

Chapter 4

Problems of Post-Conflict Public Security Management in Georgia

Kornely Kakachia

The Political Situation in the Conflict/Post-Conflict Area

Georgia's political landscape changed substantially last autumn after the so called "Rose Revolution" in November 2003. Since the election of President Mikheil Saakashvili in January 2004, questions have been raised regarding the ability of Georgia's new government to make good on its promises to improve political and economic life in Georgia. After assuming the presidency, Saakashvili has insisted that he seeks to transform Georgia from a fractured, failed-state into a prosperous democracy. Accordingly, his stated policy priorities have restored the country's territorial integrity and curbing corruption. And indeed a good start has been made in addressing the structural problems facing Georgia, tackling, for example, endemic corruption, which has harmed every facet of life in Georgia. The nation-state's finances are now on a more stable path to recovery. Revenue collection has increased, allowing the Georgian government to pay salaries on time. Reform of public security sector has begun, (structural reforms and staff reshuffling have been initiated in the Ministries of the Interior, Ministry of Defense, General Prosecutor's office, Ministry of State Security) and a new tax code has been presented to parliament as well.

However, Georgia yet suffers from a dormant conflict and latent small-scale warfare in separatist regions. Consequently, the political status of the breakaway provinces of Abkhazia and South Ossetia is still unresolved. Isolated outbreaks of violence continue to erupt in South Ossetia. The government was unable to solve the crisis in South Ossetia in August 2004 by the revolutionary charge. This heralded the time for a more weighted, long-term approach and forced government to deal with its secessionist province, using the "economy first" policy. However, time for "economical intrusion" had been lost.

The Abkhaz separatist dispute after the so called "Presidential election" also continues to absorb much of the government's attention. The tension is largely due to the surprise defeat of former *de facto* Prime Minister, Raul Khadjimba, who was Moscow's choice to replace Ardzinba. The central government has done well to remain demonstratively neutral, not interfering in events. This prudent determination of the government both strengthens its own position and, by comparison, undermines Moscow's stance. While a cease-fire is in effect, about 300,000 internally displaced persons (IDPs) who were driven from their homes during the conflict have yet to return home. The

new Georgian government has offered the region considerable autonomy in order to encourage a settlement, which would allow the IDPs, the majority of whom are ethnic Georgians, to return home, but the Abkhaz still insist on independence. Hopefully, the political situation after the Abkhaz "Presidential election" will give new impetus to the peace process. Generally, so called "frozen conflicts", continue to represent a danger to stability, since the resumption of violence can never be excluded.

The Russo-Georgian relationship remains tense. Over the past five years, these relations have been characterized by tension, threats, recriminations, and mutual suspicion. Saakashvili's unequivocally pro-Western orientation, in particular, Georgia's ambition to join NATO, and the recent promise that he will integrate Abkhazia and South Ossetia into Georgia by the end of his presidency cause outrage in Moscow. Russia still continues its strategy of dragging out and stalling negotiations with Georgia, seeking to limit the presence of OSCE and UN monitors along the borders of the separated regions, condoning local separatist militia and maintaining its "peacekeeping" forces. Moreover, the Russian Duma has passed a declaration wherein it openly considered the possibility of an integration of South Ossetia and Abkhazia into the Russian Federation. The Ministry of Foreign Affairs of Russia has openly said that its main goal is to protect their citizens in the region. (Russia has granted citizenship to the individuals in these breakaway regions in a speedy manner, hence breaking all international rules and legal procedures.) On the other hand at the Parliamentary Assembly of the Council of Europe (PACE) on 7 October, Georgia accused Russia of double standards when dealing with its internal (Chechnya) and external (Abkhazia, South Ossetia) problems and questioned Russia's ability to act as an effective mediator in these conflicts. Tbilisi assumes that Russia's main goal at this stage is not to resolve the conflicts in Georgia, "but to maintain the status-quo and to use these conflicts as a tool to pressure Georgia. This is the unfortunate reality"¹. In response, Russia stated that Tbilisi is "preparing public opinion" for a possible military resolution to the Abkhaz and South Ossetian conflicts². All these political factors of course have a huge influence on internal security problems.

The Main Political Factors Affecting Internal Security Issues

Since its declaration of independence in April 1991, Georgia's sovereignty has been challenged by civil war and by secession attempts on the part of Abkhazia and South Ossetia. Negotiations on the reintegration of these two entities through federalization have failed. The Russian Federation, UN, and OSCE were involved in a series of negotiations on a federal division of powers between Georgia, Abkhazia, and South Ossetia, but these negotiations did not achieve any practical results. It should be noted that Russia's interests in the Georgian-Abkhaz and the Georgian-Ossetian conflicts - and its role as a party to the conflict, a peacekeeping force, and a mediator - cannot be dissociated from the larger geopolitical context.

¹ Prime News Agency, 7 October 2004

² Ibid.

South Ossetia

Late July and early August marked an escalation of the conflict between Tbilisi and South Ossetia and Abkhazia. As the problems with the two para-states exacerbated, tension also increased between Georgia and Russia. The attempt to export the rose revolution to Tskhinvali has failed. It is clear that consolidation of the Georgian state through "export of the rose revolution" is stumbling on serious obstacles. It is interesting that the USA, who strongly opposed to Russia's tough position in case of Adjara, tolerated Russia's even tougher position in South Ossetia.

Presently, Ossetia is the scene of regular exchanges of fire, and the media report on people being killed and wounded. Recently, Georgian Prime Minister Zurab Zhvania and South Ossetian leader Eduard Kokoiti signed an agreement on November 5 envisaging the demilitarization of the conflict zone before November 20, the securing of free movement of the population, the implementation of joint economic projects and an increase in the number of OSCE observers in the conflict zone. According to agreement, only peacekeeping forces, Russian, Georgian, and Ossetian troops, may be located in the conflict zone. While, Georgia seeks joint or international control of the Roki Tunnel (which links the breakaway region with the Russian Federation,) preferably by enlarging the OSCE Mission-monitored area to the border, the South Ossetian side blocked once again Tbilisi's demand for joint control of the Pass. Along with South Ossetian authorities Moscow also has bluntly rejected the idea. Russian Foreign Minister Sergei Lavrov recently stated³ that the four-party Joint Control Commission (JCC), set up to monitor the 1992 peace treaty and a Russian-led peacekeeping force in the area, was sufficient to help both sides reach a compromise. The JCC, designed by Moscow a decade ago to isolate Georgia, is overwhelmingly weighted against Tbilisi. JCC as an outmoded structure programmed for conflict freezing, not settlement.

Russian officials, assert that Moscow has a legitimate interest in South Ossetia. "One should not forget that most residents of South Ossetia are citizens of Russia, and we [the Russian government] should care about them," Russian Defense Minister Sergei Ivanov told journalists August 17⁴. It seems that in the present situation, time is on the side of Russia and leaders of the breakaway republics. Many in Tbilisi are wary that Moscow, which has been a strong supporter of South Ossetia in the past, will adopt a similar stance in the current conflict. Fully Understanding these, Georgian authorities are continuing to press for an internationalization of its dispute with South Ossetia, and advocating idea to hold an international conference on South Ossetia. Such a conference, if ever convened, would dilute Russian influence over the conflict-resolution process.

³ PEUCH Jean-Christophe, *Russia Weighs In As Fighting Worsens In South Ossetia*, RFE/RL, 2004

⁴ RIA-Novosti, 17 August 2004

Adjara

Political conditions in Adjara differ significantly from Abkhazia and South Ossetia. The region never sought independence based on national self-determination, and its people are ethnic Georgians, unlike the Ossetians and Abkhaz. Abashidze's departure left a power vacuum in Adjara. However, after the "Rose revolution" Adjara has been firmly re-integrated into Georgia's fold. In the wake of a landslide victory in Adjara's local elections, Georgia's central government further increased its control over the Autonomous Republic after the Parliament approved a controversial law over Adjara's powers in its first hearing on June 25. According to the law Georgian Parliament has the right to suspend legislative acts passed by the Adjarian Supreme Council. Moreover, According to the document, the President, who proposes candidacy for the Adjarian Prime Minister's position, can disband the Supreme Council – the local legislative body, as well as the entire cabinet. On the other hand, the Adjarian Prime Minister will be able to veto decisions made by the Supreme Council.

Opponents described the document, which reaffirms Adjara's autonomous status, as a legalization of the direct presidential rule over the region. Actually the proposed law significantly downgrades Adjara's autonomous rights, which of course does not serve as a good example for Abkhaz and Tskinali de facto authorities during the negotiating process. Commenting on Tbilisi's readiness to grant wide autonomy to South Ossetia, the separatist leader Kokoiti referred to Adjara's example, where as he said "there is no autonomy after the revolution"⁵. The European Commission for Democracy through Law (known as the Venice Commission), recommended that the Georgian government amend some of the provisions in the draft, mainly the ones related to the central government's increased authority over the region.

The strict limits imposed on Adjara's constitutional autonomy are unlikely to make compromise offers of the kind that won community support in Adjara. Though, President Saakashvili retains a high level of trust and confidence, the appointment of persons from Tbilisi to high-level positions in Batumi has caused some resentment among the local population. Some experts claimed that the Abashidze's regime supporters may eventually attempt to rehabilitate themselves by exploiting these growing feelings of grievance. Meanwhile, central government claims that the increased rights of the central authorities are dictated by the current political realities in Adjara. "This law will prevent Georgia from disintegration. So nobody will have a desire to re-introduce the regime which existed during Aslan Abashidze's governance," Interior Minister, Irakli Okruashvili said on June 25 to Caucasus Press⁶.

There are some demands from opposition forces to cancel Adjarian Autonomy, but these demands were condemned by new administration, who claimed that it would be "a negative sign" for Abkhazia and South Ossetia. However, imposing on Adjara "a nominal

⁵ BS Press, 12 November 2004

⁶ Caucasus Press, 25 June 2004

autonomy,” which is a direct presidential rule and in reality, is already even worse sign for both Abkhazia and South Ossetia.

Post-Civil War Public Security Problems

Over the years, Georgians grew resigned to the country's status as a borderline failed state. Citizens lost trust in state institutions with the erratic supply of essential services - such as electricity and water - further undermining confidence. Corruption became a way of life, causing widespread cynicism, eroding public confidence in government, and undermining the country's economic prospects. Corruption undermined economic growth, jeopardizes financial stability, and weakens the ability of the state to deliver basic services. Georgia's illicit economy included smuggling and trafficking in drugs, guns, fuel, prostitutes, and children. In addition to bribery and kick-backs, corrupt politicians used their influence to help businesses avoid taxation, skew market competition and influence regulations that favour certain firms with whom they have ties. Georgia ranked 5 places from the bottom out of 133 countries surveyed for corruption by Transparency International⁷.

Strong popular support has encouraged new Government to undertake a sweeping anti-corruption campaign, a challenging task when the country's "shadow economy" constitutes up to 80 percent of overall output. The economic situation remains bleak. The country's gross national product has contracted by 60 percent, while 60 percent of the population lives below the poverty line. The new Government has already sent a clear message to deeply entrenched mafia networks and to the general population that he is serious about fighting corruption. Georgian public expects more from the new government. Fed up with corrupt officials, with whom they interacted daily, from the corner policeman to the utility agent, they want government to downsize the bloated bureaucracy and tackle patronage by enforcing the meritocracy principle.

On the other hand, in order to restore public confidence, government takes steps to replenish the national treasury by collecting taxes and enforcing customs. However as local and international experts observed indigenous economic activity and foreign direct investment will remain stagnant until the new government improves the regulatory environment and streamlines licensing procedures, which have been a cash cow for corrupt officials. Government has succeeded in slashing the state bureaucracy by 35%, raising pensions and nearly doubling the nation's tax and customs revenues. Recently, Government managed even to increase wages of MoD staff up to 300%.

Though Georgia has met with some success in undertaking reforms Saakahvilli's anticorruption campaign is off to a rousing start, a transparent process is essential to avoid the perception of political or personal motivation.

⁷ Transparency International, *The 2002 Corruption Perceptions Index*, Berlin: Transparency International, 28 August 2002, available at: www.transparency.org.

Brief Description of the Main Public Security Issues

The main domestic challenges facing the Georgian government are sustaining the current pace of reforms and turning promises into reality. Everybody understands that this is a hard job because the country's institutions have been "hollowed out" over the years. Georgia proclaimed its will to reform the law enforcement agencies according to the International standards. With all the security threats and long-term policy plans as they are, support towards the local Law enforcement bodies infrastructure and development has been amazingly high. Though, problems of financing are said to be the main obstacle for the reforms. Notwithstanding the commitment of government to pursue reforms in this field we should believe that uncoordinated and unplanned activity of the governmental structures in this direction is the root of the problem. The well organized, clear and coherent policy is still lacking especially in terms of Police reforms.

The Georgian Government which swept to power under the banner of democracy - faces challenges to its human rights record. Reports of police brutality continued. Several reports from local NGO blamed on physical abuse, torture, force confessions, and fabricate or plant evidence or inhuman and life-threatening prison conditions. The Government continued efforts to improve its uneven human rights record. Local Law enforcement bodies especially Ministry of Interior has initiated criminal cases against several high ranking police officers charging them for unlawful actions against citizens but serious problems still remain. According to NGO-s and mass media at the lowest level Security forces continued to torture, beat, and otherwise abuse detainees. There were lengthy delays in trials and prolonged pre-trial detention remained a problem. A case of former chairman of the Chamber of Control of Georgia, Sulkhan Molashvili that has been passed to the European Court on Human Rights is a vivid example of such cases. Molashvili claims that he was tortured in prison back in July, saying that the authorities "wanted to withdrew confession from him"⁸. Law enforcement agencies and other government bodies occasionally interfered with citizens' right to privacy. Government influenced and incompetent judges seldom displayed independence from the executive branch, leading to trials that were neither fair nor expeditious.

Georgia's civic sector and opposition groups doubt that the partisan background of the new law-enforcement leaders will allow them to stay unbiased and independent during sensitive cases. For example, human rights NGOs have protested a recent decree by Justice Minister Giorgi Papuashvili that prohibits NGOs from monitoring the penal system.⁹. At the same time some pro-governmental NGOs (Liberty Institute) blaming authorities for deals with corrupted functionary. The bases for the allegation are the draft bill on 'Property Legalization and Non-declared Fiscal Duties' prepared by the government. Opponents of the bill believe that the draft law should not provide amnesty for high rank officials, including former governmental officials of

⁸ "Akhali versia", 29 October 2004

⁹ Inter Press, 25 June 2004

Shevardnadze's regime. They describe the draft bill as not of amnesty but of amnesia.

Already facing heavy criticism for its treatment of Human Rights concerns and respect for political plurality, (Georgia is at the forefront of media freedom by passing some of the world's most liberal laws on defamation in July this year that decriminalized libel and slander, meaning that journalists no longer have to fear jail in case they are accused) the Georgian government receives serious criticism for its record on access to information and press freedom. While Georgia's legal status won praise, media analysts express serious concern over how the laws are enforced and how the government respects media freedom in practice.

Assessment of National Agencies Tasked with Public Security Management

The Ministry of Internal Affairs (MIA) and the General Prosecutor's office have primary responsibility for law enforcement, and the Ministry of State Security (MSS) still plays a significant role in internal security. Structural reforms and staff reshuffling have been initiated in the Ministries of the Interior, Ministry of Defense, General Prosecutor's office, Ministry of State Security. Some of them were abolished or transferred to other governmental structures. The Border Guard department is undergoing painful transformation under the MIA aimed at the creation of a Border Police.

Ministry of Internal Affairs

The Ministry of the Interior faces daunting problems, the lack of educated and professional cadre in all walks of governance perhaps being the worst. It has taken some drastic steps to shake up some of the most stagnant and corrupt institutions – such as the transport and the traffic police. Half the nation's police force - nearly 15,000 officers - was fired earlier this year. Those remaining got American-style police uniforms, new Volkswagen Passats and salaries high enough to help resist the urge to collect on-the-spot traffic fines. However, the majority of the MIA staff still has not overcome the so-called "Homo Sovietikus" mentality, lacking initiative and efficiency. There is no coordination between the different branches of the ministry. The use of analytical or research material regarding the different law enforcement issues is very low. The weak cooperation with the NGO sector probably also undermines an active involvement of the civil society in the reform process.

Merger of Internal Troops with the Defense Ministry

The reform of the Ministry of the Interior foresees its transformation into a fully civilian organization. The Georgian Ministry's of the Interior combat units – the Interior Troops - were part of the Soviet system and were one of the most instrumental forces of police repression. Heir to their Soviet analogue, the Georgian Interior Troops up to now have been subordinated to the Ministry of the Interior. The Internal Troops

officially became part of the Defense Ministry's forces starting from 1 November, as part of the reforms within the country's Armed Forces. The Ministries agreed that the move is a part of the reform of the Georgian Ministry of the Interior and the Defense Ministry's armed forces. The Georgian Minister of the Interior, Irakli Okruashvili, said "only a small group of special forces" will remain under the Ministry's of the Interior subordination, which will be in charge of "maintaining order in the country",¹⁰.

This was also one of the western partners' recommendations, as it will help Georgia to get closer to NATO standards. Initially, Saakashvili's administration pondered transforming the Interior Troops into the analogue of the Turkish Gendarmes. However, it became clear today that the Interior Troops would be passed under the command of the General Staff of the Georgian Armed Forces.

This move will undoubtedly help improve coordination and effectiveness of the Georgian Armed Forces. However, it might complicate the relationship with UNOMIG, since parts of the Interior Troops were stationed inside the UN-defined security zone. The decision on the incorporation of these troops under MoD aegis contradicts the spirit of the Moscow agreement on ceasefire signed in 1994 between the Georgian and Abkhaz sides. Given that the Georgian government cannot leave the area, which is just next to the ceasefire line, without any security reinforcement, this decision might violate international agreements if no consensus can be found.

Ministry of Defense

Georgian public security sector stands on an irreversible path of democratic development. The transition process of the Ministry of Defense and the Armed Forces from the old Soviet model to modern forces conforming to international standards is progressing, which takes a major effort. The main obstacle to the reforms and development of the Georgian Armed Forces is the lack of funding. Georgia has the lowest defence budget among IPAP countries. The Defense Ministry has repeatedly been requesting support of the government and the society. At first sight, it seems that everybody fully acknowledges that the defence sector should be the highest priority for the country; however, at present it still lacks proper support. One of the main principles the Ministry of Defense derived is that the Armed Forces need to be smaller, mobile, flexible, well-equipped and well-trained. In conditions of financial problems foreign assistance remains vital for the Georgian Armed Forces.

In spite of the present difficulties, the MoD shows its intention to follow through with the reforms. The MoD already announced plans to reduce the size of the Army to 14,648. The current Army is over 17,000 strong. Optimization of staff will begin with the Minister's civilian office and will extend through the General Staff to other ministry structures. The reduction of staff includes cutting the number of generals

¹⁰ Georgian TV "Mze", 15 September 2004

from twenty-four to six. The reduction of the number of staff will enable an increase in salary, with the minimum salary increasing from GEL 20 to 115 and maximum from 170 to 520. Funding of food provision also rises, from GEL 60 to 102 per soldier per month. Optimizing the ministry is increasing the combat potential of the Georgian Army as well.

Integration into NATO is one of the major priorities of Georgia's foreign policy. Through the realization of the Partnership for Peace Program, active cooperation within the Euro-Atlantic Partnership Council (EAPC), participation in the Partnership for Peace Planning and Review Process (PARP) and accomplishment of compatibility objectives, Georgia has proved its unwavering commitment towards this goal. On 29 October, the North Atlantic Council approved Georgia's Individual Partnership Action Plan (IPAP). After this decision Georgian-NATO relations entered a wider and qualitatively new stage, which is undeniably a great step forward en route to integration into NATO. Upon successful implementation of the Individual Partnership Action Plan, which establishes specific defence reform goals for Georgia to be implemented with the help of NATO, Georgia may accede to the Membership Action Plan (MAP).

The Georgian MoD has also taken an important step towards NATO membership by active involvement in peace operations around the world. Presently, Georgian peace-keepers are stationed in Kosovo, Iraq, and Afghanistan. The Georgian Parliament recently adopted a draft elaborated by the MoD, which modifies the Army's recruitment system. The MoD leadership believes that the law should become the basis for establishing professional Armed Forces. Given that most of the reforms require capital investment and qualified personnel, as well as existence of a well-drafted and coordinated policy, experts claim that the vestiges of the Soviet military system and corruption are a chief deterrent of the defence system reform.

The local experts also believe that the overlap and the lack of coordination between Georgia's military and security agencies (Internal Troops and Ministry of the Interior, Border Defense Department, Ministry of State Security) is also problematic. Basically the whole system needs a conceptual modification, but this would require closer attention of the government and society.

Public Security Management and Local Responses to State Public Security Strategies

The reformist, elected, civilian authorities still maintain inadequate control over the law enforcement and security forces. In particular, representatives of the MIA and the Prosecutor's office are blamed for committing serious human rights abuses. Senior government officials openly acknowledged serious human rights problems, especially those linked to law enforcement agencies, and sought international advice and assistance on needed reforms. However, while structural reforms designed to improve the respect for human rights continued to be implemented, there was no change in the practices of the law enforcement agencies.

The Georgian Parliament has instituted wide-ranging political reforms supportive of higher human rights standards, including religious freedoms enshrined in the constitution. However, the Parliament fails to make any decisions independently, without instructions from the executive authorities, despite its key function to act as a check on the executive body. The same can be said of the judicial system. Problems also persist, largely as a result of the unwillingness of law enforcement and criminal justice officials to support constitutionally mandated rights. As local media reports, intolerance against political opponents and mistreatment of pre-trial detainees are significant and continuing problems, as is corruption.

Critics of the present administration also claim that authorities are applying the law selectively in the on-going anti-corruption drive, arresting and punishing political enemies while leaving supporters untouched. Those taken into custody have been subjected to police abuse, as human rights advocates say. Human rights watchdogs from the governmental and non-governmental sector declared that there is a catastrophic number of cases of human rights violations under the new government. According to official data that the Ministry of Justice has given to the governmental Ombudsman (the country's public defender), 533 detainees have written complaints of violations in the first nine months of 2004, significantly more than in previous years. Unfortunately, the current law does not allow the Ombudsman's Office to organize any investigative activities and limits its powers to informing other governmental bodies about alleged violations. Watchdogs also blame the Georgian media for not publicizing and covering these issues, something that would make the authorities more intent on preventing violations. Ghia Nodia, the chairman of the Caucasus Institute for Peace, Democracy and Development, in a lengthy analysis article published in the Georgian newspaper "24 Hours", asserted that Saakashvili's administration has become accustomed to operating in an "emergency situation," in which authorities rationalize the need to "set aside the necessity of observing laws». Those in power tend to believe that the rule of law will be easy to establish after conditions have stabilized, Nodia noted¹¹.

The preliminary conclusion that many in Georgian society draw about the new administration's performance is that the state is governed rather by the law of the ruler than by the rule of law. A lack of transparency in the government's operations is, likewise, prompting people to believe that instead of cleaning up corruption, the government is merely redistributing the loot. This mood could prove tragic for Georgia, for it distracts from what is still a tremendous opportunity for the country to achieve its stabilization goals.

¹¹ 24 Hours, 18 October 2004

Regional and International Actors Present in the Country

CIS PKF

Russian peace-keepers, under the authority of the Commonwealth of Independent States (CIS PKF), are still deployed in Abkhazia, along with UN observers (UNOMIG). Tensions still persist between Russia and Georgia regarding the role of the CIS PKF. The Georgian side is proposing a change in their mandate, which the Abkhaz side refuses. It should be mentioned that the Georgian Parliament asked, last autumn, for an immediate withdrawal of these forces. Nevertheless, UNOMIG says that as its own observers are unarmed, the joint patrol with the CIS PKF is a necessary condition for the UNOMIG's observers to function as long as it is not replaced by other international forces. Meanwhile, Georgia agreed to an extension of the CIS PKF mandate, which allowed the UN Security Council to extend the UNOMIG mandate accordingly. The CIS PKF force performs its cease-fire duties but carefully avoids taking any action on the refugee problem. Despite the presence of peacekeepers, there has been only very limited repatriation of ethnic Georgian IDPs, apart from some spontaneous returns to the Gali region of Abkhazia, where the security situation remains unstable.

A Russian peacekeeping force has been in South Ossetia since June 1992. Repatriation to South Ossetia has also been slow. Until now they maintained close contacts with the OSCE Mission in Georgia and enjoyed close cooperation. Recently, the Commander of the Joint Peacekeeping Forces (JPKF) in South Ossetia, Russian Major-General Marat Kulakhmetov spoke out against an increased role for the OSCE in the conflict area. In an interview with the Russian news agency Regnum, Kulakhmetov stated that he understands "that the OSCE mission would like to be more involved in this process". However, he is "categorically against substituting the peacekeeping mission with the Mission of the OSCE". According to him, "these trends exist and they become more and more apparent",¹².

Generally, the role of the CIS PKF is rather controversial, since de facto it does not fulfil a classical peacekeeping mission but rather acquired "border guard" functions between the conflicting sides. Moreover, the presence of the CIS PKF helps maintaining a status quo favourable to Moscow. In the meantime, the Russian government claims to be searching for a new relationship with its smaller neighbours and argues that the overwhelming role of Russia in the CIS and in the peacekeeping force is only a temporary reflection of the current capabilities of the CIS members. On the other hand, many Georgian experts believe that the CIS PKF as a Russian-dominated political and military tool has already exhausted its recourses and alternative peacekeeping forces needed to facilitate the peace process in Georgia. Unfortunately, for different reasons it is difficult to persuade the international community to do this, even though everybody understands

¹² Civil Georgia, 11 November 2004

that Russia as an interested party can never play the role of a fair dealer in conflict resolution in the Caucasus.

UNOMIG

UN involvement in the attempts at resolution and management of the Georgian-Abkhaz conflict is multifaceted and complex. Years of negotiations have not resulted in a movement toward a settlement. Working with France, the United Kingdom, the U.S., Germany, and Russia and through the Organization for Security and Cooperation in Europe (OSCE), the United Nations continues to encourage a comprehensive settlement consistent with Georgian independence, sovereignty, and territorial integrity. In addition to the principle of territorial integrity, UN activity with regard to Abkhazia is based on supporting the rapid, safe and voluntary return of refugees and IDPs to Abkhazia, especially the Gali district.

For the time being, discussions on the political settlement seem to be in a deadlock. They take place in a so-called “UN-led Geneva peace process”. Long ago, the UN offered a proposal on the distribution of competences between Abkhazia and the central authorities. The latter hope that this document will provide a basis for the settlement, but the Abkhaz side does not seem to abandon its position of principle that the reunification is only possible if Georgia and Abkhazia are treated as equal entities. This creates an uncomfortable situation for international organizations and their member states, including UNOMIG. Lately, before the so-called “Presidential elections”, the Abkhaz side has renewed its insistence on independence, while the international community has not recognized such attempt. For the time being separatist authorities suspended their participation in the peace process, accusing Georgian authorities of infringement of Abkhaz territorial waters. This situation temporarily diminishes the role of UNOMIG; however, there is hope that after the political turmoil is over in Abkhazia the situation could be changed. Generally, UNOMIG continues to contribute to the implementation of the cease-fire agreement and to play a constructive role in the overall peace process, thus encouraging grassroots-cooperative and confidence-building measures in the region.

OSCE

The OSCE mission to Georgia is active in all dimensions within Georgia and with its main area of interest in South Ossetia where the main purpose is to facilitate the political settlement, to eliminate the sources of tension and to promote political reconciliation. The OSCE mission in Georgia supports the UN in the Abkhazia conflict. However, in regard to the Mission’s activity in the Abkhazia conflict less progress can be reported. Presently the Mission is tasked with monitoring movements across the Georgian-Russian border in the area of the Chechen Republic and Ingushetia. The successful operation contributed to decreasing the tensions and thus to the stabilization of the overall situation in the

region. However, the mandate of the mission comes up for renewal at the end of this year and Russia is attempting to close it.

A special session of the OSCE's Permanent Council in Vienna on 29 July failed to act on Georgia's proposal to widen the role of the OSCE Mission in South Ossetia. Russia's delegation turned down Georgia's proposals on grounds that the OSCE Mission's mandate precludes enlargement of its area of responsibility and that the Mission's personnel is already "fully sufficient". Instead, it called for the OSCE to focus on facilitating a settlement of the conflict¹³. At the same time Russian military officials regularly hint at the need to launch strikes against Chechen militants in the Pankisi valley of Georgia. Moreover, while blocking some OSCE funding unless its concerns are addressed, Russia for almost a year, has refused to reaffirm commitments made to the OSCE in 1999 to withdraw troops from Georgia.

Although the OSCE has succeeded in establishing and maintaining an ongoing dialogue between each of the secessionists' authorities and the central authorities, all its efforts aimed at achieving a mutually acceptable political compromise have, so far, proved less fruitful. However, the absence of the OSCE from the region could give Moscow a freer hand thus leaving Georgia in a challenging situation. While Moscow has formally recognized the territorial integrity of Georgia, its policy aims are containing violence below escalation level but also maintaining enough tensions to justify Russia's mediation efforts and politico-military presence in Georgia.

EU

The recent political reforms in Georgia, coupled with the declaration of the new government that relations with the EU constitute a major priority of Georgian foreign policy, have made Georgia's stability a crucial issue in the EU's external relations. This change in the EU's approach towards Georgia and the Southern Caucasus in general, is clearly reflected in the recent (17/18 June 04) European Council's decision to include the three countries of the Southern Caucasus into the "European Neighbourhood Policy". In addition, the European Union and the World Bank organized recently (Brussels, 16 June 04) a Donors' Conference for Georgia, which was highly successful since the total pledges amounted to €855million. This economic assistance is designed to support the Georgian government's strategy for improving governance/rule of law and fighting corruption as well as tackling the serious problems of poverty in Georgia.

In accordance with the European Security Strategy and in the context of the European Security and Defense Policy (ESDP), an EU Rule of Law mission to Georgia (EUJUST Themis) was launched on 16 July 2004. The aim of the mission is, in cooperation with the OSCE and the Council of Europe, to promote judicial and criminal justice reform, as well as combating corruption. Moreover, it is designed to support the Georgian authorities in addressing urgent challenges in the criminal

¹³ Interfax. 29 July 2004

justice system, and to assist the Georgian government in developing a coordinated overall approach to the reform process. It thereby fully complements current EU assistance and other international community activities and bilateral Member State initiatives in the area of the rule of law.

It should be pointed out that the mission is not only the first EU mission of its kind, but it also marks the first application of the bloc's defence and security policy outside of the Balkans or Africa. While it remains concerned about the possibility of conflict in the troubled breakaway regions, the EU is preparing concrete aid measures to help relieve tensions between Georgia and South Ossetia and Abkhazia. In South Ossetia, a new railway link with central Georgia is planned, as well as support for refugees. As for Abkhazia, plans for a construction program are under way to span an area cutting the region off from the Georgian mainland.

The EU is playing an active role in the stabilization of the country; however, Georgian society expects more support especially in political and security issues. There is an impression that EU deliberately gets behind of the U.S. in these issues, avoiding complication of its relationship with Russia. On the other hand, The Georgian general public believes that worsened Russian-Georgian relations over a set of issues should become of concern for the evolution of the EU-Russia relations. Due to the specific affiliation between the EU and Russia it is widely accepted that in some cases the EU can play a greater role than other international organizations involved in Georgia. In the South Caucasus, Georgia now appears best placed to make use of EU goodwill, especially in conflict resolution and facilitation of the Russo-Georgian political dialogue.

Conclusion

The new Georgian leadership faces a sizeable challenge: it is going to take a skilled mediator to maintain the necessary balancing act between the conflicting interests that have emerged over Georgia. Whether the new administration will be able to follow remains to be seen. The population sees that the authority that came to power after the revolution is doing all it can so as not to disappoint their hopes. The absolute majority of the Georgian people understood well that it was impossible to build a country in just one year. Corruption has indeed become less visible at the highest levels of Georgia's government, but this does not mean that the battle has been won.

On the other hand, there is a considerable potential for greater political and economic instability in Georgia which outside actors may seek to exploit. The antagonistic relationship between Moscow and Tbilisi is likely to persist in the foreseeable future, particularly with a continued US presence in the country further exacerbating existing fault lines and tensions in an already unstable area.

Undoubtedly the new government in Tbilisi must continue to move towards a conflict settlement. The recent development in Abkhazia indicated that Russo-Abkhaz relationships have undergone

very significant transformation. It is clear that internal stability in Abkhazia no longer meets Russian interests. It is also quite obvious that the Abkhaz people do not want to be, but in reality are not unconditional puppets of Moscow. All these circumstances might provide a window of opportunity for Tbilisi. However, Russia's helpful and positive support still is a prerequisite for solving this longstanding problem.

The peacekeeping and public security efforts taken by the Georgian government and the international organizations (UN, OSCE, EU) on the respective conflict area must be pursued further:

International organizations (especially the EU) must intensify their involvement in Georgia and work actively in order to give new impetus to the peace and stabilization processes in the country, thus minimizing Russia's detrimental geopolitical influence; persuade Russia to refrain from any unilateral measures affecting Georgia and its citizens, in particular as regards Abkhazia and South Ossetia, without prior consent of the international community.

The Georgian government and the international organizations involved (UN, OSCE, EU, etc), including the Russian Federation, should convene an international forum and revise the current peacekeeping mandates for Abkhazia and South Ossetia in order to obtain more efficient and more tangible results on conflict resolution.

The international community (including Russia) should influence the Abkhaz and South Ossetian leaders to abandon their harsh positions and accept to engage in serious negotiations regarding the status of Abkhazia and South Ossetia within Georgia;

Special assistance is needed to remove foreign military bases in Georgia as soon as possible in accordance with the international agreement reached with Georgia: the government solved the conflict with Adjara relatively easily. But Abkhazia and South Ossetia will be more difficult, will take a long time, and will require Russian cooperation. Nonetheless, resolving both conflicts is essential for Georgia's sovereignty and territorial integrity;

EU's and other international actors' principle position regarding Russia will foster the implementation of the agreements achieved by the conflicting sides, including the one regarding demilitarization of the South Ossetian conflict zone signed on 5 November in Sochi by the Russian side as well.

The EU should intensify its assistance programs to Georgia with a view to strengthening democratic reforms in the field of law enforcement; including the provision of technical assistance for anti-corruption measures and the development of legal institutions and law enforcement; to launch small-scale staff training projects aiming at ensuring proper qualification of middle level staff involved in reforms.

Adequate resources should be provided to the Ministry of Internal Affairs and other law enforcement agencies to encourage ongoing reforms: to ensure transparency, funding should be appropriated directly by the Parliament and not the Ministry of Finance. Persons of the highest ability should be appointed independently of political considerations to spearhead the anticorruption campaign.

Special attention should be attached to ongoing reforms in the Police Academy of Georgia, thus facilitating long-term training programs for staff involved in reforms. The failure of this reform would mean a breakdown of the democracy-building process in the public security sector all over the country.

Through international human rights watchdogs, the EU and other international organizations should be actively engaged in Georgia to avoid deterioration of the human rights records of the country. They should facilitate the removal of all suspicions of the civil society over their serious concern about the way the laws are enforced and the government respects media freedom in practice.