



Why does Georgia tacitly agree with Russia's Mediation?

14th of March, 2019
Tbilisi, Georgia

BACKGROUND OF THE PROBLEM

During 2017-18 the ICCN has communicated senior representatives of the Georgian Government (GoG) gist of the problem associated with the current status of Russia at Geneva International Discussions (GID). Additionally, ICCN supplied the GoG with relevant recommendations how to address the problem which in our opinion poses a significant threat to the peace process. The latest step made by ICCN in this direction was a letter to the President of Georgia H.E. Salome Zourabishvili¹. The reason for addressing the President was her recent statement that the GID has acquired quite formal and technical character and its format needs to be reviewed.²

Furthermore, the first meeting of CSO representative women with the Co-Moderators of the GID recently held at the UN Head office in Tbilisi echoed the Women Peace and Security (WPS) approach. At that same meeting I voiced this salient issue as well.

THE GID – IS RUSSIA A PARTY OR MEDIATOR?

GID has been underway for 10,5 years. The next 47th round is scheduled for April, 2019.

The main concern is related to the fact that by participating in the GID Georgia recognizes Russia as a mediator in the GID.

Georgia has never adopted any act stating that it unequivocally denies Russia's self-proclaimed role as a Mediator in GID. Georgia should not withdraw itself from GID but make efforts to recognize Russia as a party of the conflict and not mediator.

Unfortunately, this has never been done for 2008-2011. Nor it has been done for 2012-2019 in terms of the Georgian Dream in the office. For the entire period of existence of GID the discourse was to just keep it as the sole international format.

¹ An Open Letter to the President of Georgia Salome Zourabichvili was sent on 26th of February, 2019.

² <https://www.president.gov.ge/en-US/pressamsakhuri/siakhleebi/saqartvelos-prezidenti-salome-zurabishvili-lietuvi.aspx>

GID – FORMAL TRACK 1 NEGOTIATIONS OR INFORMAL DISCUSSIONS?

According to Georgian Government's¹ executive and legislation branches, GID is a formal negotiation between Georgia and Russia, the United States and Georgia's breakaway regions - Abkhazia and South Ossetia with UN, OSCE and the EU as co-chairs.

According to the Russian Government this is a Geneva Discussion on Security and Stability in South Caucasus².

According to the Co-Chairs of GID and other international stakeholders it is an informal setting. Each GID participant is present in his/her personal capacity, there are no name plates around the table and as such there are no official delegations at the discussions. As rule, discussions are held for two days behind the closed doors. The first day is being devoted to informal bilateral consultations between the Co-Chairs and the participants. And the second day is dedicated to the actual discussion on the points of the agenda in the two Working Groups. The press communiqué of the Co-Chairs emerges as an informal outcome of these meetings.³

The discussions taking place in Geneva are largely considered as closed and distanced from the Civil Societies. Thus, a legitimate question arises: if GID is informal indeed then why is it closed for CSOs and they are not allowed engage in any form?

WHY GEORGIA'S PARTICIPATION IS AN ACCEPTANCE:

Participation and regularity of such participation in any format means acceptance and agreement to the said format. Georgia has been already involved in GID for 10,5 years. 46 rounds in Geneva have been held since 2008; however the results do not differ greatly from one another. It is a zero-sum game, since the question of the role of the participants hasn't been raised in those 10,5 years and isn't likely to be asked in further rounds of discussions.

According to the Report of H. Tagliavini (2009):

„After five days of fighting, a ceasefire agreement was negotiated on 12 August 2008 between Russian President Dmitry Medvedev, Georgian President Mikheil Saakashvili and French President Nicolas Sarkozy, the latter acting on behalf of the European Union. An implementation Agreement followed on 8 September 2008, again largely due to the persistent efforts of the French President.”⁴

Thus the founding document of the GID – a 6-point ceasefire or peace agreement was signed by H.H.E.E. Sarkozy-Saakashvili-Medvedev in August 2008. Alongside with the French President, this document was signed by H.E. Mikheil Saakashvili (August 15, 2008)⁵ and H.E. Dmitri Medvedev (August 16, 2008)⁶.

¹ Cf. Geneva International **Negotiations**, SMR Georgia <http://smr.gov.ge/FileList.aspx?ID=92> last retrieved 14 March, 2019.
Geneva **Negotiations**, MFA, Georgia [http://mfa.gov.ge/News/sagareo-saqmeta-saministros-ganckhadaba-jenevi-\(5\).aspx?CatID=5](http://mfa.gov.ge/News/sagareo-saqmeta-saministros-ganckhadaba-jenevi-(5).aspx?CatID=5) last retrieved 14 March, 2019.

Geneva International **Negotiations**, Parliament of Georgia, <http://www.parliament.ge/ge/saparlamento-saqmianoba/komitetebi/sagareo-urtiertobata-komiteti-147/sagareo-komitetis-axali-ambebi/sagareo-urtiertobata-komitetma-sagareo-saqmeta-ministris-moadgiles-lasha-darsalias-da-premier-ministris-specialur-warmomadgenels-zurab-abashidzes-mousmines.page> last retrieved 14 March, 2019.

² Cf. Geneva Discussions on Security and Stability of South Caucasus , by MFA RF, http://www.mid.ru/web/quest/kommentarii_predstavitelya/-/asset_publisher/MCZ7HQUMdqBY/content/id/3406240 last retrieved 14 March, 2019.

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⁴ Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, Vol.I, September, 2009, p.11.

⁵ Ibidem, p.414.

⁶ Ibidem.

The signed agreement does not exist as an integral paper. There is one page signed by H.E. Sarkozy (in French); one page signed by H.H.E.E. Sarkozy-Saakashvili (in French)⁷; there is one other page signed by H.E. Medvedev (in Russian) and one additional page signed by H.E. Seregy Bagapsh and H.E. Eduard Kokoity (also in Russian). These signed pages are gathered and represent a founding 'collection of documents' of the GID.

WHAT IS WRITTEN IN THE GID FOUNDING 'COLLECTION OF DOCUMENTS', WHICH WERE SIGNED?

The version, which exists today, available and applied by all international stakeholders (missions⁸ and organizations), including the UN, the OSCE, the European Union - is the only 'collection of documents'⁹ signed by the Russian President as a Mediator between Georgia and Abkhazia and South Ossetia after the August War 2008.

The 'collection of documents' says: Russia is a Mediator. The 6-point Agreement signatory: "H.E. Dmitry Medvedev, RF, Mediator" („...“). H.E. Dmitry Medvedev and H.E. Nicolas Sarkozy are stating that they are supporting the principles of resolution and are calling relevant parties to sign the document... („...“).

This document is published on the UN's official website as well.¹⁰

The document signed by H.H.E.E. Sarkozy and Saakashvili is published on the official websites of the Ministry of Foreign Affairs of Georgia and the office of the State Minister of Georgia on Reconciliation and Civic Equality¹¹. The document signed only by H.E. Sarkozy is published on the official website of the Government of French Republic¹².

The GID international stakeholders are keeping silence which should not be surprising, since the main actor - the State of Georgia remains silent and has been silently participating in GID for 10,5 years. Moreover, other participants (three co-chairs: OSCE, UN, EU and USA) are not in the position to raise this issue instead of Georgia. Even before 2008, the Government of Georgia did not raise its voice when the Russian army was granted with a mandate of blue helmets (in spite of the objections from the Members of the UN and the UNSC).

To summarize abovementioned it's more than clear that Georgia unfortunately has been left without the Track 1 Negotiation Format for implementing the Peace Process. Georgian governments for 2008-2019 have never developed any official document to clarify Russia's self-declared statute of mediator to the GID and explain this inconsistency to the international stakeholders and Georgian public. Moreover, Georgia has not officially dissociate itself from this fact, so far. On the contrary, the Georgian State recognizes the role of Russia as a mediator between Georgia and Abkhazia, and South Ossetia, and therefore no documents or statements are required.

This issue is urgent, topical and sensitive and needs immediate intervention in order to drag the GID out of the deadlock and call spade a spade.

⁷ <https://franceintheus.org/spip.php?article1101>

<https://franceintheus.org/IMG/pdf/accord6points.pdf>

⁸ https://www.echr.coe.int/Documents/HUDOC_38263_08_Annexes_ENG.pdf

⁹ „... a ceasefire agreement was negotiated on 12 August 2008 between Russian President Dmitry Medvedev, Georgian President Mikheil Saakashvili and French President Nicolas Sarkozy, the latter acting on behalf of the European Union.“ Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, Vol.I, September, 2009, p.11.

¹⁰ https://peacemaker.un.org/sites/peacemaker.un.org/files/GE_080812_Protocol%20d%27accord.pdf

¹¹ <http://smr.gov.ge/Uploads/9bbbc7.pdf>

¹² "Georgia: the 6 Points Plan," Embassy of France in Washington, August 14, 2008, <http://ambafranceus.org/spip.php?article1101>

In case of your interest we will be delighted to provide you with further information which ICCN has collected during its long-term efforts.

Thank you for your kind attention.

Sincerely,

Nina Tsikhistavi-Khutsishvili,
Director