



Discourses, Practices, and Challenges of the Protection of Human Rights and Humanitarian Interests in the context of Georgian Peace Policy



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Introduction

The importance of protecting human rights and managing humanitarian crises in conflict regions has become even more apparent in recent years. In the absence of appropriate mechanisms for responding to systemic human rights violations, individual tragedies leave our society feeling hopeless and state peace policy works in a reactive regime. The gross violations of human rights, including torture and killing of Archil Tatumashvili, murdering of Giga Otkhozoria, vague cases of illegal killing of Irakli Kvaratskeli and Davit Basharuli, three years of isolation and persecution of Tamar Mearakishvili, human rights violation practices in Tskhinvali prison, persecution of journalist Irina Kelekhsaeva, and other gross violation cases, on the one hand, increases the perception of inactivity and hopelessness and on the other hand, raises the need for revision of existing policies and radical changes in the agenda.

Nevertheless, there is no discussion on new political alternatives and discourses in political circles, and the issues of conflict transformation and the protection of the rights and well-being of the people living there do not fall within the priorities of Georgian politics. These issues are also less prioritized in everyday politics and work of the Government.

Isolation and humanitarian crisis, frequent cases of kidnapping and illegal detention, long-term closure of de-facto borders and freedom of movement, lack of access to education and health services – this is a short and restricted description of human rights and humanitarian situation in conflict regions. In parallel to the aggravation of the rights situation, more questions arise as to why we appeared to be unprepared for humanitarian crises, what plans exist to address them, why human rights monitoring and response mechanisms are not working, what political means were created and operated so far and what led to their abolition.

The only controlling mechanism for the government to respond to serious violations, isolation, and the crisis today is to raise the alarm with international organizations and partners, as well as the hotline of the European Union Monitoring Mission (EUMM). It is clear that these mechanisms are ineffective and are not an effective way to change the situation and resolve crises. Clearly, these mechanisms are ineffective means for crisis management and to change the existing situation.

The purpose of this article is to explain how human rights as well as humanitarian aid discourses and practices developed in Georgia's peace policy, what initiatives existed in the post-conflict negotiation process, and where this process is stalled as of today. The purpose of this article is to highlight the shortcomings in the peace policy and those inevitabilities, that have weakened the process of conflict transformation and the protection of the rights and well-being of people affected by the conflict.

South Ossetia/Tskhinvali Region before 2008¹

In June 1992, shortly after the end of the armed conflict, the agreement signed in Sochi essentially aimed at resolving the Georgian-Ossetian conflict. With the agreement Russia and Georgia agreed to a ceasefire, to create Joint Control Commission (four-party format involving Russia, Georgia, North and South Ossetia and also OSCE) and Joint Peacekeeping Forces, that would monitor cease fire agreement. They also agreed to economically develop South Ossetia and economic blockade/sanctions were considered inadmissible,

¹ The article uses the terms “South Ossetia / Tskhinvali region” as enshrined in international legal instruments. The article is not intended to discuss the accuracy of the terms.

which would aggravate the free movement of people and the humanitarian situation.² Joint Control Commission apart from the monitoring of ceasefire, was designated to facilitate dialogue for conflict resolution and IDPs return, also to monitor economic rehabilitation and rights protection.³ OSCE also got involved in this process, which since 1992 had a mandate to facilitate negotiations. Later the mandate was extended and gained other functions – namely, monitoring of the situation on the ground and communication with locals, also monitoring of Joint peacekeeping force.⁴

Until 2008, the OSCE mission in Tskhinvali was not threatened, regardless of the fact the international mission unequivocally recognized Georgia's territorial integrity, the de facto regimes did not oppose their representation.⁵ OSCE was a guarantor of peaceful living in the conflict zone and with its participation, Joint Control Commission holds meetings on four key issues: conflict resolution, protection of peace and security, economic rehabilitation, and the return of IDPs. In 1997 OSCE mission signed a memorandum with the Human Rights Office of the UN monitoring mission in Abkhazia, where OSCE officer was permanently represented. In this way, OSCE observed the human rights situation both in South Ossetia and in Abkhazia.⁶ This also coincided with the positive process of status determination of South Ossetia within Georgia in 1996-2000.⁷ In the same period, trade relations also deepened between Georgians and Ossetians, the center of which was the Ergneti Market. It was an important opportunity to maintain contacts between Georgians and Ossetians. In 1999, the European Commission supported economic rehabilitation projects, which were implemented by OSCE in South Ossetia. In this way, the European Commission became a member of the Joint Control Commission on the issues of economic rehabilitation.⁸ The projects implemented by OSCE was directed to support inter-ethnic cooperation. It is noteworthy, that such attitudes were less supported under the projects implemented by the Georgian government in the following years.

The negotiation process stalled in South Ossetia in 2001 after the election of Eduard Kokoity because his views differed from those of his predecessor, Ludwig Chibirov. At the same time, Putin's rise to power and the opposition waves in Georgia left little time for the continuation of the peace process.⁹ However, more or less stability and peace remained on the ground. This meant that the locals had no problem moving around, trade relations were developing through the Ergneti market, and the OSCE monitoring mission continued to work on the ground, thus the humanitarian side of the Georgian-Ossetian conflict was resolved and most of the IDPs were returned.¹⁰

However, the Ergneti market was the main smuggling passage in Georgia and the so-called Black Hole which became a problem of state importance for the new government after the Rose Revolution in 2003. That is why it was closed in 2004 after an anti-smuggling operation that also ended a peaceful life. In the context of escalating sporadic armed incidents, in December 2004 Russia vetoed the extension of the OSCE Border Monitoring Mission, which supervised Georgia's northern border. As a result, 205 unarmed

² Sochi Agreement, 1992, 24 June, Available at:

https://peacemaker.un.org/sites/peacemaker.un.org/files/GE%20RU_920624_AgreemenOnPrinciplesOfSettlementGeorgianOssetianConflict.pdf

³ Georgia: Avoiding War in South Ossetia ICG Europe Report N°159, 26 November 2004, p. 4.

⁴ https://www.osce.org/files/f/documents/6/5/74783_2.pdf

⁵ Silvia Stöber, The Failure of the OSCE Mission to Georgia – What Remains? OSCE Yearbook 2010, Baden-Baden 2011, pp. 203-220.

⁶ https://www.osce.org/files/f/documents/6/5/74783_2.pdf; pg 51.

⁷ Abramishvili, Koiava, 25 years of Peace Politics, 2018, p. 17.

⁸ Georgia's South Ossetia Conflict: Make Haste Slowly Crisis Group Europe Report N°183, 7 June 2007, p. 20.

⁹ Abramishvili, Koiava, p. 17.

¹⁰ Abramishvili, Koiava, p. 24.

monitors left the northern border of Georgia.¹¹ After neutralizing military tensions, President Saakashvili presented a three-stage plan for resolving the conflict, which included rebuilding trust by strengthening human connections, as well as demilitarization and strengthening security, and finally giving broad autonomy to conflict regions. Also, € 8 million has been allocated for the economic rehabilitation of conflict regions with the support of the OSCE and the European Union.¹² This was followed by the initiation of economic rehabilitation projects by the Sanakoev who was supported and funded by the Government of Georgia.¹³ In parallel with the OSCE-EU Economic Rehabilitation Project (which Saakashvili's government wanted to implement and complete as soon as possible), Tbilisi provided additional financial resources to Sanakoev for infrastructure projects in the villages of Kurta, Big and Small Liakhvi regions which included gasification of villages, water infrastructure and rehabilitation of schools.¹⁴ In this way, the Government of Georgia tried to increase trust towards Tbilisi in South Ossetia as Georgia would seem desirable for them. Furthermore, with the so-called "Humanitarian Storm" Tbilisi aimed to increase trust among Ossetians, which included economic and social assistance of people living in the conflict area. However, these methods of confidence-building seemed ineffective in the context of ongoing armed incidents and political clashes in the region.¹⁵ Such investment projects were considered as "PR strategy" in the Tskhinvali region, which was directed towards Sanakoev support. According to the researchers, by creating alternative legitimate governance of autonomous South Ossetia district, in parallel to the Kokoity illegal regime, the confidence-building process was further interrupted.¹⁶

Initiatives presented by the Government of Georgia at the Batumi Conference in 2005, the so-called The Road Map was a combination of initiatives presented by President Saakashvili at the Council of Europe and the UN General Assembly. The strategic document of conflict resolution included security issues (demilitarization, joint police operations), economic rehabilitation (support for entrepreneurs, Gori-Tskhinvali railway); Confidence building (restitution of property for conflict victims, pensions, scholarships for students); Political settlement of the conflict (determination of the status of South Ossetia, in cooperation with the Venice Commission).¹⁷ Peace initiatives remained virtually on paper, as political relations between Georgia and Russia were getting more strained since 2006 and, in parallel with the initiatives, have escalated to violent incidents in the conflict zone, culminating in the 2008 war. If we observe the developments, the peace initiative packages were almost always similar and ultimately aimed at a full resolution of the conflict, however, it was not taken into account that there was a long and dangerous way to go from confidence-building to political resolution.

Abkhazia before 2008

After a 13-month bloody war in Abkhazia, the peace process began in 1993 in Geneva at the initiative of the United Nations. The UN and its High Commissioner for Refugees, the OSCE, and Russia have been key mediators in this peace process. The United Nations Monitoring Mission (UNOMIG) was approved by the Security Council in 1993.¹⁸ In addition to the monitoring of the 1994 Moscow Ceasefire Agreement

¹¹ Marietta S. König, *Not Frozen but Red Hot: Conflict Resolution in Georgia Following the Change of Government* IFSH (ed.), OSCE Yearbook 2006, Baden-Baden 2007, pp. 85-96.

¹² GEORGIA'S SOUTH OSSETIA CONFLICT: MAKE HASTE SLOWLY, Europe Report N°183 – 7 June 2007,

¹³ *ibid.*, p. 5.

¹⁴ *ibid.* p. 22.

¹⁵ Informative Note on Georgian-Ossetian conflict. <http://www.parliament.ge/uploads/other/18/18511.pdf>

¹⁶ Abramishvili, Koiava, p. 27

¹⁷ Informative Note on Georgian-Ossetian conflict. <http://www.parliament.ge/uploads/other/18/18511.pdf>, p. 18.

¹⁸ UN SC RES 858, 1993.

implementation, the mission was tasked to maintain general security and a peaceful environment.¹⁹ Furthermore, the Secretary-general provided periodic reports to the Security Council, which overviewed the general situation in the conflict zone.

Apart from general monitoring of ceasefire, Human Rights Office was enacted within UNOMIG since 1996, which was mandated to protect human rights, to gather information from the victims, witnesses and other reliable sources, to supervise individual cases related to the fair trial, detention conditions, forced disappearance cases, forced labor, violation of the right to property, etc.²⁰ Human Rights Office also monitored freedom of media and expression and worked to raise awareness on human rights in Abkhazia.

The human rights officers, with restrictions, but still managed to monitor so-called trials and detention facilities. Regardless of numerous requests to open the human rights office in Gali (apart from Sokhumi), the Abkhaz side never agreed on that.²¹ However, the officers managed to visit Gali periodically, observe the local situation. UN Secretary General's reports reveal that several nongovernmental organizations were supported by OSCE and other international actors on human rights issues, however still most of the fundings were directed to the economic and infrastructural rehabilitation.²² The Human Rights Office also supported civil society development projects for confidence building and human rights education in Abkhazia. The UN work in the region was based on the belief that human rights monitoring can play an important role in preventing conflict escalation and rebuilding trust.²³ That is why the establishment of a Human Rights Office was a significant achievement for UNOMIG. However, the UN's success in this regard was severely hampered by the assassination of a local lawyer in front of the UNOMIG headquarters in Sukhumi in 2001.²⁴

The UN mission's work, in turn, was part of the Geneva process initiated in 1997, in which three working groups were functioning on security, refugee return, and socio-economic rehabilitation issues. The UN has also been working to increase the involvement of its agencies at the local level, including with UNICEF, which supplied Abkhazian hospitals with medications and medical equipment, as well as implemented free healthcare services and tuberculosis treatment program. UNDP has been implementing rehabilitation and economic recovery projects in cooperation with the United Nations Mission. UNDP, in cooperation with the UN mission implemented economic and rehabilitation projects. UNDP project offices were opened in Sukhumi and Gali and were mostly directed to the people of Gali, Ochamchire, and Tkvarcheli.²⁵

The UN Monitoring Mission was taking measures to improve the living conditions of the conflict-affected population through small projects. The UN High Commissioner for Refugees (UNHCR) provided minor humanitarian assistance, as well as supporting the rehabilitation of schools. Although the UN Observer Mission has had no tangible results in resolving the conflict, its direct involvement and representation in

¹⁹ S/RES/937 (1994), 21 July 1994

²⁰ SEE Secretary General's report, 2005, 19 OCTOBER 2005, S/2005/657, paras 24-30.

²¹ Secretary General's report, 2005, 19 OCTOBER 2005, S/2005/657, paras 24-30. See SC Resolution N 1554 (2004); S/RES/1615 (2005), 29 July 2005;

²² See Secretary General's reports, available at: https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/page/1?ctype=Georgia&cbtype=georgia#038;cbtype=georgia

²³ Axel Wohlgemuth, pg. 137.

²⁴ *ibid.*

²⁵ UN SC RES, 1615 (2005), 29 July, 2005.

the region (UNCHR, UNV, UNICEF, UNOCHA, World Food Program, etc.) postconflict management and observation on human rights situation was still possible.²⁶

It should also be noted, that the non-recognition policy was still a red line of the UN involvement, which meant that the UN position on the protection of Georgia's territorial integrity and sovereignty was unchanged, which was repeated in all resolutions and Secretary General's reports. Exactly such policy determined the unequal distribution of UN humanitarian and economic rehabilitation projects in Abkhazia, as the majority of them were concentrated in Gali, Tkvarcheli, as well as in Sukhumi and the upper Kodori Gorge.²⁷ The desire of the Abkhazian de facto regime to receive international assistance without a so-called green light from Tbilisi was not compatible with the policies of international organizations.

One of the important improvements in this regard was the so-called UN-sponsored agreement between the Abkhaz and Georgian sides in 1997 to create so called Coordination Commission. This was a significant attempt to institutionalize the peace process. The commission was chaired by Zurab Lakerbaia and aimed at resolving minor humanitarian issues between Tbilisi and Sokhumi.²⁸ The UN has funded humanitarian and development projects with approximately \$ 3 million in this direction, however, after the commencement of guerrilla warfare in Gali in 1998, the Commission stopped working and was finally closed in 2001.²⁹ Military tensions even escalated to the point that on October 8, 2000, the UN mission helicopter was shot down by an unidentified air-to-surface missile, killing nine observers.

The unstable peace process and negotiations were practically permanently ongoing, although the peaceful environment was often disrupted by sporadic armed tensions. In 2003, the new government after the Rose Revolution started working on conflict resolution with positive processes, however, eventually, it also became a victim of lack of coordination.³⁰ A significant achievement was the resumption of the Coordination Commission, which was terminated in 2001, and the EU-funded € 4 million socio-economic rehabilitation project was launched by the UN Mission on the ground. However, the uncoordinated and contradictory peace process eventually damaged the basis of the already fragile confidence-building process, and the humanitarian or economic projects appeared to be unsuccessful and ineffective. 2006-2008 was ongoing in the context of political tensions and peace initiatives. It was obvious that the Georgian authorities were trying to resolve the long-standing conflicts as soon as possible, and with inconsistent approaches, the whole peace process was put at risk. Clearly, in this context, initiatives to improve the humanitarian or legal situation were not on the agenda at all, as the full resolution of the conflict was the primary goal of the negotiations.

The August 2008 war-affected Abkhazia, not only in terms of military confrontation but also politically. Russia openly supported the independence of South Ossetia and Abkhazia, signed "friendship, cooperation, and mutual assistance" agreements, and became their so-called strategic partner. Also, UN and OSCE monitoring missions in both conflict regions have been suspended since 2008, due to Russia's vetoes at the UN Security Council and the OSCE Conference. This ended the international representation

²⁶ MacFarlane, Neil S, "The Role of the UN". In: "A Question of Sovereignty: The Georgia-Abkhazia Peace Process", issue editor Jonathan Cohen, 1999, p. 38. Susan Stewart, Role of UN in Georgian-Abkhazian Conflict, Journal on ethno-politics and minority issues in Europe (2003), pg. 3

²⁷ See Secretary General's reports at: https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/?ctype=Georgia&cbtype=georgia

²⁸ Abramishvili, Koiava, p. 20.

²⁹ Susan Stewart, pg 16.

³⁰ Abramishvili, Koiava, pp: 28-30.

in the conflict regions because the current European Monitoring Mission (EUMM) is not acceptable to either the de facto regimes or Russia.

Susan Stewart's assessment of the UN mission in Abkhazia is interesting, which, as mentioned above, was based on the principles of unwavering recognition of Georgia's territorial integrity and sovereignty.³¹ According to Stewart Abkhazians' distrust towards the UN as an independent mediator in the conflict resolution process is attributable to this fact. She explains that UN involvement would be more effective if it were not largely focused on resolving the conflict, but aimed at building strong cooperation to address day-to-day issues from a human rights and humanitarian perspective. In the conditions when the Abkhazians cannot depart from their so-called political independence gained with blood, and for Georgians, political and territorial inviolability is a key issue, and insistence on the political settlement of the conflict was a significant strategic mistake by international negotiator as well as by the parties involved in the negotiations.³² Prioritization of political issues has in itself hurt the process of resolving important day-to-day problems and improving the rights situation. Although the UN mission has made efforts to monitor the rights and humanitarian situation under its mission, measures taken by the UN and its agencies were focused on ethnic Georgian-populated areas, which has not been positively perceived by the Abkhaz side.

From 2008 until now – nonrecognition, occupation, and confidence-building attempts

ΔAfter the 2008 war, the peace process narrative completely changed and shifted to a policy of non-recognition, which was caused by Russia's recognition of the de facto regimes' independence and the launch of a "strategic partnership" with them. This raised fears in the Georgian government that this would escalate into large-scale recognitions, and the government began to work actively with international partners to avoid such an outcome.

It was part of the non-recognition policy when the Parliament of Georgia adopted the Law on the Occupied Territories on October 23, 2008, which created a new legal regime in the occupied territories. The law declares a state of emergency in the Autonomous Republic of Abkhazia and the Tskhinvali region at the legislative level, which means that free movement, economic activity, and any real estate transaction are restricted in these territories. Foreign citizens can enter the occupied territories only from the territory controlled by Georgia. The prohibitions established by the law do not apply to cases where the activities serve the purpose of restoring confidence among the war-affected population, or humanitarian goals, the interests of the Georgian state, the peaceful settlement of the conflict, and de-occupation.

The UN and OSCE peacekeeping and monitoring missions have been replaced by the EU Monitoring Mission, which was part of the six-point agreement reached in 2008. Authorization of a peacekeeping mission by the European Union remained as the only solution, as Russia's veto in this political field did not apply. However, in the absence of the consent of the de facto regimes, the EUMM cannot carry out on-site monitoring and only oversees the so-called border region. The EUMM civilian unarmed mission operates in both Abkhazia and South Ossetia with a mandate to prevent armed conflict and facilitate the safety of the population living along the administrative border. The EUMM mandate also includes the restoration of confidence between the conflict parties, the monitoring of human rights and humanitarian

³¹ Susan Stewart, pg 14.

³² Jonathan Cohen's Introduction in Accord, A question of Sovereignty, The Georgia-Abkhazia Peace Process, Conciliation Resources, 1999. pg 12.

law, as well as violations of freedom of movement.³³ Despite the extension of the mandate on human rights and humanitarian issues, the mission is unable to replace the UN and OSCE missions of previous years because it does not have the ability to monitor the situation on the ground.

In parallel with the EUMM, the Geneva peace talks were launched in 2008 under the co-chairs of the OSCE, the UN, and the European Union, with the participation of representatives of the de facto regimes in Abkhazia and South Ossetia. Apart from the political issues during the negotiations, one of the working groups also works on the return of refugees and human rights violations, although often the rounds of negotiations break down due to the politicization of human rights issues.³⁴ The biggest achievement of the Geneva talks happened in the fourth round by establishing Incident Prevention and Response Mechanism (IPRM), which provided an opportunity to review and respond to day-to-day incidents. As the numbers of kidnappings and illegal detentions, as well as the rights violations, were increasing, this mechanism had more value, however, neither it is politically neutral and often freezes for months, precisely because of the complicated political situation.³⁵

Apart from the peace negotiation formats and the establishment of an EU Monitoring Mission, a whole series of initiatives and proposals have been launched since the August war to restore confidence and strengthen contacts between divided societies. The confidence-building and reconciliation politics has developed in parallel to the de-occupation and non-recognition policy.

In particular, the engagement strategy and the relevant action plan were approved in 2010, which was practically in line with the new policy announced by the EU in relation to the occupied territories - the "policy of non-recognition and engagement".³⁶ The engagement strategy and action plan had four main directions:³⁷ 1) Humanitarian aid and cooperation in natural disasters; 2) Restoring contacts between physically divided people, protecting human rights in the conflict region; 3) Increase access to health and education services for the Abkhaz and Ossetian population; 4) Development of economic and trade projects - the creation of incentives for joint production, as well as infrastructure projects in the occupied territories. To implement these four areas, the Action Plan of Involvement developed seven instruments, including a **Neutral Status Coordination Mechanism** that facilitated communication and coordination between the Abkhaz, Ossetian and Georgian sides and developed mutually beneficial projects; **Neutral IDs and travel documents** - to facilitate access to social services and freedom of movement, **the Trust Fund** provided grants to Abkhazia and the Tskhinvali region, as well as to the project implementing organizations between the dividing lines; **Joint Investment fund** through which joint investment projects were to be funded and business activities encouraged. The strategy also established a cooperation agency, a financial institution, and an integrated socio-economic zone.

For human rights protection, Engagement Action Plan aimed to encourage human rights monitoring in war-torn areas, in a pre-agreed format, at the invitation of international human rights organizations and intergovernmental organizations working on human rights issues. As well as promoting educational activities and supporting groups working on social justice and property rights in conflict-affected areas.

³³ COUNCIL JOINT ACTION 2008/736/CFSP of September 2008 on the EUMM in Georgia, Article 2 and 3.

³⁴ Abramishvili, Koiava, p. 3.

³⁵ The first time after 11 months, what was discussed at Ergneti meeting, <https://sputnik-georgia.com/politics/20200731/249113266/ergneti-Sexvedra.html>

³⁶ Sabine Fischer, The EU's non-recognition and engagement policy towards Abkhazia and South Ossetia, Brussels, 2010.

³⁷ <https://matsne.gov.ge/ka/document/view/2260235?publication=0>

It should be noted that the engagement strategy and action plan is the first document created during the peace process, which in neutral terminology, devoid of politics, seeks to regulate relations with conflict regions, where the starting point is the welfare of the people living there, improving their rights conditions. However, after a full-scale armed conflict, such initiatives, apart from being delayed, appeared completely futile and uninteresting for the de facto regimes. With Russia recognizing its independence, they have moved to a whole new perspective on understanding their own political status and political future, from which it has become impossible to reverse the process. That is why most of the initiatives envisaged in the engagement strategy and action plan have not been implemented, but the "State Referral Service Program" in the field of healthcare has been launched and is still functioning today.³⁸

Thus, in recent years, the rights and humanitarian situation has not improved and, on the contrary, the so-called "borderization" process further deteriorated it. The IPRM mechanism cannot respond to the complicated situation, the Geneva talks are becoming more and more stagnant, and the EUMM does not have the leverage to stop the humanitarian crises.

In such a context, another new peace initiative emerged in 2018 - a step towards a better future. This initiative, on the one hand, aims to develop educational opportunities for Abkhazia and the Tskhinvali region, as well as to promote trade along the dividing lines. Several legislative changes have also been adopted to implement the initiatives.³⁹

In terms of developing educational opportunities, the peace initiative has several political goals: to ensure education in the native language; preservation and development of the Abkhazian language; Developing and simplifying opportunities for inclusion in the education system; Facilitate enrollment and continuing education in Georgian higher education institutions, access to quality education; Establish/facilitate appropriate mechanisms and procedures for inclusion in international educational programs and continuation of study abroad; Promoting vocational education and training; Promoting scientific activities. As for the trade, the peace initiative proposed to the residents of the occupied territories to arrange a special economic space, preferential tax regime, movement of goods along the dividing line, marking rules, access to internal and external markets; Also, registration as an entrepreneur through a personal number in a simplified manner.

The effectiveness of the initiatives will be assessed only when data are available on how many people from Abkhazia and the Tskhinvali region benefit from these opportunities. Also, some points of peace initiatives are linked to direct dialogue between the conflict parties and reaching a political agreement, for example on access to education in the native tongue.

On the other hand, these initiatives also aim to deepen inter-ethnic cooperation and strengthen contacts. In this sense, it is difficult to evaluate these programs successfully if only the ethnic Georgian population is interested and benefits from them. It is also important to note that the initiative will have no results if it is not agreed upon and shared with the other party and is not based on the needs and opinions of the other party. It will also give some legitimacy to local Abkhazians and Ossetians to benefit from offers. That is why the initiatives must be properly promoted and advocated with the local population so that these initiatives are not simply left on the paper.

³⁸ Abramishvili, Koiava, p. 40.

³⁹ https://www.smr.gov.ge/uploads/prev/_98abe556.pdf

For conclusion

Thus, the observation of Georgia's peace policy and the involvement of international mechanisms in the conflict resolution process shows that the main concern in this process has always been the comprehensive and full-scale resolution of conflicts. This included restoring territorial integrity, issues of state organization, and in the process determining the status of Abkhazia and South Ossetia / Tskhinvali, the ceasefire, and the return of IDPs. The creation of human rights and humanitarian protection mechanisms was only a small, secondary part of the process, which is why there are no such institutionalized control mechanisms today, and whatever formats exist, they are so weak that they collapse in face of any political complications and tensions.

Peace processes in Abkhazia and South Ossetia have been running in parallel since the end of the 1992-93 armed conflict. These processes, along with several failures, have had little success, especially in the presence of international missions on the ground and due to the existence of monitoring mechanisms. In this regard, the presence of observing mission UNOIMIG authorized by the United Nations Security Council in Abkhazia and the OSCE Mission in the Tskhinvali region were mechanisms to maintain peace as well as to prevent systemic, gross human rights violations. However, in the end, neither the presence of these missions on the ground and almost constant process of negotiations led to the establishment of effective monitoring mechanisms, which can be explained by unstable internal political processes and fluctuations, as well as the active intervention of the Russian Federation in this process and the mistakes made by the involved parties. The war in August 2008 turned out to be a turning point, which changed the peace process in a completely different framework and logic.

Before and after the 2008 war, narratives related to the conflict changed radically, as did reality. If until 2008 peace initiatives were aimed only at full-fledged conflict resolution, post-war peace initiatives were aimed at deepening contacts, strengthening cooperation, providing benefits and opportunities for the population living under occupation. However, there is a feeling that the process should have been seen and understood on the opposite from the very beginning, and the human rights and humanitarian support rhetoric and mechanisms should have been at the forefront. This would have created more confidence between the parties and a more stable environment for resolving political issues. Although a humanitarian dimension has emerged in the Georgian peace policy since the August war, and it has been based on the principles of confidence-building, social support, and protection of rights, the situation has not changed significantly. The existing mechanisms in the form of IPRM meetings and Geneva international negotiations, even in the conditions of high politicization, fail to improve the rights situation in the conflict zone and prevent the often-emerging humanitarian crises.

The problem is also that recent peace initiatives do not address the existing humanitarian and legal challenges and the feeling remains that they are aimed more at restoring confidence between peoples and strengthening cooperation. In our view, this requires a non-politicized, status-neutral coordination format that works only on human rights challenges and humanitarian crises. The engagement of international actors and their initiatives have a decisive role in that regard. It is evident, that the absence of independent monitoring mechanisms in the occupied territories since 2008 has particularly affected the situation on the ground. At the same time, the central government should analyze the importance of human rights protection in occupied territories and the access of independent monitoring mechanisms should become a stronger dimension of peace politics, also it should increase advocacy of this issue during negotiations. A lack of such readiness became apparent in 2017 during the publication of the Hammerberg report, which failed to become an official document of the European Union due to Georgian

authorities' fears of recognition.⁴⁰ That is why it is interesting how the Georgian government sees the human rights policy in the occupied territories, does this policy have only a direction of protecting the rights of ethnic Georgians only or generally considers the improvement of human rights – so is it equally important for Georgian government that severe human rights violations occur in Tskhinvali region and Abkhazia prisons.

It is also important to critically rethink old experience, including international missions and involved stakeholders. Working to protect rights in conflict situations and to address humanitarian crises can be based on the idea of recognizing and protecting the interests of all politically neutral and conflict-affected parties. In the field of such recognition, protection, and support of human rights and social and humanitarian interests, the interests and potential for greater interconnectedness, commonality, and overcoming of instability are emerging.

At the same time, it is important for actors involved in the transformation of the conflict to take into account the grievances, concerns, and frustrations of political elites and the public in the conflict regions in the post-recognition period by Russia, which may inspire completely new prospects for interests and relations. Such signals are already being heard from Abkhazia's political classes, which are substantially weaker from the Tskhinvali region. These changes in the local political and social field need to be closely monitored and adequate diplomatic and political steps should be taken, however, the dominance of the discourse of non-recognition does not see these impulses properly, and in our observations, they remain fragile.

⁴⁰ <http://politics.ge/2017/10/02/adamianis-uflebebi-afxazetsi-angarisi-romelzec-aravin-saubrobs/>