In these circumstances, one has to wonder at some of the prescriptions for economic change that the World Bank recommends to the Georgian government: "restrain the growth of wages", a "reduction in pensions and social

¹² GEORGIA--A BLUEPRINT FOR REFORMS: A WORLD BANK COUNTRY STUDY i (Washington DC, 1993).

¹³ Darrell Slider, *The Politics of Georgia's Independence*, PROBLEMS OF COMMUNISM 63, 73 (November-December 1991).

¹⁴ Recently, due primarily to pressure from the World Bank's conditionality policies, bread prices have been rising, bringing increased hardship to the Georgian people.

¹⁵ Elizabeth Fuller, *The Transcaucasus: War, Turmoil, Economic Collapse*, in 3 RFE/RL RESEARCH REPORT 51, 58 (No. 1, 7 January 1994).

programmes" (already as low as incomes, of course), and the development of "incentives for savings!"^{16/} In its efforts to move to a free-market economy, the Government set out on a privatization course first in the agricultural sector and then in public housing, although not always in a well thought-out process. Many economic reforms are still to be enacted, partly because the government has failed to appoint true reformers to power, partly because the economic process is dominated by the black market. Most incomes are part of this shadow economy, few are therefore prepared to bite the hand that feeds them, and this, in turn prevents the Government from implementing any significant tax laws to collect any significant tax revenues. The mafia appear to be among the few, albeit illegal, winners of the reforms that have been attempted.

There also are serious doubts voiced about the Head of State, Eduard Shevardnadze, as a leader of the economic transition. His appointment of old "apparatchnicks" to key positions do not inspire confidence.

III. EDUARD SHEVARDNADZE: "THE SAVIOR OF GEORGIA"?

Before he was called to Moscow to become Minister of Foreign Affairs under Mikhail Gorbachev, Eduard Shevardnadze was First Secretary of the Communist Party in Georgia (between 1972 and 1985) and before that Minister of the Interior. His political overview from the Gorbachev era is important in an otherwise provincial political picture. He is virtually the only politician in Georgia with serious international experience.

Shevardnadze is often referred to as having foxlike-qualities, and that is probably necessary to survive in the chaotic political climate that is Georgia. His return to Georgia in March 1992 was a return to chaos following the *coup d'état* engineered by Tengiz Kitovani, Dzaba Ioseliani, and former Prime Minister Sigua. International correspondent Elizabeth Fuller calls it his "Via Dolorosa".^{17/} He was summoned by an illegitimate "Military Council", Gamsakhurdia had refused to resign as President, and there was unrest in Mingrelia, Gamsakhurdia's home province in addition to two intense ethnic conflicts in Abkhazia and South Ossetia. As seen, there also was economic catastrophe.

Upon Shevardnadze's return, a "State Council" was established with Shevardnadze as Chairman of the Council's Presidium and the three strong men from the *coup* as Deputy Chairmen--war-lords Kitovani and Ioseliani plus former Prime Minister Sigua--to whom Shevardnadze was beholden. The task of balancing these forces, establishing national reconciliation, and preparing for elections (scheduled for October) was of course a formidable one, albeit one that would give legitimacy to his position.

Due largely to his international reputation, the world reacted positively to Shevardnadze as "Head of State". Within weeks, even though Tbilisi did not control all of claimed Georgian territory at the time (*i.e.*, South Ossetia and Mingrelia) and despite the fact that Shevardnadze had ridden to power on the back of an illegal *coup d'état*, international recognition of Georgia was forthcoming. Indeed, the international community did not even demand special guarantees to protect Georgia's ethnic minorities or guarantees against human rights violations in general. Also, in part because Shevardnadze quickly presented an economic reform program that more or less pleased the West, he was able to escape foreign criticism when he resorted to anti-civil libertarian measures against

¹⁶ *Supra* note 12, at *iii*.

¹⁷ See Elizabeth Fuller, *Eduard Shevardnadze's Via Dolorosa*, in 2 RFE: RESEARCH PAPERS 17 (No. 42, 1993).

the supporters of former President Gamsakhurdia while his illegitimate government prepared for the scheduled October elections.

Shevardnadze's leadership style was more mature than that of Gamsakhurdia. He did not use ethnic conflict as a tool of politics and, indeed, tried hard to defuse it. But he was not unqualifiedly successful in the early days. The government he set up tried to balance all forces by including the opposition, and this turned out to be quite ineffective. Additionally, he was from the beginning dependent on Kitovani and Ioseliani, the strong men after the *coup*, and was unable to control them, Kitovani with his National Guard and Ioseliani with his Mkhedrioni. In August 1992, for example, he dispatched Kitovani and the National Guard to Mingrelia to handle a kidnapping of several government hostages, but was unable to prevent Kitovani from marching straight on to Sukhumi (the capital of Abkhazia), firing upon the Parliament building there, and thus commencing an all-out war with Abkhazia, one that turned out to be fatal for Georgia and almost so for Shevardnadze personally. Shevardnadze claims that he did not give the orders; but the fact remains that he was unable to rein Kitovani in and thereby avoid the subsequent deleterious consequences (see Section V, below).

Similarly, while Shevardnadze managed a ceasefire within just a few months (by Summer 1992) in the earlier conflict he inherited from Gamsakhurdia in South Ossetia, he nevertheless was unable to curb severe violence there during the months after his takeover. The South Ossetians claim that more people died in the short time after Shevardnadze came to power than in the period before, and this has created a strong bitterness against his government. Also, they criticize him for keeping a war-lord and former criminal (Ioseliani) as his closest advisor. It is important to recall, however, that Shevardnadze was not in control from the minute he arrived in Georgia and that it takes time to find ways to balance competing internal pressures and personalities.

In sum, it remains to be seen whether Shevardnadze is or is not "the savior of Georgia". It is by no means clear. Only time will tell.

IV. THE CONFLICTS IN SOUTH OSSETIA AND ABKHAZIA

The conflicts in South Ossetia and Abkhazia, it is important to note at the outset, appear to be more political than ethnic in character, at least from the Georgian point of view. In Georgia, we often encountered people saying that these were not ethnic conflicts *per se* but, rather, political ones, and there is, we believe, a certain truth in this perspective. To be sure, the central issues of the conflicts revolved and continue to revolve around the need of the South Ossetian and Abkhaz minorities to feel genuine security in their ethnic identity. There are longstanding complaints from both groups relative to Georgia's hegemony over their languages and other aspects of their respective cultures. But even in the face of historical animosities over the years, Georgians, South Ossetians, and Abkhaz seem to have lived in relative harmony with one another, often intermarrying. The wars themselves and, in particular, the atrocities committed to the civilian populations in them appear to be the principal reasons why strong inter-ethnic bitterness prevails today. This is in contrast to the situation in the former Yugoslavia where the inter-ethnic grievances among the people go deep in terms of centuries, although it is certainly so that even in the former Yugoslavia the ethnic tensions were less the cause than the excuse for political and military adventurism.

A. The Conflict in South Ossetia

1. Background

The Ossetians (the South Ossetians as well as their northern brothers on the other side of the Caucasus mountains in the Russian Autonomous Republic of North Ossetia) are said to be

descendants of the Alanians and the Schytian tribes that migrated to the Caucasus from Persia in ancient times. While today they practice Orthodox Christianity for the most part, their religion also has many pagan qualities. Additionally, they speak Ossetian, an Iranian language, although their second language--Russian--is more useful to them and perhaps even more used by them. They strongly resent being required to learn Georgian, a consequence of different "Georgianization" programs imposed on the Ossetians at different times in history.

Georgians claim that the South Ossetians emigrated from the north a few centuries ago while the South Ossetians claim that they have lived in the area since the migration from Persia, that it is their homeland, and that they fought through the centuries for their freedom against Georgian Kings. They refer for example to Queen Tamara, a legendary Georgian Queen from the 10th Century, as part Ossetian and married to an Ossetian.

South Ossetia was first incorporated into Russia in 1774, followed by Georgia in 1801. After the Russian Revolution of 1918, however, Georgia announced its separation from Russia (ultimately very brief) and, in turn, South Ossetia (encouraged by the Bolsheviks) announced its independence from Georgia, an event that led to intense aggression from the Georgian authorities and ultimate defeat of this self-determinist impulse. According to the Ossetians, 20,000 Ossetians died in this "first genocide", and many people fled to North Ossetia.

In 1921, when Georgia, with South Ossetia in tow, was integrated into the newly founded Soviet Union, the Ossetians no longer had a border problem between North and South Ossetia. During the time of Josef Stalin (a Georgian), however, there was forced "Georgianization" in the form of a change of alphabet, Georgian as the State language, and the closing of Ossetian schools, and in 1946, Stalin deported many South Ossetians to Ingushetia. Life was grim and accordingly many people left South Ossetia for Georgia proper and elsewhere. The Ossetians claim that at the time of the Russian Revolution there were as many Ossetians in North as in South Ossetia. In 1991, there were 350,000 Ossetians in the North but only 68,000 Ossetians in South Ossetia--due, the South Ossetians claim, to a discriminatory policy against them. Today, quite a few Ossetians (more than 100,000) live in Georgia proper. They of course were the target of different discriminatory actions during the war, such as being forced to give up their jobs, being harassed, being forced from their apartments, etc.--a form of "ethnic cleansing". On the other hand, there were quite a few Georgians living in South Ossetia (around 30,000 before the war) and they in their turn became the target of Ossetian violence. There still are quite a few Georgian villages in South Ossetia, around Tskhinvali, South Ossetia's capital, especially.

South Ossetia is connected to North Ossetia via a tunnel three to four kilometers long through the Caucasus Mountains that was completed in 1987; also via arduous mountain passes. In wintertime, both of these routes are often cut off, as the road to the tunnel is difficult. The emotional ties to the North are strong (although stronger, it appears, than emotional ties from the North to the South). Part of the program of the independence movement in South Ossetia calls for unification with North Ossetia.

2. The Present Conflict

The awakening of nationalist feelings in Georgia during *Perestroika* was of course paralleled by an awakening of nationalist feelings in South Ossetia. The formation of Adamon Nykhas (the South Ossetian national front) in 1989 marks the beginning of the present nationalist movement in South Ossetia. The conflict with Georgia has deep roots, however, and the South Ossetians feel they have historic evidence for their mistrust of Georgian governments (*e.g.*, the "first genocide" mentioned above), a mistrust deepened by the recent nationalistic upsurge and warfare.

In August 1989, the language act that made Georgian the official language in the schools fueled the independence feelings in South Ossetia, and in a letter dated November 1989 the Oblast Council of South Ossetia requested the Georgian Supreme Soviet to grant South Ossetia the status of an autonomous republic. In response, in his anti-Ossetian campaign, Gamsakhurdia called the South Ossetians "ungrateful guests" of Georgia, alluding to the (Georgian) claim that they have lived in the area for *only a few centuries*. Further, Georgia refused to use the name "South Ossetia" and began to refer to the region as "Samochablo" (an ancient Georgian name) or the "Tskhinvali Region" (after the regional capital city).

In November 1989, groups of Georgian nationalists planned a march on Tskhinvali, avowedly as a continuation of so-called "friendship meetings" initiated by the Georgians in the weeks and months preceding, most of which increased rather than decreased tension between the principal parties, the meetings more and more turning into rallies. The march on Tskhinvali was no different, except that this time the "friendship meeting" involved approximately 15,000 people arriving in buses and cars which, not surprisingly, the South Ossetians viewed as an invasion force which they chose to stop outside Tskhinvali's city limits. Clashes between different groups led to hundreds of injuries, and five people were killed.

Thereafter, although there developed a short period of stabilization through to Autumn 1990, the South Ossetian demand for independence intensified, in part because, during Summer 1990, the Georgian Parliament annulled all of Georgia's treaties with the Soviet Union and adopted the Georgian Constitution of 1921, a psychologically and politically important step for the South Ossetians because in 1921 South Ossetia was not part of Georgia. Georgia's adoption of the Constitution of 1921, in other words, formed the base for South Ossetia's (and Abkhazia's) declaration of independence.

In September 1990, the South Ossetians proclaimed their independence as "The Soviet Republic of South Ossetia" (a proclamation that so far has failed to gain any international recognition), and in October they boycotted post-Soviet Georgia's first free elections in favor of elections of their own. The Georgian elections, however, brought Zviad Gamsakhurdia and the Round Table Free Georgia coalition to power. The Gamsakhurdia government not only annulled the South Ossetian elections; on December 11, 1990, it annulled South Ossetia's status as an autonomous region (*oblast*) and a day later imposed martial law under a declared state of emergency on the stated grounds that two Georgians and one Ossetian had been murdered in Tskhinvali under mysterious circumstances. As might have been expected, however, these actions sharply aggravated the conflict. Subsequently, Soviet Interior Ministry forces were sent to the area to establish order, a move that upset the Georgians, who, conditioned to be wary of Moscow, saw it as meddling in Georgia's internal affairs.

On the night of January 5, 1991, Georgian residents (who, according to Ossetian sources, has been warned of coming events) began to flee *en masse* from Tskhinvali; and the day after Georgia dispatched three to four thousand militia (the South Ossetian's claim 6,000) to Tskhinvali "to maintain order". The militia were seen by the South Ossetians as an occupation force, however, and a resulting South Ossetian resistance led to three weeks of urban warfare complete with armed barricades, shooting, burning of houses, and a division of the town into Georgian- and Ossetian-controlled zones until the Georgian militia were pushed out of the city. Forced out of Tskhinvali, the Georgians, however, were not defeated, as they still held the heights around the city and much of the surrounding rural area. Georgian paramilitaries shelled the city on a daily basis, retaliations were instituted against Ossetians in the countryside, and many South Ossetian villages were burned to the ground.

All of which led to retaliation and a spiral of reciprocal violence between the parties, with the result that South Ossetians started to flee to North Ossetia and Georgians to Georgia, not always safely.^{18/} As one informed observer has put: "On Gamsakhurdia's orders, electricity and water supplies to Tskhinvali were cut off, and the road by which Tskhinvali received food and other products was blocked. Ossetians also cut off Georgian-populated villages from the rest of Georgia."^{19/} And as if this were not enough, the military blockade imposed by Georgia upon South Ossetia severely impeded rescue operations in respect of two devastating earthquakes in South Ossetia in April and July 1991.^{20/} Even now, approximately three years later, people in the Ossetian village of Dzhava live in temporary housing, much of the international money for rebuilding the area being still in Georgia.

Negotiations among Georgia, the USSR, North Ossetia, and South Ossetia temporarily defused the violence. A Joint Commission working in May, June, and early July 1991 managed to diminish the looting, the arson, and the inter-ethnic violence.^{21/} It was not, however, re-established after the summer because of the *coup* in Moscow and because of a refusal by Georgia to take part.^{22/} As observed by Helsinki Watch: "At that time President Gamsakhurdia, who used the conflict in South Ossetia to enhance his nationalistic appeal, rejected both parliamentary proposals to renew the Joint Commission's activities and calls from the opposition to form a multi-national commission to resolve the conflict."^{23/}

In July 1991, the Chairman of the Supreme Soviet of South Ossetia, Kulumbekov, was invited to Tbilisi for talks. Upon arrival, however, he was arrested and jailed in the local KGB prison.^{24/} This deceptive behavior of course intensified the conflict. The South Ossetian leadership supported the *putsch* in Moscow and "Gamsakhurdia used the failure of the putsch to launch a new attack on the separatists"^{25/} while, at the same time, "a number of Ossetians were sacked from jobs in some places of Georgia."^{26/} Many atrocities were committed by both sides.

Respite did not come even in December 1991-January 1992 when, as previously indicated, former President Gamsakhurdia was ousted from office. While Georgia's subsequent interim government called for a cessation of the conflict and released Kulumbekov, the conflict continued more or less unabated. There is in fact much bitterness in South Ossetia directed against

¹⁸ On their way north, thirty Ossetian refugees were presumably killed by Georgians in cold blood, and event that, with the killed bodies shown on TV, aroused strong negative feelings in South Ossetia.

¹⁹ Mikhail Saakashvili, *supra* note 11, at 7.

²⁰ *Id.*

²¹ See BLOODSHED IN THE CAUCASUS. VIOLATIONS OF HUMANITARIAN LAW AND HUMAN RIGHTS IN THE GEORGIA-SOUTH OSSETIA CONFLICT (Helsinki Watch, March 1992).

²² *Id.*

²³ *Id.*

²⁴ See Mikhail Saakashvili, *supra* note 11, at 7.

²⁵ *Id.*

²⁶ *Id.*

Shevardnadze because even more people were killed after he came to power than during the earlier phase.

Finally, in July 1992, a ceasefire was negotiated by Eduard Shevardnadze and Boris Yeltsin, and Russian peacekeepers were sent to the area to work with the Georgian and South Ossetian military to reestablish peace and order. Interestingly, even though the Russian-led tripartite peacekeeping force has so far been unable or disinclined to disarm the countryside, the ceasefire has held, and during the last two years there has been only sporadic fighting. On the other hand, no peace talks have taken place, partly due to the Abkhazian conflict which has dominated the political scene, but also because some passage of time appears to have been necessary to permit emotions settle down enough to negotiate.

Further, the economic situation in Tskhinvali has become severe due to Georgia's economic and military blockade. Tskhinvali's water supply, for example, is dependent on a pipe line from the Caucasus Mountains that runs through Georgian villages which use up the water or divert it so that the inhabitants of Tskhinvali have water only a few hours a day. And in relation to the earthquake-devastated town of Dzhava, for another, relief comes only from Russia because funds have been held up in Georgia. All of which naturally fosters sympathetic bonds to Russia rather than to Georgia. Indeed, the South Ossetians have begun to establish physical linkages to Russia that can make them structurally independent of Georgia. An electrical power line has been extended from Russia's North Ossetia and, in Autumn 1994, the South Ossetians were to regain their telecommunications with the outside world via a telephone line from North Ossetia. The North Ossetian factor is important. North Ossetia is South Ossetia's lifeline to the outside world and its strongest economic supporter, and while there are limits to what North Ossetia can and will provide (it has problems of its own and has had to absorb many refugees from South Ossetia), we regret not having had the time to travel to Vladikavkaz, its capital city, to talk with the political leadership there.

The South Ossetian leadership is quite determined to accept nothing but independence from Georgia or, alternatively, unification with Russia. The Georgians, on the other hand, cannot accept an independent South Ossetia. It is therefore important that a dialogue be started and that steps be taken that can signal a new and more tolerant political climate in Georgian-South Ossetian context. Solving the water-supply problem would be a good first beginning, and a relatively easy step to show good will. But as of this writing, to our best knowledge, no solution is in site. The Conference on Security and Cooperation in Europe (CSCE) initiated a dialogue between Georgia and South Ossetia in North Ossetia in June 1994, and the joint statement emanating from that meeting outlines several practical measures to be initiated as confidence-building measures.^{27/} As of July-August 1994, however, little or no progress had been made.

B. The Conflict in Abkhazia

1. Background

Abkhazia, named after Abkhaz tribes from the north Caucasus, is located on the Black Sea and is prime real estate for tourism and other important activities. Following the drainage of its large malarial marshes around the turn of the century, it became a favorite resort for the Soviet *nomenklatura*. The principal railway route from Tbilisi to Moscow for much of the century has passed through it. Potentially exploitable oil resources lie in waiting off its shores. And, near Sukhumi, its capital, the Russians maintain a strategically important military airbase.

²⁷ See Section XIII(A)(2), *infra*.

The Abkhaz, an Orthodox Christian people with their own language, are reported to have lived in the area, along with Georgians, as early as 500 B.C., at about the same time that the ancient Greeks founded trading posts along its shores and colonized the region. Their history, however, has seldom been marked by genuine self-rule and cultural autonomy. It was not until the 8th Century A.D., after Abkhazia was conquered by the Romans in 65 B.C. and after the decline of subsequent Byzantine influence, that Leon II managed to create the first kingdom of the Abkhaz.^{28/} In 975, under a Georgian, Beograd III, the eastern and the western parts of the kingdom were absorbed into one Georgian kingdom. From 1555 to 1806, Abkhazia came under Ottoman control. In 1810, to escape Ottoman influence, it joined Russia, only to have thousands of its people flee to Turkey during Caucasian wars in the mid- to late-19th Century (a process of population reduction that would continue). In 1918, the revolutionary Mensheviks brought it under their control and started a much-resented process of "Georgianization". And in 1921, after Georgia was overrun by the Red Army, it became a Treaty Republic of the Soviet Union associated with Georgia, until 1931 when it became an Autonomous Republic within Georgia.

Table 1. Ethnic composition of the Abkhaz autonomous republic (in percent)

Year	Abkhaz	Georgians	Russians	Armenians
1926	27.8	33.6	6.2	12.8
1939	18.0	29.5	19.3	15.9
1959	15.1	39.1	21.4	15.9
1970	15.9	40.0	19.1	11.4
1979	17.1	43.9	16.4	15.1

Source: Darrell Slider, *Crisis and Response in Soviet Nationality Policy: The Case of Abkhazia*, in 4 CENTRAL ASIAN SURVEY 51, 52 (No. 4, 1985).

But Abkhazia's autonomy within Georgia turned out to be only paper thin. Stalin's reign of terror during the 1930s, hard on many parts of the Soviet Union, marked another period of "Georgianization". Lavrentii Beria, a Mingrelian Georgian born near Sukhumi (and later head of Stalin's secret police), is reputed to have been the mastermind behind the repressive policies against Abkhazia. As in South Ossetia, Georgian was declared the state language, Abkhaz schools were abolished, and Abkhaz radio broadcasts were forced to cease, and the region was otherwise the target of political and economical discrimination. Added to which, Georgians were induced to immigrate to Abkhazia and the relative proportions of the population changed. By 1979, the Abkhaz constituted only 17% of the total population (*see* Table 1) as against 44% Georgian, although it should be noted that the vast majority of the Georgian population were Mingrelians, a regional people that have long been ambivalent toward Georgian rule from Tbilisi.

During the Brezhnev era, in 1978-79, protest of the longstanding economic and cultural discrimination against the Abkhaz led to some important reforms that upgraded respect for Abkhazian economic and cultural autonomy, including, among other things, the establishment of

²⁸ See B.G. Hewitt, *supra* note 8, at 270.

the University of Sukhumi. However, when *Perestroika* unlocked Abkhazia's longing for independence from Tbilisi, the Georgians failed to appreciate that this impulse paralleled their own yearnings for independence from Moscow, with the consequence that many unwise political steps were taken by Tbilisi that seriously aggravated the tension between the Abkhaz and Georgian political authorities and people. The stage was set for the present conflict.

2. The Present Conflict

In 1988, resurgent Georgian nationalism brought into being a "State Programme for the Georgian language" (which became law in 1989) and, with it, old fears of nationalistic discrimination against Abkhaz culture such as took place during the Stalin era. Abkhazian intellectuals and local Communist party leaders, in a campaign against Georgian influence, formed the Aidigilara (the National Forum), gaining widespread support,^{29/} and in June 1988 an 87-page document known as "the Abkhaz Letter," signed by sixty leading Abkhazians, was sent to Mikhail Gorbachev asking for the re-creation of an independent Abkhazian SSR, such as existed between 1921 and 1931. A large public meeting in Lyckhny in Spring 1989 in support of "the Abkhaz Letter abruptly awakened the Georgian public to the Abkhaz sentiments and a dangerous spiral of accusations escalated on both sides.

Two events in the respective capitals of Sukhumi and Tbilisi in 1989 increased the tensions. A crackdown by Soviet troops on a peaceful independence demonstration in Tbilisi on April 9, 1989, killing several Georgians and wounding around a hundred, not only magnified the Georgian drive towards independence but also polarized feelings towards the Abkhaz. Violent clashes between Abkhaz and Georgians then took place in Sukhumi in July 1989, when Georgia created a Georgian division in the University of Sukhumi. Fourteen people died and many hundreds were wounded.

A political war ensued. In December 1990, in response to the Georgian Parliament's annulment in Summer 1990 of all of Georgia's treaties with the Soviet Union and its adoption of the politically and psychologically important Georgian Constitution of 1921, the Abkhaz Supreme Soviet elected the historian Vladislav Ardzinba, a person with close links to Moscow,^{30/} as its Chairman. In Sukhumi, in November 1991, a third congress of the Assembly of North Caucasian Peoples, formed in August 1989, adopted a Treaty for a Confederative Union of the Mountain Peoples of the Caucasus. And in July 1992, the Abkhaz reinstated their 1925 Constitution, further underscoring their drive for independence. The support of the North Caucasian peoples and of different military factions from Russia turned out to be critical in the military war that was to ensure.

The Georgians, it should be noted, have never really questioned Abkhazia's right to autonomy the way they have that of South Ossetia. They acknowledge that Abkhazia is the only Abkhaz State, in contrast to their view that only North Ossetia--not South Ossetia--can be "the Mother State" for Ossetians. But they were upset about the privileges that the 17% Abkhaz population had acquired: 28 seats in the Abkhazian Parliament relative to 26 seats for the Georgians and 11 for other nationalities. A policy continued from the Soviet period, whereby the titular ethnic group enjoyed more privileges relative to other ethnicities,^{31/} it nevertheless was actually supported by Gamsakhurdia.

²⁹ See Stephen Jones, *After the Breakup: Roots of the Soviet Dis-Union*, CULTURAL SURVIVAL QUARTERLY 31 (Winter 1992).

³⁰ Elizabeth Fuller, *Abkhazia: Russia's Proxy War?*, RFE/RL RESEARCH INSTITUTE (October 1993).

³¹ See the first paragraph of Section V(A), *infra* (or the surrounding text at notes 28-29, *infra*).

Thus, with the Gamsakhurdia regime never having been recognized internationally and therefore with Abkhazia's claimed international borders being left unsettled, the return of Shevardnadze to Georgia and Georgia's subsequent recognition within its old borders, including Abkhazia, was a serious set-back for the Abkhaz. Talks about some federalized solution had actually started with Georgian parliamentary representatives on August 13, 1992 and were supposed to have been resumed the day following, but the war of words and politics transformed quickly into a real war of guns. On August 14, Tengiz Kitovani, who is said to have been dispatched to free some Georgian politicians taken hostage by Gamsakhurdia groups, but who was himself violently opposed to any independence for Abkhazia, took it upon himself to march into Sukhumi with the National Guard, start shooting at the Parliament building there, and thus commence a serious violent conflict.^{32/}

Fighting continued, and on August 25 Gia Qarqarashvili, a general of the Georgian National Guard, appeared on Abkhaz television to issue an ultimatum, often referred to by people we interviewed and directed at precisely the Abkhaz's sensitive nerve, *i.e.*, their fight for cultural and ethnic survival. If the Abkhaz would not lay down their arms "the Abkhazians would have no one left to carry on their race. One hundred thousand Georgians would be sacrificed for the 97,000 Abkhazians, but Georgia's borders would remain intact".^{33/} These types of threats, not unusual among different Georgian politicians and generals, of course provoked intense hatred, and in the end only reinforced the movement for independence in Abkhazia.

Thus, while a cease fire was brokered in Moscow on September 3, 1992, fighting continued, and on October 1, the formal ceasefire collapsed in an all-out Abkhazian counterattack. The Abkhaz, supported by North Caucasian and covert Russian forces,^{34/} drove the Georgian troops from Gagra and other cities. Along the way, both armies committed atrocities against the opposite civilian populations. And as a result a large portion of the Georgian population in Abkhazia, midst such experiences and rumors, fled.

Fighting continued. Parts of eastern Abkhazia were brought under Abkhaz control and the whole of western Abkhazia was retaken by the Abkhaz forces, with a demarcation line drawn for a long while along the Gumista River outside Sukhumi. In the meanwhile, enormous hardship was suffered by the civilian population. It has been calculated that, within a relatively short period of time, under threat of physical harm and with many of their homes being burned to the ground, the majority of the Georgian population in Abkhazia fled eastward into Georgia proper, resulting in an enormous ethnic cleansing. Sukhumi, still under Georgian control, was all this time shelled from the hills held by the Abkhaz forces with their North Caucasian and covert Russian support.

A new ceasefire was agreed upon on May 14, 1993, but it held for only two weeks, with heavy fighting continuing into July. Then, in Sochi (Russia), on July 27, a new agreement was concluded through the mediation of the Russian Federation, calling for the withdrawal of all heavy Georgian arms from Sukhumi and for a demilitarization of the conflict zone. International observers were to be deployed to monitor the process. However, this ceasefire turned out only to buy time for the Abkhaz forces to regroup and reorganize, evidently using the intelligence and the organization

³² According to other sources, Kitovani was sent to secure the railway line and the border near Russia.

³³ See B.G. Hewitt, *supra* note 8, at 322.

³⁴ Catherine Dale, *Turmoil in Abkhazia: Russian Responses*, 2 RFE/RL RESEARCH REPORT 48, 51 et. seq. (No. 34, August 1993).

capacity of certain Russian forces. Also, they were joined by several battalions of north Caucasian troops.

On the August 14, 1993, one year after the first Georgian attack by Tengiz Kitovani, a major attack was launched on Sukhumi by the Abkhaz side. In swift time they managed to overthrow the poorly organized Georgian forces, which had given up their heavy artillery according to the May 14 ceasefire agreement. Shevardnadze called in vain for support from the Russians, the supposed guarantors of the ceasefire agreement; likewise from the international community. He even came to Sukhumi to take personal charge and to support the Georgian troops, but was forced to flee at the last minute before Sukhumi fell. Several of his top aides did not escape and suffered brutal and savage deaths. One large group of Georgian refugees fled hastily up through the mountain passes towards Georgia, creating a large wave of refugees, made catastrophic by the increasing snows of an approaching winter. The United Nations High Commission for Refugees (UNHCR) was called in to alleviate the worst sufferings. Later, Russia imposed energy sanctions on the Abkhaz for breaking the ceasefire agreement, a symbolic retribution.

The Georgian troops were totally paralyzed by what had happened and retreated in disorganized fashion through the eastern Gali region back to Georgia. The Abkhaz forces easily retrieved the whole of Abkhazia, including the Gali region with its 98% Georgian (Mingrelian) population before the war. In Mingrelia (Georgia), the remnants of the Georgian army ran into troops loyal to Zviad Gamsakhurdia, who proceeded to rout them and take their weapons. Within a short while, Gamsakhurdia's troops took Zugdidi and approached Tbilisi. Shevardnadze practically had the rope around his neck.

Under these dire circumstances, Shevardnadze agreed to Georgia's becoming a member of the Commonwealth of Independent States (CIS), which Russia had held out as a condition of its assistance. Thereafter, he received the covert Russian support for the Georgian forces that the Abkhaz had gotten previously, and within a few months the Mingrelia situation changed completely. Gamsakhurdia found his troops thoroughly defeated and, on New Years Eve 1993-94, he allegedly committed suicide (according to most sources, although there are many versions).

Having thus avoided the final catastrophe, Shevardnadze was faced with two major defeats. Each remain his most critical problems today: the loss of Abkhazia and the loss of independence from Russia through the joining of the CIS.

When we visited Abkhazia (in July 1994), the effect of the ethnic cleansing there was most evident. The region was depopulated (especially in eastern Abkhazia), tens of hundreds of houses had been destroyed, medical facilities were grossly inadequate, and the economy was at a total standstill. The Abkhaz are paying a heavy price for their separatist policies. Furthermore, their continued hostile refusal to accept the return of displaced Georgians is creating a human catastrophe.

V. OTHER CONFLICT SITUATIONS

In addition to Abkhazia and South Ossetia, two other conflict situations in the country merit special notice: Adzharia and the problem of the Meskhetians. While relatively calm today, each could erupt at some future time if the government in Tbilisi were to act without informed intelligence.

A. Adzharia

In the southwestern corner of Georgia is the Autonomous Republic of Adzharia, created during the Soviet era. The people living there are Georgians (speaking a Georgian dialect) who,

under three centuries of Turkish domination, converted to Islam. Religion is not, however, an important issue.

Adzharia has been ruled by several family clans, which have tended to appoint their own members to the important jobs. "President Gamsakhurdia, ignoring all democratic procedures, appointed to the leadership of the Adzharian parliament Aslan Abashidze, who reportedly is a grandson of the Pasha appointed by Turkey before the Russian empire occupied this territory".^{35/} Abashidze, in turn, proceeded to appoint his own people to central positions.

Not surprisingly, therefore, a certain unrest was noticeable when a pro-democracy movement became influential with the new government in Tbilisi and Abashidze became insecure and started to talk about the distinct features of the Adzhars. And unrest was noticeable, too, when some political parties in Georgia called for a referendum in Adzharia on abolishing Adzharia's autonomous status because of the fact that the Adzhars' ethnic identity is 100% Georgian. Strong protests then took part in Adzharia's capital, Batumi.

Time did not permit us the opportunity to travel to Adzharia. However, at present, Adzharia is reportedly calm and stable (Abashidze, it is said, "rules with an iron hand"). There is no indication of any trouble in the area in the near future, and government personnel in Tbilisi seem content to leave well enough alone.

B. The Meskhetians

A "timebomb" was the expression often used when the problem of the Meskhetian people who once lived along the Turkish border was brought up. During World War II, Stalin accused the Meskhetians of collaborating with the Axis Turkish enemy, and during two nights the Meskhetians were deported. Despite a 1958 repatriation law, the Soviet Union had no interest in allowing the return of the Meskhetians along its border with Turkey because, during the Cold War, Turkey was a member of NATO. And after the break-up of the Soviet Union, many Meskhetians were persecuted and fled as refugees to Russia and Azerbaijan. The Meskhetians, it seems, were always in the wrong place at the wrong time.

Not surprisingly, the cultural identity of the Meskhetians has developed differently for different groups during their years in exile. Many see themselves as Turks and have developed that cultural identity, speaking only Turkish. Others identify with Georgia and seek to return there. Today, in spite of the 1958 repatriation law, some 200,000 Meskhetians have not been permanently settled. Attacks on the Meskhetians in Uzbekistan in 1989 led many of them to seek entry into Georgia, their ancestral home,^{36/} but Georgian officials went to great lengths to prevent their return at that time. To permit their return to Georgia in the present situation, however, with a failed or failing economy and with already over 250,000 refugees stemming from the Abkhazian and South Ossetian conflicts, is a very complex and sensitive matter.

Also, it is not clear as to where, precisely, the Meskhetians should return if and when they do return. Meskhetia, along the Turkish border where originally they lived, is an area now populated 46% by Armenians and 48% by Georgians, and it is a poor area with high unemployment besides. Thus one commonly hears among Georgians the sentiment that the Meskhetians are welcome back to Georgia but not now and not to Meskhetia. Not coincidentally, there are rumors (with

³⁵ Mikhail Saakashvili, *supra* note 11, at 13.

³⁶ Darrell Slider, *supra* note 13, at 74.

videotapes to support them) of Meskhetians killing Georgians in unspecified earlier times, which naturally has had the effect of antagonizing part of the population.

In sum, there is a long-fused Meskhetian time bomb waiting to go off. The Georgian government, which is struggling with the problem, and the international community as well, would be wise to devise humane solutions before it is too late.

VI. PART OF THE SOVIET UNION, PART OF RUSSIA'S "NEAR ABROAD":

GEORGIA'S *MISE EN SCÈNE*

A. The Soviet Staging of the Scene

The old Soviet practice of creating internal ethnic autonomies gave the different autonomies within the USSR nominal representation in the center, with eleven seats in the Supreme Council reserved for the autonomous republics (e.g., Abkhazia) and five for the autonomous regions (e.g., South Ossetia). In each autonomous unit, we were told, there existed an unwritten *nomenklatura* rule according to which the group after which the autonomy was named enjoyed privileges in the distribution of *nomenklatura* positions. And each unit the ruling elite would strive to enlarge its power by upgrading into real autonomy (i.e., as a "Treaty Republic" or "Union Republic" of the Soviet Union) or by upgrading from an "Autonomous Region" (*oblast*) to an "Autonomous Republic".

The policy of "divide and rule" was prominent in Soviet politics. Without doubt, it contributed, too, to the emerging ethnic conflicts in the former USSR. The Georgians, disinclined to entertain such ethnic competition for fear of a house divided, have so far disallowed ethnic representation by quotas in the Georgian Parliament, thus ironically contributing to the ethnic tension between the Georgians, on the one hand, and the Abkhaz and South Ossetians, on the other, that Georgia has wanted to avert. It has not helped that, typically, the Abkhaz and South Ossetian elites have studied in Moscow (due in part to the fact that Russian is their second language), that the Ossetians have all along been more loyal to Russia, or that Abkhazia has been a favorite holiday place for the Russian *nomenklatura*.

Georgian nationalism posed a real threat to the autonomies within Georgia, such that they came to view the Soviet Union (and later Russia) as a safeguard for, or guarantor of, their ethnic or minority rights. They turned, therefore, to the center (Moscow) for help; and the Soviet Union, willing to play one ethnic group against another, did not delay in responding. Representatives of Abkhazia and South Ossetia were invited to take part in the new (Soviet) Union Treaty drafting process, which was boycotted by Georgia, and they were promised the right to become parties to the Treaty as Union republics.^{37/} After the dissolution of the Soviet Union, of course, these plans fell through. But before, when Georgia first threatened to break its ties with the Soviet Union, President Gorbachev is said to have warned that Georgia would then lose Abkhazia and South Ossetia.

In other words, it is quite evident that Soviet/Russian involvement in these crises has been quite extensive, as noted above in connection with the conflict in Abkhazia. Of course, because of centrifugal ethnic forces in Russia itself, different forces in Moscow had to proceed carefully lest its support of secessionist movements elsewhere would encourage such movements within Russia or among border territories (e.g. in the north Caucasus region and other places). Accordingly, they acted in covert ways.

³⁷ B.H. Hewitt, *supra* note 8, at 287.

B. Being Part of Russia's "Near Abroad"

Adapting to the post-Soviet world has been extremely arduous for the Russians. To come to terms with the loss of empire is not easy. It is a psychological challenge to the government as well as the people of Russia. Today, 25-28 million Russians live outside the Russian Federation,^{38/} so that defending their interests has surfaced as an important emotional as well as political argument in the rhetoric of the last few years. Embodying some of the old dreams of empire, for example, is the Confederation of Independent States (CIS). Since its inception in December-January 1991-92, the organization has failed to materialize as an organization of much substance. But Russia's "near abroad" is deeply affected by its activities, which generally reflect Russian interests and priorities.

Lately, peacekeeping, with or without the umbrella of the CIS, has become one way of maintaining Moscow's influence in the "near abroad". A new doctrine similar to the Monroe doctrine in the Americas has emerged, where Russia sees it as its task to keep order in what it considers its back yard. And for fear of destabilizing Boris Yeltsin, the international community has tolerated a great deal of Russian intervention in the name of peacekeeping in Russia's "near abroad"--as in Abkhazia, Moldova, South Ossetia, and Tjadikistan. According to one observer, "Russia has set its sights on regaining predominant influence over the military, political, and economic affairs of the former Soviet Union".^{39/} Many are voicing similar views, and point to the fact that Russian policy towards Georgia changed noticeably when, in Autumn 1993, in retreat from Abkhazia and under fire in Mingrelia, Shevardnadze felt pressured to commit Georgia to the CIS. Since then, Moscow has vowed support for Georgian territorial integrity.

In any event, one sees vividly, in different parts of Russia's "near abroad", a continuation of the old Soviet impulse toward hegemony. Moldova, for example, was forced to join the CIS. So also, as noted, was Georgia, and as part of that deal Russia now can keep several of its military bases within Georgia. Georgia did not get the support from the international community that was necessary to break away from Russia's influence, and consequently it was forced back into Russia's arms. Today, some Georgian officials admit privately that Russian influence on Georgian policy is substantial, even to the point of saying that "every important decision is made in Moscow". It is not clear the extent to which this is understood in the West.

VII. PSYCHOLOGICAL PATTERNS IN THE CAUCASUS AND THE NEWLY INDEPENDENT STATES

The Caucasus area is wrought with contradictory emotional patterns--of supremely gracious hospitality and bitter retribution, of strong individualism and a devoted commitment to the strong leader (father), of warm embracing contacts and cold-blooded killings. These and equivalent contradictory patterns strongly influence the political psychology of the Caucasus region, as hereinafter described.

A. Liberation From an Oppressor

Liberated from an oppressor nation/government, it is natural that one would hate it and not want to have anything to do with it. The problem is that, for Georgia, the oppressor is the Soviet Union, while for the Abkhaz and the South Ossetians the oppressor is Georgia itself. For them, the Soviet Union/Russia has represented an ally against Georgian encroachment.

³⁸ John Lough, *The Place of the "Near Abroad" in Russian Foreign Policy*, 2 RFE/RL RESEARCH REPORTS 21, 32 (No. 11, March 1993).

³⁹ Allen Lynch, *After the Empire: Russia and Its Western Neighbours*, 3 RFE/RL RESEARCH REPORTS 10, 16 (No. 12, March 1994).

Liberation from an oppressor is of course wonderful and empowering. But the feelings of resentment are strong, and the danger is that political propaganda can exploit them in such a way as to lead to an exaggerated sense of national self-image, even to the extent of believing in one's own or one's nation's omnipotence. Certainly it is common that the newly independent nation will lose appreciation for its interdependence with other nations/ethnic groups, and therefore may enter into a politics of a quite egocentric variety (not unlike teenagers breaking away from the family and needing time on their own before being able to relate in a mature way to the parental structure). This is certainly true of the politics in Georgia, Abkhazia, and South Ossetia, just as it is true also of the politics in the former Yugoslavia. Once being liberated, it is extremely difficult to enter into a new dependence--which is what makes the international community's predisposition to respect the territorial integrity of Georgia so difficult for the Abkhaz and South Ossetians to accept. For the Georgian population, it was of course extremely difficult emotionally to accept a joining of the CIS, a process that quite understandably has been vehemently opposed by large groups.

B. Tolerance Ceases at Territorial Claims

Georgians have a reputation for ethnic tolerance, which is also part of their proud identity. Jews in Georgia, for instance, have not been persecuted, and different religions of all sorts have their churches side by side in Tbilisi, for further example. This is certainly something of which to be proud.

But such tolerance breaks down when it comes to territory. When ethnic groups in Georgia began asserting claims to territory, Georgian tolerance ceased. The territory of the "motherland" has intense symbolic ties to the deep-rooted feelings of the people. As soon as any ethnic group has aspirations on a little piece of this land, it arouses a narcissistic rage in the population,^{40/} which is extremely strong and without rational consideration. This narcissistic rage makes people ready to fight to the last drop of blood to defend the motherland-- feelings that are a powerful tool in a leader's hand.

C. The Curse of "The Ownership Position"

People's feelings that a land "belongs to them", which is part of the nationalistic fever, are very dangerous. Ownership arouses very base feelings (possessiveness, envy, etc.), by which we exclude others from their right to live in this world as much as we. And the ownership complex is activated very intensely in nationalistic propaganda all over the world. Gamsakhurdia's "Georgia for the Georgians" program is of course a recent example. But no land really belongs to anyone. We should emulate the Native American Indians' reverence for the land, whereby we humans only borrow the land and take care of it for awhile, but have to give it back in good condition.

D. The Egocentricity of the Victim Position

While the Georgians harbor an intense desire for independence from their "big brother" (the Soviet Union/Russia), they have no understanding for the fact that the Abkhaz and the South Ossetians harbor similar feelings toward them, that they are in fact "big brother Georgia". All three groups see themselves as victims. A feature of the victimization psychology is its egocentricity and its feelings of entitlement, feelings that say that history owes you something and that you should be paid back for earlier hardship. While in that position, one has a hard time to see the plight of other groups or the fact that your own reconstruction plans may create new victims.

⁴⁰ See Marta Cullberg-Weston, *supra* note 6, at 17.

E. Transition Periods in History Are Conducive to Psychological (and Political) Regression

1. Regression

In periods of political transition or transformation, the Woodrow Wilson thesis about self-determination pops up automatically among most ethnic groups and creates tensions in the world. Every transition period awakens also great anxiety in the population, which makes them susceptible to all sorts of political propaganda, rumors, and suspicion. In stressful situations like this, people easily feel threatened, and they are prone to projective maneuvers, placing the source of their distress in some "enemy". This makes them easy targets for nationalistic propaganda. Also, the nationalistic rhetoric brings a renewed sense of identity which is experienced as a soothing balm in a crisis situation.

2. Security Anxiety

Another feature of a transition period, especially among minority groups, is the awakening of a basic security anxiety, a fear for the security of the family and the identity of the ethnic group. Georgia's nationalistic revival instantly awakened much anxiety among Georgia's minority populations (especially in Abkhazia and South Ossetia) about personal and societal security and about the freedom to express one's cultural identity freely. The nationalistic threat is experienced in the most basic sense--as fear of extinction--and it is a powerful inner agent for radical defensive actions. For the Abkhaz people especially, being only about 97,000 strong, but also for the South Ossetians, the threat of extinction was felt very keenly indeed and most certainly contributed to their political withdrawal from Georgia.

F. Chosen Traumas, Chosen Glories

In the psychological life of threatened nations, old traumas achieve a special significance. "Chosen traumas"⁴¹ crystallize feelings of victimization and entitlement, and serve as a political mobilizing platform and legitimation for independence moves or other political actions.

The "chosen traumas" of the Abkhaz and the South Ossetians are, among others, the brutal behavior of Georgians during 1918-21 and, later, Stalin's severe "Georgianization" programs. Georgians, on the other hand, harbor more traumatic memories of Russian oppression, the most recent being the heavy crackdown by Soviet forces on a peaceful demonstration in Tbilisi on April 9, 1989. Despite the ethnic tensions, however, there appears to have been no intense animosity between the peoples in the area. Indeed, intermarriage was not uncommon. The wars in Abkhazia and South Ossetia have created deep wounds that have to be seriously addressed if they are not to become new "chosen traumas".

In the myths told to the younger generations, there also are stories of the halcyon days of the ethnic group in question. Promises to recreate these halcyon days are often prominent in the political propaganda. The "chosen glories" of the nation/ethnic group, as they may be called, are saluted and the psychological step towards the experience of belonging to a superior nation is a small one.

Thus were the omnipotent strands in Gamsakhurdia's personality played out in policy as an egocentric Georgian perspective of chosen traumas and chosen glories with nationalistically insulting features that quickly antagonized the ethnic minorities. The result: two different wars and two different territories (Abkhazia and South Ossetia) cut off from the central government, and the Georgians were forced to wake up quickly from their nationalistic day-dreams.

⁴¹ Vamir D. Volkan, *The Psychology of the "Chosen Trauma"*, in 3 MIND AND HUMAN INTERACTION 13, 13-14 (1991).

Today, many Georgian politicians appear to understand that the earlier nationalistic policy was catastrophic. This realization was of course eased by the fact that there was a change in government via the *coup d'état* and that therefore the blame could be placed on the old Gamsakhurdia regime. However, it is one of Shevardnadze's major achievements that he has played down nationalistic politics.

G. Intense individualism, Family/Clan Loyalty

It takes time to build democracy, and in Georgia this process has only started. The building of democracy has been made even more difficult in Georgia, however, because of the intense individualism in party politics that has been expressed in the initial stages. In Georgia's last elections, 47 registered political parties took part (most with similar agendas) ! Not all of them got into Parliament, of course, but no less than 26 did.

It is not only extreme individualism in party politics that is a problem. It is also that political loyalty exists less in relation to a party or platform than it does to a person. In olden times, Georgia was divided into different princedoms, and loyalty towards the prince and his clan was a dominant feature. Loyalty to the person remains a dominant pattern to this day and may, in fact, be at the root of Georgia's political problems, creating difficulties in establishing party platforms. A strong subservient loyalty to the strong leader (the father) is definitely noticeable, and in a way holds Georgia's political life together. But, on the other hand, this pattern of loyalty is reminiscent of the old Soviet system, which did not foster independent actions. It can be a real danger if the strong man turns out to have a destructive policy, as, for example, Gamsakhurdia did.

H. The Scapegoat Pattern

Economic distress is fertile soil for animosity between ethnic groups. The diffuse frustrations that people feel in situations of economic distress are easily directed at something or someone to blame, and a new political leader, faced with the next to impossible task of making a chaotic society and economy work, often resorts to scapegoating, blaming some ethnic group for the country's problems and thereby directing people's anger away from the leader's inability and shortcomings. Gamsakhurdia was such a leader. He used nearly all the ethnic groups in Georgia as scapegoats, a device he doubtless learned from Soviet times when the Soviet Union or Moscow, as alleged oppressor, was blamed for everything. This "blaming Russia" pattern, it should be noted, is still a factor in the political life of Georgia.

I. Russophobia and a Conspiracy Mentality

Suspicion of Russia is intense in Georgia, and there is, as already indicated, a strong penchant to blame Russia for every problem. True, Russia has interfered often in Georgia, and Russia certainly was involved in the war in Abkhazia and in South Ossetia. But blaming of the Russians often lead to skewed analysis. It is not *only* that Abkhazia and South Ossetia have been used by Russia against Georgia; it is also that the Abkhaz and the South Ossetians really wish to be rid of Georgian influence. The Georgians, however, tend to deny this basic reality by saying that "we were all friends and good neighbors before it was all started (by Russia), and there is no reason why we cannot be all friends and good neighbors again". Of course, this is *not at all* the way the problem is seen in Abkhazia and in South Ossetia.

There is also a pervasive conspiracy mentality in Georgian society, an attitude that derives from the personal and political intrigues that are so much of Caucasian history. But it goes far

beyond any realistic assessment. Found among prominent political party leaders, it adds to an unhealthy political climate.^{42/}

J. Identifying With the Aggressor

The wish among Georgian's to rid themselves of Russian (formerly Soviet) influence is very strong indeed. So is the rhetorical homage to democracy. Because of an unconscious pattern of "identifying with the aggressor", typically part of an oppressed people's psychic makeup, one tends to identify with the strong, even oppressive, leader and to adopt that leader's autocratic principles. This leads to a return of elements of the rejected political system, and thus it is not easy to change to democratic principles of governance. Nor is it easy, under such circumstances, to assume responsibility for one's fate. We found among many Georgians a strong proclivity to wait for someone to tell them what to do instead of taking initiatives on their own.

Obstructing the system by not working or not putting effort into one's work was part of the common culture during Soviet times. Living for a long while under oppressive conditions may thus be inferred to dull one's capacity for creativity. But today, everyone must join together to build up the country, even if this is an inner change that will not take place over night.

VIII. THE ROLE OF THE MEDIA

Formally speaking, the press is free in Georgia, but the media are basically government-funded and supplied^{43/} and in reality self-censoring. Real censorship also takes place, when the issue is sensitive to the government. Investigative journalism simply does not exist, according to the journalists themselves. The media can be highly criticized "for being a major contributor to intolerance by acting as a medium for propaganda, misinformation, incomplete information, and wilful distortion of events".^{44/} For example, resorting to emotional propaganda rather than to news coverage, "Georgian TV showed the empty cradle of a baby for several days, reporting that the baby was killed by Ossetian separatists. Later it turned out that the baby had died for some other reason, but the job was already done"^{45/}--a classic example of media as war-creators, a pattern that is repeated in all societies preparing for war or lifting the morale during war.

On the other hand, even when the Georgian media have sought to provide real news, they have, according to some, exacerbated the internal conflicts that have been Georgia since independence. Direct TV coverage of the Georgian Parliament at the height of its nationalistic outbursts is reported to have been enormously instrumental in increasing the ethnic fears in the autonomous republics and regions, and it provided strong support for ethnic discrimination.

IX. THE PRESENT GEORGIAN POWER SITUATION

A. The National Wound of Abkhazia

The loss of Abkhazia is of course a major national wound that undermines Eduard Shevardnadze's position. To some degree, however, the blame is directed at the former

⁴² It is evident that this conspiracy mentality is also part of Russian political culture, as it has been a prominent feature in the brewing conflict in the Republic of Chechnya.

⁴³ For example, they get their newsprint from the government.

⁴⁴ CONFLICT IN THE NORTH CAUCASUS AND GEORGIA: AN INTERNATIONAL ALERT REPORT OF A MEETING IN LONDON 1, 11 (February 1993).

⁴⁵ Mikhail Saashkavili, *supra* note 11, at 9.

Gamsakhurdia government and to some degree also at Tengiz Kitovani for starting the problem. Refugees from Abkhazia place much of the blame on Shevardnadze because he signed the May 14, 1993 ceasefire agreement when Georgia was successful, thereby allowing the Abkhaz, it is argued, to regroup and reorganize, to get outside support to build up their forces, and ultimately to defeat Georgia. On the other hand, the diplomatic move of replacing Kitovani as defense minister has permitted Shevardnadze to distance himself somewhat from the Abkhaz crisis.

B. The Controversial CIS

Committing Georgia to the CIS, however, has produced severe bitterness toward Shevardnadze from groups that earlier were his supporters. Anti-Russian sentiments are very strong in Georgia and should not be underestimated. Seen as collaborating with the arch-enemy, he is obliged to proceed very cautiously.

As noted, Georgia has gone through a turbulent process of disassociation from the Soviet Union/Russia and now is in the process of reintegration into the Russian sphere of influence. Probably no one but Shevardnadze could have managed Georgia's joining the CIS, but in so doing he compromised his earlier opposition and therefore is criticized, among private citizens at least, as "a pawn of Russia".

In governmental circles, there clearly exists a view that the early Georgian effort to cut off all ties with its most powerful neighbor and most important trade partner was futile. They describe it as an infant's teething problem, realizing that some type of significant relationship will always exist with Russia, if only by virtue of the common history. But they insist that any such relationship must function on a more equal basis than has been true in the past, a co-equal sovereign States.

The political opposition, on the other hand, is not so rational. The fact that Shevardnadze had no other option than to commit Georgia to the CIS at that critical time in October 1993 when Tbilisi was at near risk of being overrun by Gamsakhurdia forces is not an argument in Georgia. This is totally an emotional issue.

Thus, however necessary his decision to commit Georgia to the CIS, Shevardnadze's internal power position was considerably undermined by the move, and he acquired a bitter and loud opposition that can cause a great deal of trouble in the future. The National Democratic Party leader, Ghia Chanturia, got high marks in the public opinion polls in Summer 1994 after he called for Georgia to get out of the CIS, to rebuild the army, and to retake Abkhazia and South Ossetia by force.^{46/} Anti-Russian emotions run high and cloud rational judgment.

C. The Kitovani Non-Factor, The Ioseliani Factor

As noted above, Shevardnadze removed Tengiz Kitovani from his position of defense minister shortly after the Abkhazian debacle. He was able to do so because of Kitovani's pivotal negative role in the Abkhazian crisis. Kitovani has since spent considerable time in Moscow where, it is reported, he has been lining up with reactionary people like Zhirinovskiy, criticizing Shevardnadze from a populist nationalistic stance. However, he does not appear to be any more an important factor in Georgian politics. He has been, at least for now, effectively marginalized.

The same cannot be said of Dzaba Ioseliani, however. Of the original three strong men from the *coup*, only he, a member of Parliament, is left at the top today. Some people contend that he

⁴⁶ A communiqué received from a colleague in Tbilisi in December 1994 reports that Mr. Chanturia was recently assassinated and his wife, also a popular politician, seriously injured.

is the real powerbroker in Georgia. There does seem to be, in any event, a kind of symbiotic relationship between Shevardnadze and Ioseliani, each in need of the other. Shevardnadze has been dependent on Ioseliani and his private army.^{47/} Ioseliani, with a long criminal background before becoming a dramatist (he earned an academic degree in drama and wrote several successful plays before becoming a warlord), has been dependent on Shevardnadze to give him the political and constitutional legitimacy that otherwise he would not have, at least not with the outside world.

Ioseliani, whose Mkhedrioni troops carried out many atrocities against the civilian population in Abkhazia, is today Georgia's top negotiator in the talks with the Abkhaz, and it is argued that Shevardnadze has been quite shrewd in casting this war lord and powerbroker into a constructive--and respectable--role. But it is evident also that in many respects Ioseliani creates problems for Shevardnadze's political image. In Abkhazia and South Ossetia, people remark with deep anger that Shevardnadze has a war criminal as his closest collaborator and that therefore he cannot be trusted. Also, many are upset that, in Ioseliani, Shevardnadze has a plain old ordinary crook in his inner circle (whose son, rumors point out, is influential in the mafia and able to control all goods and services that enter and leave the country).

D. Georgia's Power Structure

Professor Stephen Jones, a specialist regarding Georgia, characterizes Georgia as a political hybrid that is neither a parliamentary nor a presidential republic.^{48/} In fact, effective power is not wielded by the parliamentary and executive branches of the Georgian government as such, but, rather, by "Head of State" Shevardnadze in his capacity as leader of his personally appointed "State Apparatus", which plays a role analogous to that of the Communist Party in the old Soviet system.

Perhaps this arrangement is the natural consequence of Shevardnadze having been, before assuming responsibility for the Soviet Union's foreign affairs under President Gorbachev, the Communist Party boss in Georgia. Another additional explanation, however, is that Georgia's formal governmental structure, with a Cabinet of Ministers of the old unwieldy Soviet type, along with Shevardnadze's concern to balance different forces and his conservative personnel policies, led to a situation of paralysis, with agreed-upon reforms often not being carried out and with reformers often finding themselves in the minority. In other words, Georgia's Parliament of 234 seats, representing 26 different political parties and 11 factions, is inefficient, its level of discussion is low, and its procedures are with great frequency ignored. Parliamentary commissions often do not even meet. "A fractured and undisciplined parliament, an unreformed cabinet structure and Shevardnadze's own balancing act between reformers and former communist administrators", Professor Jones observes, "have led to confusion in the decision-making structures of the Georgian state".^{49/} It is sometimes said that the State Apparatus performs a purely analytical function, but it actually formulates and presents the policies that the different ministries have to follow. Shevardnadze, at the head of this extra-constitutional structure, has the practical power in his hands.

E. The Shevardnadze Factor

Shevardnadze has managed to balance the different conflicting forces within Georgia in a quite amazing, even if not always approbative, way. He has managed to restore some law and order, to get control over the looting and shooting that took place on a daily basis, at least in Tbilisi, after

⁴⁷ At the chaotic time of the independence struggle with the Soviet Union, people with money, usually through mafia contacts, could build up their own private armies.

⁴⁸ Stephen Jones, *Georgia's Power Structures*, in 2 RFE/RL RESEARCH REPORT 5 (No. 39, October 1993).

⁴⁹ *Id.* at 9.

the *coup*. And he has tried hard to defuse the ethnic tensions stirred up during Gamsakhurdia's time, achieving another, more rational level of political discourse.

His ability to balance competing internal forces, however, has turned out to be as much a vice as a virtue. To quote Professor Jones once again, "Shevardnadze's lack of leadership on institutional reform and his unwillingness to abandon 'balanced' policies aimed at unifying politically incompatible forces, while they permit him to stand above the fray, . . . only further contribute to Georgia's crisis of government".^{50/} This view, it must be added, is shared by many people we interviewed who question his capacity to lead in the realm of economic reform. It can be easily--and diplomatically--argued that no person is good at everything. Hopefully Shevardnadze can be persuaded to leave economic policy to the reformists who have, in addition to some expertise, a vision for a new future.

In sum, Shevardnadze is in control of Georgia today (thanks in part to the Russians and to Dzaba Ioseliani), but not firmly so. Many problems are waiting to be solved, among them the negotiations with Abkhazia and South Ossetia. Some tangible or visible improvement in the economy, too, is urgently needed to prevent a return to mayhem and disorder. International support for economic reforms is thus of great importance.

Asking people throughout Georgia who might take the place of Shevardnadze if something were to happen to him, no one really could name anyone. As pointed out already, he is one of the few politicians and certainly the only major politician in Georgia with an international overview and reputation. As such, he is widely seen as a stabilizing factor and the only alternative to chaos. But his circumstance is precarious, and this fact must be taken seriously.

X. INTERNATIONAL AGENTS FOR PEACE

A. The United Nations

The United Nations established an office in Tbilisi in 1992, coordinating many different activities. Among other things, it is monitoring the ceasefire agreement in Abkhazia and it participates as the central mediator in the peace talks between the two sides, chaired by Eduardo Brunner, the special envoy of Boutros Boutros Ghali. Additionally, the United Nations High Commission for Refugees (UNHCR) is deeply involved and giving help to the serious problem of the refugees in Georgia. It is true, of course, that there has been criticism of the UN's work, and it is true also that getting things started took time. Our impressions from interviews and on-site visits, however, are very positive. The different officials are, in our estimation, well informed and perform complex and difficult tasks with great professionalism.

B. The Conference on Security and Co-operation in Europe

The mission of the Conference on Security and Co-operation in Europe (CSCE) is to monitor the ceasefire agreement in South Ossetia and to defuse by local investigations and conflict resolution talks all incidents that could otherwise easily escalate into renewed warfare. The CSCE is also trying to get a dialogue started between the Georgians and the South Ossetians, an difficult task to date, as well as trying to facilitate confidence-building measures that can get the peace process moving. It is our collective impression that the work of the small CSCE delegation (about 15 people) is highly professional and very effective. They are important agents for stabilization in the area, not least because the CSCE is not constrained, as is the UN, by prohibitions upon intervening into the "domestic jurisdiction" of its member States. The development of confidence-building measures needs more attention.

⁵⁰ *Id.*

C. The CIS and Russian Peacekeeping Forces

The peacekeeping model followed by the CIS peacekeepers in Abkhazia is similar to that of UN peacekeepers except that the military personnel are principally if not exclusively Russian. In any event, it is the only peacekeeping force the Abkhaz would accept. They rejected the UN.

In South Ossetia, a wholly new peacekeeping model is being attempted, wherein Russian troops cooperate with a Georgian and a South Ossetian battalion and all of them are monitored by the CSCE. All parties attested to the fact that this model, new though it is, works. Ever since the peacekeeping troops were stationed in the area in 1992, the ceasefire has held.

On the other hand, there has been much suspicion in Georgia and around the world about the forces of the Commonwealth of Independent States (CIS) in Abkhazia (in reality Russian troops) and about the Russian Army in South Ossetia as peacekeeping forces. All of which is natural inasmuch as the Russians were involved in the conflicts behind the scenes in the first place. Also, as indicated above, there is evidence that, through peacekeeping operations, present Russian policy seeks to keep up their influence in Russia's "near abroad". Under these circumstances, therefore, it is reasonable to suggest that the international community put pressure on the CIS to achieve some progress in the peace negotiations as a condition of economic and technical assistance to it and/or Russia by the Western world.

Visits with the CIS leadership in Abkhazia and in South Ossetia, including interviews of some of the actual peacekeeping monitors themselves, leads us to conclude that the CIS and the Russian Army are assuming their assigned tasks with a high degree of professionalism. Also, the fact that the troops speak the language and have a good knowledge of the culture has been valuable and, we think, contributed to the good result. The use of CIS/Russian troops in areas of Russian interest (their "near abroad", now a CIS country) is an issue that the international community must sooner or later address.

XI. PREVENTING FURTHER VIOLENCE

While interviewing a Georgian governmental official in Tbilisi involved in the negotiations with South Ossetia, the telephone rang. The caller claimed that a serious conflict had broken out between a Georgian village and an Ossetian village. According to the mayor of one of the villages ("Village A"), 500 sheep, 200 calves, and 6 men had been abducted to the other village ("Village B"). Village A had managed to retrieve the sheep and the men but not the calves, and now they planned to attack the Village B with strong artillery.

The alleged conflict was settled before our eyes. The governmental official picked up two other phones and spoke, first, with Head of State Shevardnadze and, next, with Dzaba Ioseliani. With the promise that the claimed theft would be investigated and handled by the Conference on Security and Cooperation in Europe (CSCE) monitors, the mayor of Village A, still listening on the first phone, agreed not to attack.

This occurrence illustrates how easy it is for events in these war-torn regions to ignite into flames. Two hundred calves (or even the rumor of 200 stolen calves) could have started the war anew. But the occurrence illustrates also the importance of mechanisms to defuse the conflicts before they get out of hand (the CSCE monitors being an important conflict-defusing mechanism in this instance). It also is an example of an efficient handling of a conflict by the Georgian official and of the importance of lower-level conflict-resolving processes.

A. Continued Work of Peacekeeping Forces

A continued presence of peacekeeping forces in Abkhazia and South Ossetia is necessary to avoid violence from erupting while the negotiation process continues in relation to these political units. At present, however, the peacekeeping forces have no explicit mandate to disarm looting groups and gangs of bandits, which now terrorize the population in Abkhazia and in South Ossetia and make it difficult for refugees to return. The work of civilian police brought in by the UN in Croatia to overlook and supervise the local police there may be an important precedent for Abkhazia and South Ossetia (where the solution needs to be set in a CSCE framework).

B. Continued UN and CSCE Engagement

Continuation of UN and CSCE monitoring and negotiations is indispensable. The parties have been incapable of conducting talks without a third party facilitator, and measures to speed up the negotiation process are now urgently needed, a process that has been at a standstill for too long in relation to both Abkhazia and South Ossetia. Some suggestions are given below. Use of NGOs to start the peace-building process from below seems to be an important complement to the high-level negotiations (especially in Abkhazia where confidence-building measures are altogether missing).

XII. TOWARDS PEACE AND STABILITY:

POTENTIAL SOLUTIONS FOR ABKHAZIA AND SOUTH OSSETIA

One way to reconcile the principle of territorial integrity, strongly advocated by the Georgians and the international community, with the right to self-determination, equally strongly advocated by the Abkhaz and the South Ossetians, is some kind of federalism. The federalism idea is much talked about in Georgia these days through different international organizations involved in the process of reconstruction. Indeed, federalism specialists from Germany have been brought in for a period of time. The idea certainly has started to grow.

But there are many obstacles. Although a federal solution is a compromise solution that may make sense to the international community, it does not meet the requirements of the Abkhaz and the South Ossetians who seek greater independence from Georgia than federalism would allow. It is, thus, not an easy solution. The former Yugoslavia, for instance, was a federalized solution that did not work. There are of course different models of federalism. Germany, Switzerland, and the United States are obviously successful models. But the model that is chosen must be very well tailored and thought out.

A. Potential Solutions for Abkhazia

1. The Option of Federalism

The Georgian position is one that recognizes the necessity of a federal solution in respect of Abkhazia. In the negotiating process, Shevardnadze has offered Abkhazia to have its own constitution, parliament, and symbols (e.g., flag and anthem) while reserving to a federal government in Tbilisi control of defense, foreign policy, currency, and customs. However, Vladislav Ardzinba, the leader of Abkhazia, has rejected this offer, believing that the ties with Georgia will be too close and that it would too much resemble the old situation.

The Abkhaz position is that "we won the war", and winning the war has meant to them the achievement of their autonomy and independence, however shaky at the present time. They effectively control their territory, they have a functioning government, and they have assumed sole responsibility for governing themselves since Autumn 1993. They do not want to return to a dependence on Georgia, from which they have wanted to separate all through this century. Time and economics may change all that, however, and so also may Russia through the CIS. The

Russians probably are the only ones with the leverage to achieve a federalized solution, which the West has so far failed to take seriously.

2. The Option of Confederation

Another option is confederation, granting a larger degree of independence than in a federal arrangement. But the road to that solution is hazardous from a Georgian standpoint; it means that Abkhazia must be declared independent so that it can then, from its new independent position, join Georgia. But what guarantees can be given that, once independent, Abkhazia will unite with Georgia? It is easy to hypothesize that Abkhazia would in fact refuse, referring to a referendum or to public reactions.

3. The Option of Redrawing the Population/Political Map

In the peace negotiations, the Abkhaz have been altogether resistant to solving the first pressing problem: the return of the Georgian refugees now in Tbilisi and elsewhere in Georgia. While accepted on paper, the repatriation process is being delayed and obstructed by all practical means. It is obvious that the Abkhaz want to consolidate their situation and that they do *not* want the return of a large number of Georgians that would alter the ethnic composition of the territory. Added to which, Abkhaz hatred for the Georgians and their desire for revenge for dead relatives has not at all been addressed, let alone soothed, by the leadership. Indeed, it has been allowed to flourish.

Nor has there been any preparation of the population for a solution involving the repatriation of refugees or other dealings with Georgia. One way to get this process going might be to repatriate the refugees from the Gali region in the east first. The population there was 98% Georgian before the war, but of the Mingrelian subgroup, which have not been seen as cooperating with the Georgian government. Of course, as a precondition, the paramilitary bands in the area would have to be disarmed. Human right's observers and UN civil police could be used to oversee the security of the returning refugees.

Alternatively, although admittedly controversial, the political boundaries between Abkhazia and Georgia proper could be redrawn. Changing borders by force is not allowed under international law, but changing them by negotiations is. As noted, the Gali region before the war was populated 98% by Georgians (Mingrelians), whereas the Abkhaz were represented by only 17% of the total population in all of Abkhazia. By severing the Gali region from Abkhazia and linking it to Georgia, the Georgian refugees could reclaim their homeland and the percentage of Abkhaz in Abkhazia would increase. Such reorganization could make either a federalized or confederalized solution easier, and it would assist the refugee problem considerably, but probably it is unacceptable to both sides.

B. A Potential Solution for South Ossetia: The Option of Federalism

While there is today some understanding in Georgia of the need for a federal or confederal solution relative to Abkhazia, this is not at all the case relative to South Ossetia.

The Georgian position, as previously noted, is that North Ossetia is the "mother State" and that the South Ossetians are just an ethnic minority in the country. Therefore, Georgia is undisposed to accept a federal solution, much less a confederal one, relative to South Ossetia. Indeed, Georgians appear unwilling to return even to the *status quo ante* where South Ossetia was an autonomous region or *oblast*. Georgians talk mainly about cultural--not political--autonomy for South Ossetia.

The South Ossetian position is of course very different: total independence from Georgia; alternatively, uniting with North Ossetia within Russia. However, the recognition of Georgia by the international community, which supports the principle of territorial integrity, was a serious set back for South Ossetia. Indeed, since Georgia joined the CIS, even Russia, South Ossetia's presumed ally, now proclaims its support for the territorial integrity of Georgia, and notwithstanding that the border between North and South Ossetia is and will remain, according to the President of North Ossetia, Galazov, "transparent".

In any event, it is clear that the South Ossetians are not likely to accept the *status quo ante* even if it were offered to them. A war has taken place, and the mistrust is even greater than before. Some kind of a federalized solution might prove helpful if it contained far reaching guarantees for self-determination. But it would be taken as a painful setback by the South Ossetians nevertheless, and thus would require much reappraisal of South Ossetia's proclaimed goals. NGOs could play an important part in this regard, preparing the ground for a negotiated solution of this sort. Also, confidence-building measures and efforts at "building peace from below" would be important. The ultimate solution might be an overall federalized solution that includes Abkhazia, Adzharia, South Ossetia, and perhaps other regions (on behalf of, say, an Armenian majority). Accepting South Ossetia as a federalized unit might for the Georgians be easier within a context of other regions becoming federalized units as well.

However, even if the South Ossetians can be persuaded, it is clear that Georgia has a very long way to go to accept a federalized solution with South Ossetia. Perhaps the international experts on federalized solutions recently asked to study the Georgian situation can sell the idea that there are advantages with an overall federalized solution. In Georgia, work on a new constitution includes plans for extended regional self-government, possibly a window opportunity for a federalized general solution.

XIII. WAYS AND MEANS TOWARDS PEACE AND STABILITY

A. Achieving Conflict Resolution

1. Timebombs as Important Factors in Stalemated Negotiations

As of this writing, *the position of the international community* is to uphold the principle of territorial integrity relative to the State of Georgia and will accept nothing less. The capacity of the Abkhaz and the South Ossetians to get even covert support from Russia has vastly diminished since Georgia joined the CIS in Autumn 1993.

The Abkhaz and the South Ossetian position is to insist on independence or on joining Russia, but since Autumn 1993 Russia has repeatedly stated that it recognizes the integrity of Georgia's borders. Accordingly, negotiations between Georgia, on the one hand, and Abkhazia and South Ossetia, on the other, are stalemated. Not much has happened in recent rounds of negotiations.

However time is a critical factor, a factor that both the Abkhaz and the South Ossetians have seriously to consider: time for the Georgians to build an army; time for refugees to become increasingly demanding and hostile (especially in relation to Abkhazia); and time for the Abkhazian and South Ossetian economies to deteriorate even further than they already have, thus threatening political leadership:

a. The Georgians have started to build an army, with the help of Russian advisors this time. The Georgians do not have money for a large army. The Georgian troops that were fighting in Abkhazia were mainly paramilitaries and local people, and they lacked military discipline and effective training. But even a small, well-trained army of 5,000 persons could pose a threat to

Abkhazia and South Ossetia, according to well-informed military observers. The point is not lost on the Georgian leadership. It should not be lost on the Abkhaz or South Ossetian leaders either.

b. The refugees in Georgia, from Abkhazia especially, are becoming ever more desperate and determined to return home. It is clear from driving around Abkhazia that these areas are at present very depopulated, the consequence of major "ethnic cleansing". Most of the Georgian population in Abkhazia (around 200,000 people) fled, along with some 50,000 Russians, Armenians, Greeks, and other minorities^{51/}--an instance wherein the ethnic minority (the 17% Abkhaz) "cleansed" the ethnic majority (the 44% Georgians). Strangely, the world community has said precious little about this "ethnic cleansing". The argument that the Abkhaz are native to their respective regions is correct, but so are the Georgians.

In any event, the indigenous people remaining in Abkhazia (some 90,000-100,000 Abkhazians in Abkhazia along with some minorities, the number of which is uncertain after the war) will be unable to run the homeland alone, so that repatriation (or some type of immigration) is necessary.^{52/} True, the threat to the Abkhaz ethnic/national identity that precipitated the conflict in Abkhazia must be addressed in any settlement. But as long as the refugee problem remains unresolved and refugees are denied the opportunity to return home in peace,^{53/} there are some 50,000 presumptive soldiers available to Georgia who would be strongly motivated to retake what they consider their land and thus who could be enrolled in military operations. There definitely is strong support among certain political parties in Georgia for a renewed war, so the longer the refugee problem festers the more probable is a violent solution. Officially, this proposition is not yet a matter of policy, and it is not in line with Shevardnadze's thinking. But one of the popular opposition parties, The National Democratic Party, has made the retaking Abkhazia by military means a part of its official program.

c. As in Georgia proper, economic conditions in Abkhazia and South Ossetia are extremely depressed and worsening, creating a situation of desperation ripe for rebellion, possibly violent, against the current political status quo. As long as political solutions in relation to Abkhazia and South Ossetia are not reached, the economy in both of these regions will remain at a standstill at best. No serious international economic investments are possible and tourism (an important source of income for Abkhazia and South Ossetia) is dead. This has been the case for two to three years now, and even if people in these territories are prepared to take hardship in return for freedom the economic collapse is extremely burdensome and stress-producing. At present, the international community is beginning to support some economic reconstruction in Georgia, but the benefits that will flow from this support will not extend to the Abkhaz or to the South Ossetians because neither Abkhazia nor South Ossetia are recognized as separate juridical entities internationally. The longer this situation persists, the worse off the people of Abkhazia and South Ossetia will be and the more prone they will be to seek closer ties with Russia. Thus, an economic reconstruction program for Abkhazia and for South Ossetia is an important part of a negotiated solution to the Abkhaz and South Ossetian crises.

⁵¹ The figures vary depending on whether the source is Georgian or Abkhazian.

⁵² In Abkhazia, part of the solution may require a redrawing of the population/political map. See Section XII(A)(3), *supra*.

⁵³ The problem of paramilitary bands and bandits looting is still a problem in Abkhazia, and there seems to be no real effort on the part of the Abkhaz government to do anything about it. Although a relatively minor problem, it should be addressed in peace talks, as it prevents the return of refugees.

2. Confidence-Building Measures

Confidence-building measures (CBM) come close to what is referred to also as "building peace from below", starting with the concrete daily problems of both sides and trying to find a joint solution. The CSCE has started on this route in their work with the South Ossetian problem. In a joint statement dated 14 June 1994, the CSCE outlined a number of concrete measures upon which the parties (Georgia, South Ossetia, and North Ossetia, chaired by the CSCE) agreed to work. The points included (quoting directly from the joint statement):

- to jointly fight organized crime, in particular in the field of narcotic drugs;
- to restore communication by road and rail;
- to begin co-operation for economic reconstruction, with the aim of revitalizing agriculture and industrial production;
- to jointly start reconstructing housing;
- to establish a joint committee of the authorities of health to ascertain needs, and to implement measures, to improve public health; and
- to jointly create the material and legal conditions for a speedy return of the refugees.

These proposed measures are good examples of CBM. Others could easily be added. For example, a critical question in South Ossetia is the water supply to Tskhinvali, which is cut off in the Georgian villages surrounding the town. Resolving this difficulty would be an important first step, showing a good will that is necessary for the solution of any problem. One could add academic exchanges, the re-establishment of working telecommunication lines, and so forth.

Similar measures would seem appropriate in the case of Abkhazia as well. The negotiations there have so far focused on the political solution, and have included consideration of the concrete refugee problems that presently are handled/negotiated by the United Nations, including especially the UN High Commission for Refugees (UNHCR). However, basic confidence-building measures are called for also, and certainly need to be instigated as well.

Of course, to agree on principles on a paper is one thing, to have them effected in practice another. As of last July, nothing along these lines had been achieved. One searches, therefore, for ways to break the impasse. Obtaining the assistance of impartial and/or uninvolved nongovernmental organizations (NGOs) for assistance would be one answer (*see* Subsection 4 below).

3. Inter-negotiation Advisory Assistance: A Way to More Successful Negotiations?

At present, the political leadership in Abkhazia and South Ossetia argue for statehood and wait (futilely, most probably) for recognition from the international community. And, relatively closed off from the outside world, they get more and more hardened in their position as time goes on. At least some of their isolation and hardening of position could be alleviated, however, were they to be offered, between negotiating sessions, expert information and advice (free of charge, of course, and with opportunity for them to pick their own advisors) about how the international community operates in the face of proposed secession. A delegation of recognized experts on international law, for example, sponsored by the UN, the CSCE, or some NGO, could travel to Abkhazia and South Ossetia for a weekend conference on the international law of secession and State recognition; and while Georgia already has access to many international experts, it, too, could benefit from such international legal advice, especially in relation to the protection of minorities and the emerging human right to democratic governance. By such means, or by inviting representatives from these factions/governments to travel to Europe or to North America to study these and related questions, a new appreciation of the legal expectations of the international

community could be achieved and, over time, the negotiation process thereby enhanced. International expert consultants, particularly if derived from the private NGO community (see Subsection 5, below), can provide invaluable support in facilitating solutions to the existing conflicts and simultaneously promote respect for human rights and the humane treatment of ethnic minorities.

4. The Use of NGOs to Build Bridges

Conflicts lead to a cut-off of information, which only hardens positions. Additionally, negotiations, in the end, affect the "common people" who need to be prepared emotionally. It is important, therefore, that the high-level negotiations be supported by low-level bridge-building. NGOs of different kinds can play an important role as bridge-builders and as helpers to establish peace from below. They can do so because, typically, they have no obligation to any political constituency and therefore can be perceived as neutral in intent and action.

5. The Use of the Media in Conflict Resolution

At present, communications between Georgia, on the one hand, and Abkhazia and South Ossetia, on the other, have in theory broken down. This means that the different populations are in principle cut off from information about how the other side looks upon the conflicts, clearly a circumstance not conducive to conflict resolution. We recommend, therefore, that each side produce a 15-30 minute TV and/or radio program on how they view the conflict and permit the showing of the different resulting programs on the television channels of each faction, followed by a studio discussion with two high-ranking representatives from each side. Such a media effort could go a long way toward facilitating understanding and compromise, at least if the programs are based on the principle of creating understanding instead of conflict.

6. Conflict Resolution Also Means Mourning

Ethnic conflicts that develop into wars leave dangerous wounds and scars. If these wounds and scars are not attended to, there remains a risk of future serious conflict. Thus, after peace has been achieved, there needs to be a mourning process in relation to the Abkhaz and South Ossetian conflicts, one that would involve many different elements acted upon on all sides. Some of these would include, for example:

- open discussion of all the wounds from the warfare on *all* sides, including across ethnic boundaries via professional, interest-group, or other means of dialogue and communication;
- symbols and monuments where the dead can be mourned;
- war tribunals where individuals can be prosecuted for their alleged crimes; and
- asking of forgiveness by politicians more mature than the ones that started the wars.

B. The Building of Civil Society

It takes time to build democracy. In nearly all of the States newly born in the wake of the collapse of the Soviet Union, there naturally are problems of adapting to the model of democratic governance. There should be developed, therefore, a handbook for new States and their leaders on how to avoid some of the worst teething problems. There is a whole academic field devoted to these problems, but they seem to have escaped the attention of national governments and international organizations so far, perhaps because the scholars have not been too successful in popularizing their findings in concrete, easy, short form. For lack of time, new leaders do not read big academic books. But academe could perhaps teach the new leaders, in some convenient way, not to make all the mistakes that are possible.

The world community needs also to find ways to defuse the ethnic tensions that invariably arise in newly independent multi-ethnic States, in order that they not develop into open warfare.

Some sort of supervision of the leadership seems necessary in newly independent States. We do not know how to drive a car without training; why should we expect to know how to govern a country without training? Perhaps the CSCE and the UN could create a mentor system of seasoned political leaders who could serve as independent advisors/consultants and share some of their experience to new and unexperienced State leaders.

Each of these recommendations could serve well the goal of conflict prevention in the Georgian-Abkhazian-South Ossetian context. The enthusiasm for democratic governance and for a free market is most certainly alive in this part of the world, but there is much need for aid and advice along the long and strenuous road to these ends. To build democratic structures in an area where there is no prior experience of real democracy is a gigantic task.

Georgia has started down the strenuous road towards democracy and a free market economy, and many international organizations are sending advisors and consultants to assist in these respects (although not, so far as is known, to Abkhazia and South Ossetia which likewise are in great need of consultants to develop a sense of democratic governance). There is now also cooperation between native Georgian non-governmental organizations and Western organizations aimed at building civil society, at conflict resolution, at competence training, etc., and it was encouraging to visit with the serious politicians in Georgia who are trying to build a democratic society. But we certainly encountered as well many "wild" politicians who pay lip-service to democracy without the slightest notion of what it takes to act democratically or of the responsibility that democracy places on politicians to act responsibly. There are a number of qualified indigenous organizations that can translate Western political and economic concepts and practices into better programs because of their basic understanding of the local political and economic traditions. But it would be extremely useful nonetheless, as a way of building personal and therefore institutional competence, to invite young politicians, parliamentarians, and government officials to Europe and North America to see for themselves how our democracies work and do not work. To see with one's own eyes is usually the best way for inner change.

The drafting of a new Georgian constitution was proceeding with considerable intensity while we visited Georgia. As far as we could tell, much serious effort is being put into this work, and the various drafters appear to have really tried to select the best from the democratic constitutions of other countries. A distinct problem is, however, that the constitution-drafting has been so far carried out *without* representatives from Abkhazia and South Ossetia, as they refuse to take part. Their position is, not surprisingly, that any constitution-drafting participation by Abkhazia and South Ossetia would be inconsistent with their proclaimed independence from Georgia. However, instead of simply insisting that Abkhazia and South Ossetia are a natural part of Georgia, and thereby brushing aside the real impulse for autonomy that predominates among the Abkhaz and South Ossetians, the Georgian political establishment should take seriously possible confederalist, federalist, or other solutions to the constitutive impasse (*see* Section XI, above) and thereby facilitate Georgia's territorial integrity to at least some degree. Serious work on a final constitution, as long as the whole framework (federation or not) is not solved, seems unrealistic. It is not enough for a new Georgian constitution to embrace international human rights prescriptions, even special provisions designed to protect ethnic minorities explicitly. Georgian as well as international State practice provide, regrettably, all too much reason to doubt that such an approach can do the job alone. Abkhazia and South Ossetia want to secede, after all, because of bad human rights policies and violations of ethnic minority rights.

It is not only the Abkhaz and South Ossetians, however, that need human rights protection. The notion of freedom of assembly for Georgians as well as others is also in need of strengthening in Georgia. Formally there is freedom of assembly there, but in reality the freedom for

oppositional meetings is restricted. Our delegation found this out very concretely when seven plainclothes policemen, without a warrant, came to an apartment where we were interviewing a group of persons opposed to the Shevardnadze government and demanded the names and addresses of all the persons present. Such harassments and human rights abuses by the police, we were told, are frequent among opposition groups. The CSCE and the UN, in the face of such differences between the ideal formal code and the real operational code that affects people's everyday lives, should develop special programs for overseeing the development of human rights in Georgia. International human rights organizations could provide observers that could support local people in furthering their human rights.

Much the same can be said about freedom of the press in Georgia. While there is a free press, formally speaking, in reality we noted a considerable degree of self-censorship and even real censorship. Investigative journalism does not exist in any way whatsoever even though there obviously are many things that could profit from such journalism. An international effort to bring journalists to the West to study investigative journalism so as to provide some checks on the performance of the State would thus be a most positive move. Universities in Europe and North America with quality journalism programs should be thus encouraged and supported in every way. Of course, other efforts to create a real free press are likewise necessary and desirable.

Finally, it needs to be said that the building of the civil societies in Abkhazia and in South Ossetia mirror the problems found in Georgia (even though they are not specifically detailed here). Also, it needs to be stressed that many NGOs would certainly volunteer their services to help in the building of democratic institutions throughout the region if it cannot be accomplished on the governmental level due to the uncertain status of the political units involved.

C. Economic Rehabilitation and Restructuring

To rehabilitate and restructure the Georgian economy is probably the most important preventive measure that could be taken to avoid further unrest. People, who are unemployed or who do not get paid for their work easily become the victims of populist political movements, which then can translate the frustrations involved into violent ethnic discrimination programs. Despite all the efforts so far, however, the free fall of the Georgian economy has not stopped, which is a very depressing thought considering that the Georgian economy is already in a catastrophic state. While most observers concede that Shevardnadze has been clever in balancing the different political forces within Georgia, they also express little faith in him as a leader of economic reform. To rebuild and restructure the Georgian economy is an enormously difficult task, and Georgia still does not have a currency of its own. The Russian Ruble (an increasingly the US Dollar) is the currency of real exchange, as the local currency ("the coupon"), is practically worthless.

On the other hand, economic reforms are at the center of the agenda presented by the Shevardnadze government at the end of Summer 1994^{54/}, and enthusiasm for a market economy is evident still. The problem is to fulfil the promises that people believe have been made. The Western media culture is very seductive. TV-series from Europe and North America reveal an affluent society and people have come to think that the road towards a market economy will lead to such results automatically. Of course, this has yet to happen in Georgia, if ever it will. Instead, people are close to starvation and many are now beginning to say that "things were better before" when social structures were at least functioning and people were not being put at risk to starve. A huge problem is how to handle the Russian and indigenous "mafia" and their control of the

⁵⁴ See THE GEORGIAN CHRONICLE (August 1994), produced by The Caucasian Institute for Peace, Democracy and Development in Tbilisi and an excellent source for current events in Georgia.

economy. There is, too, the previously mentioned psychological problem of how to change the traditional work pattern from one of obstruction to one of construction.

Western economic help is thus badly needed to get started on a new course that will prevent the Georgian's (and others) from becoming irretrievably disillusioned. Thankfully, international institutions such as the World Bank (IBRD), the European Union (EU), and others have begun to implement programs for economic rehabilitation and reconstruction. These programs need to be undertaken with an understanding of the plight of the different Georgian peoples. It would not be helpful and probably would be counterproductive for them to impose further strain by some sort of economic shock-therapy (as would some measures suggested by the World Bank, for example). Sometimes foreign governments and international institutions apply a very limited formula for giving help, as if they do not appreciate that economic malaise can be cause for social unrest and destabilization.

The EU, on the other hand, has embarked on an important down-to-earth course for rehabilitating and restructuring the Georgian economy, providing technical assistance programs that can serve as a model in other parts of the world. The purpose of the EU technical assistance program (TACIS) is to ease the transition to market economies, and to this end it can help build a platform for economic recovery. The priority areas are food production, enterprise support measures, trainee schemes, and technical assistance in energy, transportation, etc. All are areas of great importance in the restructuring process. Among the projects under the last heading is a European-Asian-Transport System pursuant to which a transport line will be developed through Georgia. The EU TACIS program is also planning for a business communication center in Tbilisi, linked to the worldwide system of business communications. The economic development plans wisely take into account the fact that Georgia's most important trading partner will be Russia, as Georgian products cannot yet compete in Western markets.

The situation in Abkhazia and in South Ossetia is economically similar to that of Georgia only worse. The Abkhaz and South Ossetian economies are at a total standstill due to the blockade from Georgia and closed borders. People have been so far willing to put up with economic hardship "to achieve freedom", but if nothing happens soon undesirable leaders could come to power. Furthermore, the economic standstill hardens negotiating positions. Continued economic suffering only hardens the demand for the political freedom that has been promised.

Of course, the key to true economic revival in Abkhazia and South Ossetia is more political than economic in nature. No domestic or foreign entrepreneur is likely to invest in the area as long as the political situation there remains unstable, as long as tourism is paralyzed for lack of open borders, as long as personal security cannot be guaranteed. Nor are they likely to do so any time soon. Foreign governments and international institutions are now focusing, as noted above, on getting Georgia's economy up and running again; at present, they leave the secessionist areas of Abkhazia and South Ossetia to wither away from responsible attention.

This disregard of Abkhazia and South Ossetia can of course be used by the Georgians as a bargaining chip in their negotiations with the Abkhaz and South Ossetians: "join us (in a confederated or federated form or other) and you will be part of the economic rehabilitation and restructuring packet that benefits us". As it turns out now, however, it strengthens the Abkhaz and South Ossetian ties with Russia and North Ossetia who today are the only parties offering economic support to these beleaguered peoples.

This policy of disregard on the part of the international community is not wise in our view. To the contrary, efforts to help these regions economically could facilitate long-term political

solutions and thereby contribute to conflict prevention. To these ends, therefore, we recommend the establishment of generous economic rehabilitation and restructuring programs specifically for Abkhazia and South Ossetia, and along the lines of the EU's TACIS program currently benefitting Georgia. All of which could be part of the leverage that is needed by Georgia in the negotiations with Abkhazia and South Ossetia currently under way. Making Abkhazia and South Ossetia into special economic regions where economic reforms could be pursued by the international community would further assist the goal of conflict prevention.

XIV. The Responsibility of the International Community Relative to Independence Movements

International society strongly adheres to the principle of territorial integrity, born at Westphalia several centuries ago and reconfirmed at Helsinki and Paris in recent times. It does so even in the context of the emerging European Union lest a chaotic situation develop that would undermine the existing statist world order. There are at least two interrelated problems with this posture, however, which the international community should take into account when attempting to cope with independence movements, particularly ethnic ones.

First, rigid adherence to the principle of territorial integrity denies that existing borders are often arbitrary, drawn by colonial powers of different sorts with little or no regard for the peoples affected who sometimes are divided between two to three different countries (like the Kurds in Iran, Iraq, and Turkey, for example). The autonomous republics and regions of the former Soviet Union suffer from this territorial rigidity, often set up to suit the old Soviet "divide and rule" policy.

Second, unwavering commitment to the principle of territorial integrity mistakenly presupposes mature governments that can guarantee the ethnic identity, security, and economic development of minority peoples; also the existence of international legal mechanisms that can safeguard the human rights of minorities when the States in which they live threaten to abuse or disregard those rights. But mature governments and strong international human rights mechanisms are, alas, few in number in today's world, as the short history of Georgia as an independent State bears unhappy witness. As in the case of the republics of the former Yugoslavia, the international recognition of Georgia took place without special guarantees for human rights or for the safety of ethnic minorities. Worse, Georgia has failed to live up to standards of common decency in Abkhazia and South Ossetia and, in so failing, undercut the *raison d'être* behind the principle of territorial integrity. It is reasonable that the Abkhaz, the South Ossetians, and Georgia's ethnic minorities are distrustful and unwilling to settle for verbal promises of respect. Georgia has clear responsibilities within its borders as well as rights.

The modern-day juridical embodiment of these problems or concerns is of course the principle of self-determination which, since the time of Woodrow Wilson at least, has traveled as a theoretical complement to the principle of territorial integrity; and like the colonial peoples for whom President Wilson sought protection, ethnic minorities today seeking political independence view themselves as "peoples" entitled to invoke the principle of self-determination in their quest to be rid of arbitrary boundaries and to be guaranteed their ethnic identity, security, economic development, and human rights generally.

Professor James Anaya (an international lawyer from the United States), in a comprehensive study on the rights of indigenous peoples in international law, addresses the conflicting interpretations of the right of peoples to self-determination. He notes that "peoples" need not be seen in the restrictive sense of post-colonial units or peoples defined by existing or perceived

sovereign borders, but that it can be given a much broader interpretation.^{55/} On the other hand, he states that the right to self-determination in no way necessarily means a right to statehood: "Inextricably wedding self-determination to entitlements or attributes of statehood is misguided".^{56/} There are many different forms of self-determination within existing borders.

A distinct difficulty is, however, that today's secessionist peoples tend to read and interpret the principle of self-determination in isolation from the principle of territorial integrity. They look at the newly reconstituted Baltic States or at the ongoing struggles for statehood among the former Yugoslav republics, declare these precedents to be binding, but neglect to account for the different histories and nuances involved. There is no question that the break-up of the Soviet Union and of Yugoslavia have proved confused and confusing, allowing for different interpretations of fact and law. But the fact remains that the principle of territorial integrity, for very practical reasons, tends to weigh more heavily than the counterpoint principle of self-determination in today's *realpolitik* world. The existing member States of the international community are uniformly disinclined to favor their own dismemberment except under the most special of circumstances.

At the root of the problem, of course, in Abkhazia and South Ossetia as well as elsewhere, is the more general problem of sovereignty and the nation-state, particularly in relation to the promotion and protection of international human rights. Increasingly, informed observers (policy-makers as well as scholars) are awakening to its more pernicious dimensions and calling for a relaxation of notions of "domestic jurisdiction" in favor of intervention relative to at least gross violations of human rights. Increasingly, the values associated with the doctrine of territorial or State sovereignty (a legal license to "do your own thing") and its noninterventionist corollary (an injunction to "mind your own business") rest in uneasy balance with human rights concerns that now are telling us that "the king can do wrong" and that "you are your brother's and sister's keeper".

One recent proposal aimed at mitigating the tension between State power and ethnic group rights is the creation of an intermediate juridical status between "States" and "ethnic minorities" called "nations" (similar to the Native American nations that are helping to establish international legal standing for indigenous peoples everywhere) which would be without the territorial fixture of the nation-state but nevertheless would be entitled to representation in international organizations such as the UN and in other processes of the international legal system.^{57/}

Another proposal, particularly relevant to an increasingly interdependent and interpenetrating world of communication and trade links, is the notion "soft borders" akin to what has evolved among the Nordic countries, which are formally independent but which embrace operationally extensive cooperation among themselves. Federalism and confederation are not the sole soft-border alternatives.

In any event, because the present territorialization of security ("only in our own country can we feel secure") creates enormous problems, it is essential to find ways to guarantee human rights, in particular the right of ethnic minorities to develop and feel secure in their own ethnic identity and to develop economically in a manner that is consistent with, or parallel to, the standards of the

⁵⁵ S. James Anaya, *INDIGENOUS PEOPLES IN INTERNATIONAL LAW* 111-15 (manuscript, 1994, forthcoming in 1995 from Oxford University Press).

⁵⁶ *Id.*

⁵⁷ See, e.g., Gidon Gottlieb, *NATION AGAINST STATE: A NEW APPROACH TO ETHNIC CONFLICTS AND THE DECLINE OF SOVEREIGNTY* 39 (1993).

majority population. To this end, we recommend, for example, that the UN Commission on Human Rights and/or the CSCE Office of the High Commissioner of National Minorities formulate concrete guidelines for responsible governance in relation to ethnic minorities and that they develop, in addition, measures to ensure that these guidelines are not violated.

The ultimate point is, of course, that, in the face of so much deprivation and bloodshed in defense of competing notions of public order as embodied in competing principles of international law, the international community has the responsibility to create norms, institutions, and procedures that truly will guarantee that ethnic minorities in particular, and human rights in general, will be protected and safeguarded to the utmost degree. And in this connection, we believe, both the United Nations (which was formed "to save succeeding generations from the scourge of war" and "to reaffirm faith in fundamental human rights"^{58/}) and the Conference on Security and Cooperation in Europe (CSCE) (which "links the maintenance of security and stability to the observance of human rights and fundamental freedoms"^{59/} and which "has a clear mandate to deal with crises within states"^{60/}) have an especial responsibility. Among other things, they could create regional and/or local conflict prevention centers in "hot spot" areas that would establish knowledge of the concrete background and evolution of particular ethnic conflicts, that would assist (for example, the UN Security Council or the Permanent Committee of the CSCE) in the evaluation of those conflicts early on, and that would help to suggest measures to prevent them from erupting out of control. At the very least, they could underwrite major study in these realms, particularly in respect of research that will dare to think anew and that shall have as its end-goal the promotion of a world order that acts as if people really matter.

POSTSCRIPT: GEORGIA ON OUR MINDS

Yes, we do have Georgia on our minds after travelling there, visiting throughout, and meeting with people from all walks of life. We especially have the peoples of Georgia, Abkhazia, and South Ossetia on our minds. They deserve a life of human dignity, different from what they have now: little or no water, electricity, gas, and the like (even now in the middle of winter!). They deserve basic security and meaningful prospects for economic development.

The world community, we believe, needs to have Georgia more on its mind. The conflicts in the region and the attendant economic chaos have been overshadowed by the wars in Bosnia, Somalia, and Rwanda; and the electronic and print media that focus world attention and shape world opinion is extremely limited in its own orientation and attention span, leaving Georgia, Abkhazia, and South Ossetia to fall largely outside their current frames of reference. But, as noted, Georgia and its claimed territories hold a very strategic bridging position between East and West and also between North and South. Developments in Georgia will have far reaching consequences not only in the Caucasus but far beyond. If not for the purpose of enhancing human well-being, which should be justification enough, it therefore is imperative that the international community (perhaps most especially Western Europe) take cognizance of the challenge and at least attempt measures that potentially can bring peace and prosperity to this troubled corner of our world.

⁵⁸ U.N. Charter, Preamble, *reprinted in 2 INTERNATIONAL LAW AND WORLD ORDER: BASIC DOCUMENTS* I.A.1 (B. Weston ed. 1994).

⁵⁹ Wilhelm Höynck, *CSCE Works to Develop its Conflict Prevention Potential*, NATO REVIEW 16, 21 (April 1994).

⁶⁰ *Id.*

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