

Government of Georgia

State Strategy on Occupied Territories: Engagement Through Cooperation

Preamble

Georgia is building toward a future in which all its citizens will enjoy the benefits of democratic governance; a flourishing, globally integrated economy; and a tolerant, multicultural, and multiethnic society. This vision is based on the common principles and values shared by all European states, as reflected in the Helsinki Final Act.

The Government of Georgia strives to extend to the populations in Abkhazia and the Tskhinvali region/South Ossetia the benefits of its continual progress in national reforms, and its closer integration into European and Euro-Atlantic structures and institutions. The Government of Georgia believes that, as a member of these institutions, this integration will provide even more solid guarantees for the well-being, prosperity, and security of its multicultural and multiethnic society.

The objective of this engagement policy is to strengthen and complement the efforts of the Georgian government and people to achieve abovementioned goals.

The Strategy is part of Georgia's overarching determination to achieve the full de-occupation of Abkhazia and the Tskhinvali region/South Ossetia, reverse the process of annexation of these territories by the Russian Federation, and peacefully reintegrate these territories and their populations into Georgia's constitutional ambit. Georgia seeks to achieve these objectives only through peaceful means and diplomatic efforts, and rejects the pursuit of a military solution. Georgia pursues these objectives in concurrence with the international community's adherence to a non-recognition policy toward Abkhazia and the Tskhinvali region/South Ossetia, and its support for Georgia's engagement policy.

Strategic Intent

The subtitle of the State Strategy on Occupied Territories—“Engagement Through Cooperation”—is its essence. The Strategy seeks to counter the isolation and division resulting from occupation by creating frameworks, incentives, and mechanisms for engagement. The intent of the Strategy is to promote interaction among the divided populations of Georgia, currently separated by occupation lines and to ensure that residents of Abkhazia and the Tskhinvali region/South Ossetia enjoy the rights and privileges available to every citizen of Georgia. These objectives shall be achieved through proactive policies, *inter alia*:

- Promoting economic interaction between communities across the dividing lines, improving socio-economic conditions of the populations on the both sides of the dividing lines, and including Abkhazia and the Tskhinvali region/South Ossetia in Georgia’s international economic relations.
- Rehabilitating and developing infrastructure that will enable the movement of goods and people across the dividing lines.
- Enhancing existing mechanisms and developing new means for promoting basic human rights in Abkhazia and the Tskhinvali region/South Ossetia, including the freedom to exercise religious rights and the right to receive education in one’s native language.
- Improving the quality of, and access to, health care for war-affected populations, as well as promoting their ability to receive education.
- Promoting freedom of movement—as well as people-to-people interaction and contacts across the dividing lines—through identifying areas of common interest and supporting joint inter-community projects and activities in all spheres of mutual interest.
- Supporting the preservation of cultural heritage and identity, and advancing their promotion and exposure both domestically and internationally.

- Promoting the free flow of information across the dividing lines, with the purpose of strengthening understanding and cooperation.
- Exploring legal avenues to ensure that activities in pursuit of the above-mentioned goals can be accomplished without compromising the basic principles of this Strategy—notably the territorial integrity and sovereignty of Georgia and the objective of non-recognition and eventual de-occupation.

Georgia will work closely with its partner states and organizations to develop adequate expertise, instruments, and resources for the implementation of these objectives.

Current Status Review

During the dissolution of the Soviet Union, conflicts erupted in Georgia, in the Autonomous Republic of Abkhazia, and the Autonomous Oblast of South Ossetia. While these conflicts resulted in a tragedy affecting the entire country, the populations in and adjoining these territories were hit especially hard. Mistakes made by all sides involved in the hostilities led to vast human suffering and destruction. Overcoming that suffering is central to the goal of promoting reconciliation among all war-affected populations.

The Russian Federation played a pivotal role in fueling these conflicts, including by participating directly in the hostilities and continuously working to prevent their resolution (*inter alia* by obstructing international conflict resolution efforts). In the spring and summer of 2008, these Russian policies escalated into a series of acute provocations that culminated in the full-scale invasion of Georgian territory, followed by Russia's recognition of the self-declared independence of Abkhazia and the Tskhinvali region/South Ossetia.

The war between Russia and Georgia in August 2008 illustrated that the primary nature of the conflicts on the territory of Georgia is of an international character. The Government of Georgia, supported by the consensus of the international community,

believes that the Russian invasion and subsequent recognition took place in blatant violation of fundamental principles of international law, notably the principles of sovereignty and territorial integrity. Georgia's legal position is supported by international law and norms, and reinforced by arrangements concluded during and after the August 2008 war; it is further reinforced by the statements of numerous international forums, including the EU-commissioned "Independent International Fact Finding Mission on the Conflict in Georgia," which confirmed the illegality of the secession of these regions from Georgia and rejected Russia's arguments for its invasion and recognition.

Nevertheless, the Government of Georgia recognizes the existence of political differences with segments of the populations of Abkhazia and the Tskhinvali region/South Ossetia. Consequently, implementing this Strategy will require engagement with populations that have differing perceptions of the conflict.

Since August 2008, Russia has increased its permanent military presence in and beyond the two occupied regions, including areas that were under Georgian-government control prior to the war. This constitutes a direct violation of the EU-brokered ceasefire agreement of August 12, 2008. Moreover, by deploying FSB border guards along the administrative boundary lines, Russia is preventing the EU Monitoring Mission (EUMM) from fulfilling its mandate—to oversee compliance with the ceasefire agreement. Since the invasion, Russia has continued to disregard international arrangements, vetoing the extension of UNOMIG and impeding consensus on extending the OSCE's presence in Georgia, including its military-monitoring component.

In response to Russia's occupation of Abkhazia and the Tskhinvali region/South Ossetia, in October 2008 the Georgian Parliament adopted the Law on Occupied Territories, defining a new legal regime that applies to the two regions. The legal arrangements vis-à-vis the regions is currently based on this law, as well as on international norms and arrangements. Chief among these are the ceasefire agreement of August 12, 2008; the Conclusions of the September 1, 2008, meeting of the EU

Council; the August 28, 2009, United Nations General Assembly resolution on “Status of IDPs and Refugees”; Resolutions of the Parliamentary Assembly of the Council of Europe on “The Consequences of the War Between Georgia and Russia” (#1633 (2008), #1647 (2009), #1648 (2009), #1664 (2009), #1683 (2009)), and “Reports on the Human Rights Situation in the Areas Affected by the Conflict in Georgia” (SG/Inf(2009)7, SG/Inf(2009)9, SG/Inf(2009)15); and the November 27, 2008, report of the OSCE Office of Democratic Institutions and Human Rights and High Commissioner for National Minorities on “Human Rights in the War-Affected Areas Following the Conflict in Georgia” (ODIHR/HCNM report).

Russia’s occupation of Abkhazia and Tskhinvali region/South Ossetia, and its policy of annexing them, complicates the reconciliation of all the peoples of Georgia and the peaceful reintegration of the occupied territories into Georgia’s constitutional ambit.

Given these circumstances, while committed to the full de-occupation of Georgia, the Government of Georgia deems it important to employ a human-centric, proactive policy that addresses the needs of the war-affected populations.

Basic Principles

The State Strategy on Occupied Territories is founded on the fundamental principle that the sovereignty and territorial integrity of Georgia must be upheld that Georgia’s internationally recognized borders are inviolable.

The Strategy is based on the Constitution of Georgia and the basic principles and norms of international law, conventions to which Georgia has acceded; Georgian legislation, including the Law on Occupied Territories and other appropriate regulations; international agreements signed by Georgia; resolutions by the United Nations and the Parliamentary Assembly of the Council of Europe; and declarations by the European Union, the Council of Europe, and the Organization for Security and Cooperation in Europe.

The Strategy rests on the principle that security in Abkhazia and the Tskhinvali region/South Ossetia should be ensured through international security arrangements, including impartial monitoring, police, and/or peacekeeping forces, as well as by engaging local resources.

The future political status of Abkhazia and the Tskhinvali region/South Ossetia within the state boundaries of Georgia will be determined in a peaceful, negotiated process, in conjunction with the return of internally displaced persons and refugees and the complete de-occupation of Georgian territory.

The Strategy reaffirms the necessity of the safe, voluntary, and dignified return of internally displaced persons and refugees, and the reconciliation of war-affected communities, as well as the need to create conditions allowing IDPs and refugees to exercise their right for safe, voluntary, and dignified return.

Suggestions on engagement with populations and/or authorities in control of Abkhazia and the Tskhinvali region/South Ossetia have no legal bearing on the principled legal position of the Government of Georgia concerning the sovereignty and territorial integrity of Georgia and the inviolability of its internationally recognized borders. The strategy as a whole is embedded in Georgia's legal framework.

While the particular responsibilities of occupying powers are regulated by international law, the Government of Georgia emphasizes its responsibility and obligation, as the expelled sovereign, to engage closely with the populations residing in Abkhazia and the Tskhinvali region/South Ossetia.

Georgia opposes the isolation of Abkhazia and the Tskhinvali region/South Ossetia and recognizes the negative repercussions of isolating the populations living there; the Government of Georgia is therefore pursuing a human-centric policy aimed at engagement with residents of these territories. The de-isolation of Abkhazia and the Tskhinvali region/South Ossetia should be achieved by fostering interaction among

the populations currently separated by dividing lines and by affording these populations access to the benefits generated by Georgia's engagement with the wider European and international community.

The Strategy is developed with the conviction that the remaining residents of Abkhazia and the Tskhinvali region/South Ossetia are an integral part of Georgia's society and future. The Government of Georgia believes that a policy of engagement that restores confidence and trust between the war-affected communities of Abkhazia and the Tskhinvali region/South Ossetia, currently separated by dividing lines, will significantly contribute to the final settlement of the conflicts. While recognizing political differences that exist with segments of the populations of Abkhazia and the Tskhinvali region/South Ossetia, the Government of Georgia is confident that these differences can be resolved through negotiations, engagement, and cooperation—in conjunction with the establishment and internationalization of a peace process aimed at the full de-occupation of Georgia's territory.

The Strategy recognizes the value of—and supports—the cultural, ethnic, and religious diversity of Georgia. The Strategy underlines the importance of freedom of conscience and worship and the inviolability of the canonical jurisdiction of the Georgian Orthodox Church and other religious communities.

The Strategy underlines that policies or activities involving Abkhazia and the Tskhinvali region/South Ossetia must consider both the resident and exiled populations of these regions of Georgia. Such activities shall therefore consist of joint and/or mutually accepted, beneficial, and pragmatic endeavors involving populations on both sides of the dividing lines. Activities in these regions are to be conducted in line with aspirations and objectives of encouraging engagement. They are to be implemented independently and impartially, and in conformity with relevant Georgian legislation and mechanisms for engagement.

Georgia acknowledges and protects universally recognized human rights and freedoms and strives to uphold the welfare and prosperity of the people of Georgia.

The Government of Georgia is determined to create the same opportunities for those populations who currently reside in Abkhazia and the Tskhinvali region/South Ossetia as are provided for the rest of Georgia's population, without discrimination or prejudice with respect to ethnicity, religious beliefs, or political views.

Georgia affirms the inviolability of property rights in Abkhazia and the Tskhinvali region/South Ossetia and considers any infringement of these rights illegal. Based on this principle, the Government of Georgia reserves the right to employ national and international mechanisms to ensure the protection of the property rights of the populations residing in, as well as of those who have been expelled from, Abkhazia and the Tskhinvali Region/ South Ossetia.

Goals

Economic Relations

- Enhance grassroots-level trade across the dividing lines through the creation of logistical and legal conditions for access to markets and goods, as well as through financial incentives for increased trade, *inter alia* the establishment of avenues for economic interaction.
- Restore and enhance agricultural and agribusiness productivity, and promote and encourage social and community activities across the dividing lines, through the creation of special economic zones, such as integrated socio-economic and/or other zones that straddle the dividing lines.
- Support access to technologies, knowledge, and finance in key fields, and establish incentives for joint business activities to foster the creation of value-added businesses; key fields include but are not limited to storage, processing, and packaging facilities, with a primary focus on the agricultural sector.
- Create dedicated funds—with the participation of the state, donor community, and private investors—to support joint business activities and projects.
- Seek legal solutions to enable and encourage the sale of products from Abkhazia and the Tskhinvali region/South Ossetia to domestic, regional, and international markets. These mechanisms should bring the production standards in accordance

with international regulations and address the issues related to quality system certification, taxation and customs.

- Seek to promote employment opportunities across the dividing lines.
- Provide specific measures for areas close to the dividing lines, which will be considered zones of special attention, in view of their disadvantaged nature in both the economic and security spheres.

Infrastructure and Transportation

- Rehabilitate infrastructure, in particular roads, supply lines for water, telecommunications, as well as other infrastructure, connecting Abkhazia and the Tskhinvali region/South Ossetia with the rest of Georgia.
- Establish regular bus connections across the dividing lines.
- Rehabilitate and construct schools and hospitals, sport and cultural facilities, and housing and facilities for receiving and returning communities.
- Work to ensure the protection of environment.

Education

- Provide possibilities for native-language education and make Georgian textbooks available for the Georgian-speaking population; develop textbooks in Abkhaz and Ossetian languages in accordance with the curriculum designed by the Georgian Ministry of Education, or for a jointly designed curriculum.
- Establish mechanisms and procedures to enable those educated in Abkhazia and the Tskhinvali region/South Ossetia to pursue further education in the rest of Georgia or abroad.
- Establish a framework for residents of Abkhazia and the Tskhinvali region/South Ossetia to study abroad, through international educational and exchange programs available to citizens of Georgia, as well as Georgian presidential grants and other state programs.

- Encourage joint academic-training programs (including vocational education) for the war-affected populations.
- Promote joint research activities.

| Health Care

- Ensure the application of the right of all citizens of Georgia to have equal access to health care.
- Create mechanisms that deliver health care in Abkhazia and the Tskhinvali region/South Ossetia, in close cooperation with international actors.
- Create frameworks for residents of Abkhazia and the Tskhinvali region/South Ossetia to receive health care in the rest of Georgia.
- Enable the inclusion of the populations of Abkhazia and the Tskhinvali region/South Ossetia into Georgian systems of social security and/or other benefits.
- Make available medical programs to the residents of Abkhazia and the Tskhinvali region/South Ossetia, including programs for vaccination, response to pandemics, maternity and childcare, and the prevention and treatment of tuberculosis, HIV/AIDS, hepatitis, and drug abuse.

| People-to-People Interaction

- Support all forms of interaction between Abkhazia and the Tskhinvali region/South Ossetia and the rest of Georgia; in particular, promote and facilitate confidence-building measures among war-affected populations.
- Create platforms for interaction between interest groups divided by occupation lines, *inter alia* former combatants, neighbors, mixed families, youth, co-workers, scholars, and voluntary associations.
- Support interaction, dialogue, and trust building among youth separated by dividing lines, using information technologies and other types of electronic communication.

- Enter into dialogue with diaspora and exile communities with origins in Georgia's territory, notably populations expelled by the Czarist Russian empire.

| Preservation of Cultural Heritage and Identity

- Ensure the protection and development of the cultural heritage and identity of all ethnic groups in Georgia. This will include, but not be limited to, language, arts, tradition, and literature.
- Taking into account that the Abkhaz people are an indigenous population of Georgia, the Georgian Constitution grants the Abkhaz language, together with the Georgian language, a status of the state language on the territory of Autonomous Republic of Abkhazia. For the purpose of improving functioning conditions for the Abkhaz language, special emphasis will be made to respect, protect, develop and promote it.
- Seek the support of international bodies, including UNESCO, in the registration and preservation of historical monuments.
- Create an environment that allows for the free exercise of religious rights, including the conduct of religious services in native languages.
- Promote activities based on the ethno-cultural commonality of the Caucasus nations.

| Free Flow of Information

- Develop frameworks and platforms for communication that support the free flow of information and pluralism of views across the dividing lines, to counter division and isolation, share perspectives, and build understanding among communities.
- Create frameworks and platforms for the exchange of information, using print and electronic mass media; promote relations among journalists; and introduce new technologies for media exchange.

| Legal and Administrative Measures

- Elaborate and initiate the appropriate legal basis and create administrative mechanisms to:
 - Address specific concerns, including but not limited to documents certifying birth, death, marriage, and education;
 - Enable economic and trade activities;
 - Enable international travel for the populations of Abkhazia and the Tskhinvali region/South Ossetia, with particular attention to the issue of travel documents.

Human Rights

- Support the protection of fundamental human rights and promote the human security of the populations in Abkhazia and the Tskhinvali region/South Ossetia, including facilitating the work of human-rights activists and groups there; promote protection of the civil and political rights of the populations expelled from Abkhazia and the Tskhinvali region/South Ossetia, as well as those currently residing in these territories.
- Create mechanisms to monitor the human-rights situation in Abkhazia and the Tskhinvali region/South Ossetia, and to prevent and remedy violations. In particular, support the equal rights of all population groups in Abkhazia and the Tskhinvali region/South Ossetia.
- Given the established facts of ethnic cleansing targeting Georgian communities, special concern will be focused on the violation of the rights of ethnic Georgians.
- Invite international organizations to support the abovementioned aims, in particular to create special monitoring missions within the framework of broader international mechanisms tasked with promoting stability on the ground.

Prevention of Natural Disasters

In case of Natural Disaster, the government of Georgia expresses its readiness to provide utmost support to the residents of Abkhazia and Tskhinvali region/South Ossetia, as well as to help reducing the damage done by such disasters.

Implementation

The Government of Georgia will implement these goals through the creation of relevant governmental institutions in Georgia, the elaboration of a status-neutral framework for interaction with authorities in control of Abkhazia and Tskhinvali region/South Ossetia, and the development of appropriate liaison mechanisms as well as infrastructure for peace.

The Government of Georgia will develop an Action Plan based on the present Strategy, in cooperation with all stakeholders. The Action Plan will establish detailed and concrete measures, mechanisms, and procedures, as well as initiating and introducing amendments to Georgian legislature needed to fulfill the aims of this Strategy and the Action Plan. The Government of Georgia, through consultations with the war-affected population, will prioritize the engagement goals elaborated in the Strategy while developing the Action Plan. The Government of Georgia recognizes the differing challenges in encouraging engagement with populations residing in Abkhazia and in the Tskhinvali region/South Ossetia, and will take these into consideration while developing the Action Plan.

In the implementation process of the Strategy, the Government of Georgia will take into consideration and elaborate on valuable and positive experiences previously in place to enable engagement.

The Government of Georgia will seek to establish a reconciliation mechanism to enable Georgian, Abkhaz, and Ossetian people to work toward common approaches to their recent history, with particular attention to the conflicts of the past two decades.

The Government of Georgia will continue to engage with the occupying power, within the framework of the Geneva process or other potential forums, to ensure the successful implementation of the Strategy and Action Plan.

The Government of Georgia will elaborate and initiate a legal framework that will enable a specially designed financial institution to operate inside Abkhazia and the Tskhinvali region/South Ossetia, with the purpose of providing services to international organizations and relief agencies, as well as local and international non-governmental organizations that run mutually beneficial programs, and commercial entities that run mutually beneficial business projects and are registered in accordance with Georgian legislation.

The Government of Georgia will raise and allocate financial and other resources for the implementation of the Strategy and Action Plan through national and international instruments.

Georgia recognizes the value of engaging the international community in the implementation of this Strategy. The Government of Georgia sees local and international voluntary associations, business entities, international organizations, and development-cooperation agencies of partner countries as important partners for the support of and implementation of the goals of this Strategy.