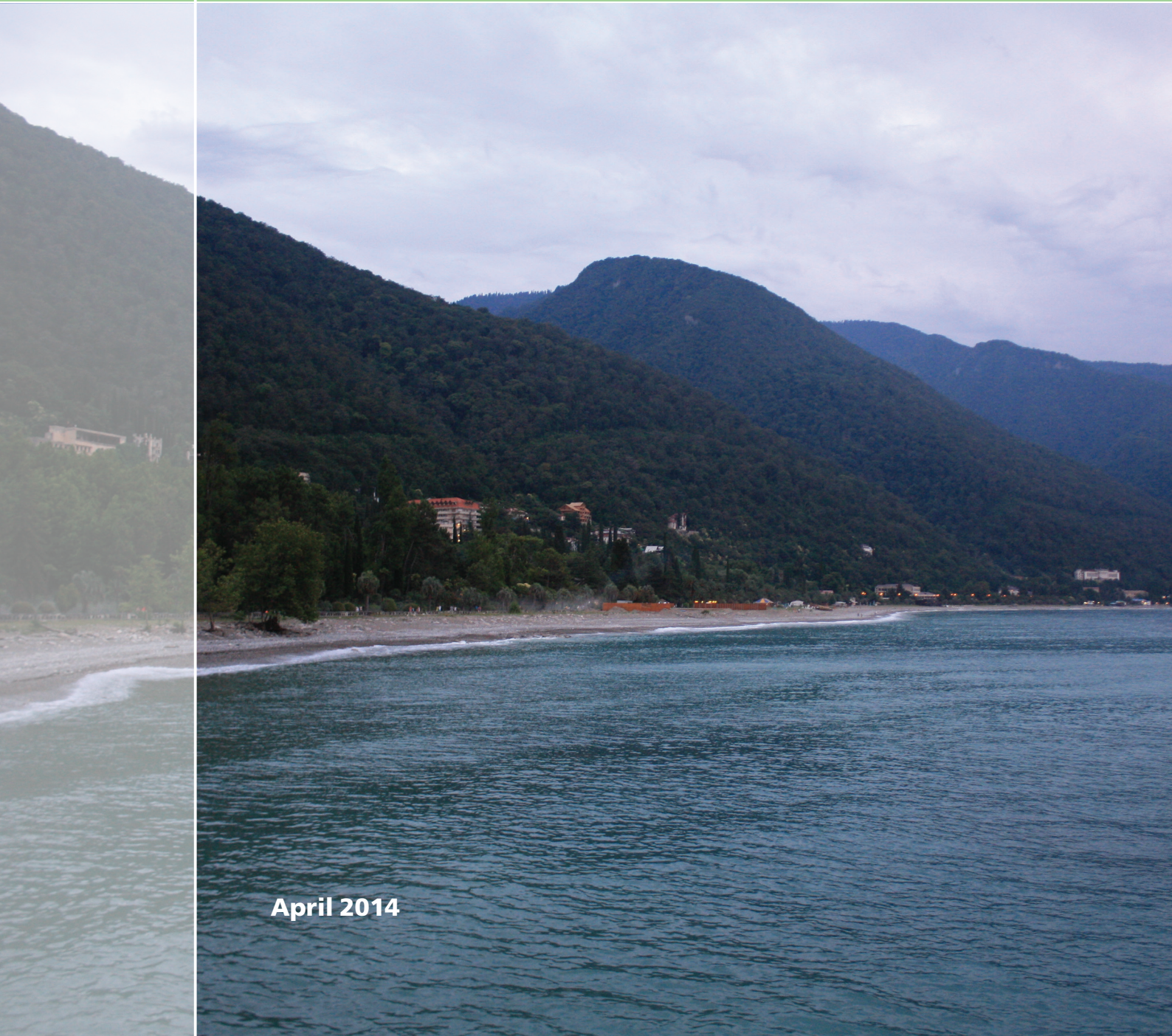




centre for humanitarian programmes

# Abkhazia

**Issues of citizenship and security**



April 2014



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**Liana Kvarchelia**

CENTRE FOR HUMANITARIAN PROGRAMMES

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# Executive summary and recommendations

**THIS REPORT IS BASED ON A STUDY OF PUBLIC OPINION,** which was carried out in different regions of Abkhazia in connection with three topical and widely discussed issues: 1) the granting of Abkhaz passports to ethnic Georgians in the eastern (border) districts of Abkhazia (the process known as ‘passportisation’); 2) opinions about crossing the Georgian–Abkhaz border; and 3) relations between people and law-enforcement agencies.

Within the framework of the study, 25 in-depth interviews and 10 focus groups were conducted in the towns of Sukhum, Gagra, Gal, Gudauta, Novy Afon, Ochamchire, Tkvarchal, and also in villages in the Gal and Tkvarchal regions.<sup>1</sup> The study was conducted among representatives of various backgrounds, ethnicities and professions and included, for example, members of different political parties, government officials from both national and local level, law enforcement officials, representatives of local self-government, public figures, as well as journalists, intellectuals from rural and urban populations, businessmen, housewives, and the unemployed.

## Citizenship and the integration of ethnic Georgians of eastern Abkhazia into Abkhaz society

The discussions conducted within the scope of the study showed that there is no common opinion in Abkhaz society about the extent to which an Abkhaz civic identity should be extended to the ethnic Georgian residents of the eastern parts of Abkhazia. Georgia is perceived by the majority of Abkhaz citizens to pose a political and military threat. Many of them refer to the fact that Georgia not only has political claims on the territory of Abkhazia and creates barriers for Abkhazia’s international recognition, but also refuses to sign an agreement on the non-use of force. Against this background, residents of Abkhazia, who are ethnically affiliated with Georgia, become hostages on the one side of an Abkhaz society genuinely concerned about the threat from Georgia, and on the other side, of the internal political struggle within Abkhazia where the ‘Georgian question’ is regularly used as a political tool.

The section of society that expresses alarm about the citizenship issue views the Georgian residents of the border regions as an electoral resource which can be used by the Abkhaz authorities for winning elections, and at the same time, as an instrument of the Georgian authorities for spreading their influence over the political choice of Abkhazia through the participation of these residents in the Abkhaz electoral process. The situation is complicated by the fact that many residents of the eastern districts of Abkhazia have

<sup>1</sup> The geographical place names in this study are rendered by the author’s preference, who uses Abkhaz spellings/names throughout the text.



both Abkhaz and Georgian passports, a situation prohibited according to Abkhaz legislation which forbids dual citizenship (with the exception of Russian citizenship.) For various reasons (economic, personal, ideological, etc.) ethnic Georgians living in the eastern part of Abkhazia (the districts of Gal, Tkvarchal and Ochamchire) have not made a final decision over a particular nationality as they try to use all available means for survival. During the discussions, some local residents of the eastern districts said that they wished to have an Abkhaz passport in order to legalise their status in Abkhazia, and to ensure their property, business and social security rights. Those residents were more predisposed to integrating into Abkhaz society. Other residents identified more with Georgia and were prepared accept any kind of document which would allow them to keep their property rights in Abkhazia and to move freely back and forth to Georgia.

The recent confiscation and annulment of more than 1,000 Abkhaz passports held by Georgian residents without the issuing of replacement identity documents has sown panic amongst the population of the eastern districts of Abkhazia. According to discussion participants, in order to meet the security needs of Abkhaz citizens with regard to the political threat posed by Georgia and at the same time ensure the security and rights of the ethnic Georgians living in Abkhazia, it is necessary to clarify the complex situation related to the legal status of these residents and not to leave them in a legislative and informational vacuum.<sup>2</sup>

The following recommendations are based on the opinions expressed during the discussions.

#### **Recommendations:**

1. It is necessary to inform the population of the eastern districts of Abkhazia in a timely manner about all issues relating to citizenship and the issuing of passports and to explain the decisions taken by the parliament and the government. It is also necessary to advocate for a separate legal status for those who are not currently eligible for full Abkhaz citizenship as well as for the rights which will be provided by such a status.
2. It is necessary in the short term to develop a system of residence permits and give the residents of the eastern districts the right to choose between citizenship and a residence permit in accordance with the requirements of Abkhaz legislation.
3. The social and political discourse around the status of the ethnic Georgian residents in the eastern part of Abkhazia has often been harsh and unconstructive. The opinions of the residents of the eastern districts themselves have not been heard in these discussions. Furthermore, the debates around these issues and the subsequent steps to confiscate passports have caused anxiety among residents of Georgian ethnicity. It is necessary to conduct both formal and informal meetings and discussions with public representatives, political parties, deputies and residents of the eastern areas in order to relieve tension and create an atmosphere of greater trust and mutual understanding.
4. It is necessary to implement measures for integrating the residents of the eastern districts into Abkhaz society through the economic development of the area; improving the education system and the teaching of the Abkhaz language; the engagement of the residents of these districts in Abkhazia-wide activities; and through creating the conditions for an adequate medical service and other services.

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<sup>2</sup> During the preparation of this report, the Parliament of Abkhazia adopted a resolution according to which it was recommended to suspend the withdrawal of passports issued with the involvement of illegal (according to deputies) local commissions. However, the process of replacing the invalidated documents (with a new passport or a residence permit) will only take place from January 2015 during the introduction of new Abkhaz passports.

## Opinions regarding crossing the Georgian–Abkhaz border

The discussions revealed that for various reasons the opportunity to travel to Georgia is a vital necessity for many residents of the border districts. The reasons are: dependence on welfare payments; possibilities to purchase food and essential commodities at lower prices; opportunities for trading (the import of Georgian goods and their sale in Abkhazia); access to free and high-quality medical services; and the ability to communicate with relatives. Discussions in the central and western regions of Abkhazia revealed participants' concerns about the frequency of people crossing the Georgian–Abkhaz border in the context of the unresolved conflict.

In general, the discussions highlighted the differences in how the status of the border is perceived. For local Georgians, it is still psychologically an administrative border, and naturally, they experience frustration when their expectations of simplified procedures for crossing it are not met. For everyone else in Abkhazia, this is a state border and moreover, it is a border with a country that has territorial claims on Abkhazia. This naturally affects opinions on the type of regime that should be operated at the border. In general, the residents of the border districts advocate for the ability to cross the border freely and as often as they wish to. Whereas the dominant opinion in the other regions was that the border should be strengthened around its perimeter, the procedure for crossing it must be regulated and controlled by the relevant services and the frequency of crossing the border should be limited to humanitarian and social reasons – such as to access medical services and visits to relatives.

### Recommendations:

1. The population of the border areas should be informed in a timely manner about the activities conducted by law enforcement agencies in their locality so that they do not experience fear of security providers or border officials.
2. The residents should be fully informed about the regulations for crossing the Georgian–Abkhaz border. It is necessary to regulate the procedure for crossing the border for children of residents living in the lower zone of Gal region, who temporarily live on the Georgian side of the border, but attend schools located within several metres of the border on the Abkhaz side. In order to reduce the dependency of the residents on visiting Georgia to access services, the Abkhaz side has to gradually solve problems related to social security, medical services, economic development, etc.
3. The process of confiscating the cancelled Abkhaz passports of Georgian residents when they are crossing the border, should be suspended. Among other things, this will reduce the number of illegal crossings, as even people who hold Abkhaz passports are choosing to cross illegally for fear their passport will be taken from them at the border. If it is found that these individuals were issued with passports in a manner which violated Abkhaz legislation, then they can be included in the list of people who can get other identity documents starting from 1 January 2015, in accordance with the resolution of the Parliament of Abkhazia.

## Relations between the public and law enforcement agencies

The relationship between the public and law enforcement agencies is considered to be one of the most important elements in creating a secure environment. Therefore, local people were asked about their perception of the effectiveness of law enforcement bodies, the nature of their relationship with the public, as well as their vision of how to ensure a more effective collaboration between them. Given that the activities of the law enforcement agencies in the areas inhabited by ethnic Georgians should be looked at not only in the context of the specifics of the border area, but also in the context of the general state of affairs in the sphere of law and order, but also the context of the general state of affairs in the sphere of law and order, the discussions conducted on this topic in the central and western regions were also focused on the general state of affairs.

It should be noted that the activities of the law enforcement agencies were criticised in all regions of Abkhazia, although participants in the discussions recognised the difficulties faced by law enforcement agencies, such as low salaries, a lack of professional personnel, understaffing and inadequate technical equipment. However, the eastern districts have their own specific concerns as discussions have shown that there is a high degree of mistrust between the ethnic Georgians and the law enforcement agencies. On the one hand, the population is afraid of disproportionate or discriminatory actions from the law enforcement agencies, who are almost exclusively ethnic Abkhaz. On the other hand, law enforcement officials do not trust the locals, fearing that they give cover to local criminals out of ethnic solidarity. In general, discussions give reason to assert that greater interaction between the law enforcement agencies and the public is required from both sides.

**Recommendations:**

1. It is necessary to restore the institution of district inspector as a link directly connecting the public and the law enforcement agencies, as it is an institution which can be used to create a foundation for building confidence in the law enforcement system. The local residents should engage with these structures to the greatest possible extent.
2. Regular meetings between the police and the public should be conducted to ensure a stable channel of communication and feedback is maintained.
3. The police presence should be made more visible, especially in the remote villages of eastern Abkhazia. Local residents, despite their criticisms, spoke in favour of increasing (qualitatively and quantitatively) the police presence in their villages with a view to maintaining order.
4. Public institutions and representatives of the law enforcement agencies should be provided with an opportunity to learn from international experiences of best practice in the field of interaction between law enforcement bodies and the general public. They should also become acquainted with the fundamentals of a service approach to the work of law enforcement agencies. Participants of the discussions in the central and western regions, including representatives of the Ministry of Internal Affairs, expressed their willingness to become acquainted with the experience of various public agencies from other contexts in dealing with monitoring the activities of law enforcement agencies.



# Introduction

**THIS REPORT IS FOCUSED ON SPECIFIC ASPECTS** related to the situation of ethnic Georgian residents of the eastern districts of Abkhazia.<sup>3</sup> It is based on qualitative research conducted in different parts of Abkhazia.

The study consisted of: 15 in-depth interviews in Sukhum and 10 in-depth interviews in the Gal, Tkvarchal and Ochamchire districts; as well as 5 focus groups in Sukhum, Gagra, Gudauta, and Novy Afon (New Athos), and 5 focus groups in the town of Gal and in villages in the Gal and Tkvarchel districts (Okum, Saberio/Papinirkhua, Nabakevi/Bataiguara)<sup>4</sup>; Representatives of various political parties, central and local level authorities, law enforcement agencies, local government, public figures, journalists, intellectuals from rural and urban areas, businessmen, and local people participated in the survey. In Gal, Tkvarchal and Ochamchire districts, the survey was conducted by the Institute for Democracy (Gal), and in other districts of Abkhazia by the Centre for Humanitarian Programmes (Sukhum).

This study does not claim to cover all the views and the entire spectrum of issues related to the population of the eastern districts of Abkhazia. It attempts only to identify trends affecting the current context and their perception by different groups in Abkhazia.

A key topic currently being discussed in Abkhaz society is the issuing of Abkhaz passports to ethnic Georgian residents of eastern Abkhazia (passportisation). The nature of the discussions, the decisions made, and the way in which these decisions are implemented all have a significant impact on local people's perception of security. For this reason, the study focused on issues relating to passports and citizenship.

In Abkhaz society, not only has the topic of citizenship and passportisation become widely discussed in recent years, but it has also become one of most controversial issues. The most contentious aspect of this topic concerns the issuing of Abkhaz passports to the residents of the eastern districts of Abkhazia, where the population is predominantly ethnic Georgian.

Starting from the mid-1990s, with the consent of the Abkhaz authorities, an estimated forty to sixty thousand Georgian refugees returned to eastern Abkhazia, having fled their homes during the 1992–1993 Georgian–Abkhaz conflict.

According to the electoral list, since their return to Abkhazia, between three and thirteen thousand ethnic Georgians have participated at various times in elections at different levels, as well as in the referendum on the independence of Abkhazia in 1999.

<sup>3</sup> The study refers to the ethnic Megrelians (Georgians) living in the boundaries of the old Gali district. The population census in 1989 showed that a part of this group identified themselves as Megrelians rather than Georgians. However, the majority of them consider themselves Georgian. Furthermore, in this report both groups will be referred to simply as 'Georgians'.

<sup>4</sup> In 2013, the names of villages in the Gal district, Saberio and Nabakevi, were changed to Papinirkhua and Bataiguara respectively.

Disagreements over the civic identity of the returnees first appeared only in 2004 during the first contested presidential elections in Abkhazia, when the legitimacy of the participation of a major part of ethnic Georgian voters in the elections was questioned. Since that time, the issue of citizenship of the ethnic Georgians living in the eastern districts of Abkhazia has been firmly established in the domestic political discourse of Abkhazia.

The granting of citizenship to eastern Abkhazia's ethnic Georgian residents however goes beyond the electoral interests of competing political forces in Abkhazia. The problem is much deeper and is connected with different perceptions of existing security challenges in society and the stability of Abkhazia, with different views on what should be the basis of the Abkhaz national project.

Some residents of the eastern districts, being of Georgian ethnicity, associate themselves with Georgia, with which Abkhazia today is in a state of a conflict, albeit a frozen one. At the same time, some of the Georgian population living in these districts are believed to be the descendants of ethnic Abkhaz, who were assimilated into the Georgian population during the Soviet times. There are disputes in Abkhaz society about what measures will allow for a more efficient and long-term control of the situation in the border areas, and, more broadly, strengthen Abkhazia. Some people advocate for the integration of the residents into the socio-economic and political space of Abkhazia based on their Abkhaz citizenship. Others consider it necessary to restrict the rights of political participation (participation in elections) to most of the residents in the eastern districts. In their opinion, this is a necessary measure to prevent them from influencing the local political process, and more broadly it also prevents Georgia from influencing politics in Abkhazia through the local population who are ethnically affiliated with Georgia.

In this study, an attempt was made to reveal local opinion on: 1) the issues of citizenship and the integration of ethnic Georgians living in eastern Abkhazia into Abkhaz society; 2) the situation related to the crossing of the Abkhaz–Georgian border; and 3) the relationship between the population and law enforcement bodies.

As a rule, the voices and opinions of the residents of the border districts are not heard during public discussions about citizenship and passports. For this reason, it was important to learn the opinions not only of the Abkhaz and other ethnic groups on this question but also of ethnic Georgians living in eastern Abkhazia, who are directly affected by this issue.

## 1

# Citizenship and the integration of eastern Abkhazia's ethnic Georgians into Abkhaz society

**DURING THE INTERVIEWS AND FOCUS GROUP DISCUSSIONS,** many examples were cited, some supporting and others disputing the legitimacy of issuing passports in the eastern districts of Abkhazia. However, the objective of this study is not to analyse the existing legal basis for issuing documents but rather to discover and compare the opinions and arguments of different social and political groups on this topic.

To start with, the opinions of respondents on the level of complexity regarding the procedure for obtaining Abkhaz passports in eastern Abkhazia were compared, based more or less on the consensus that Abkhaz citizenship should be open to all residents of Abkhazia, including ethnic Georgians living in the eastern districts.

Within Abkhaz society it is generally believed that in violation of the 2005 Law on Citizenship, the procedure for obtaining a passport is made significantly easier for residents of the Gal district, especially when compared to the procedures for other non-Abkhaz ethnicities (Armenians, Russians, Greeks, etc.) In public discussions and the statements of various political groups, the granting of passports is often equated to the granting of citizenship, while in some cases it may simply be the procedure of replacing old or lost documents with new passports (for those residents who lived in Abkhazia during the period 1994–1999). At the same time, examples were also cited of how the Law on Citizenship was violated, whereby the issuing of passports was implemented through a mechanism that had been created for a routine replacement of old documents, while in reality there should have been a procedure for the granting or restoring of citizenship.

Interestingly, contrary to the popular belief in the central and western regions of Abkhazia that the process of obtaining a passport in the eastern districts is unfairly facilitated, the majority of ethnic Georgians considered the procedure to be quite complicated:

*“The procedure is so complex that sometimes our people lose the desire to apply.”*

focus group participant, Gal town

*“It took almost 5 years to get a passport. I do not know about other regions, but in Tkvarchal it was very difficult to get a passport.”*

focus group participant, village of Okum

Among the obstacles to obtaining a passport, ethnic Georgians in the eastern districts identified the following factors:

■ **Bureaucratic delays**

*“I think, to get a passport is easier in European countries than here”; “There were cases when people lost documents and they had to re-collect documents several times.”*

focus group participants, Gal town

■ **Corruption, which leads to intentional delays in issuing a passport**

*“For those who paid 2–3 thousand dollars to get a passport, of course, it was not difficult.”*

focus group participant, Tkvarchali district

■ **Additional requirements and procedures, leading to delays in issuing a passport**

*“Most of us passed the Sukhum commission, it was not mandatory, but we were required to do so.”*

focus group participant, Tkvarchali district

■ **Discrimination based on ethnicity**

*“The only problem is that we are Georgians.”*

focus group participant, Gal town

In other regions of Abkhazia, opinions on the level of complexity of the procedure for obtaining an Abkhaz passport were more diverse. One group of respondents felt that unjustified concessions were made to ethnic Georgians, while other ethnic groups (apart from Abkhaz) had to undergo a more complex procedure. These respondents primarily emphasised that the perceived simplified procedures, and a subsequent ‘mass issuing of passports’ to ethnic Georgians, were the result of the authorities’ interest in increasing their electoral resources:

*“Gal inhabitants always vote for the authorities.”*

a respondent from Sukhum

Others maintained that the procedure for granting/renewing citizenship and issuing passports corresponded to international standards. As for the distribution of passports in the eastern districts, in their opinion the process complied with the requirements of the Law on Citizenship of Abkhazia. So, if there were some violations in the form of delays or conversely, passports were given to ineligible individuals, in the opinion of these respondents, such cases can be attributed to corruption. They did not consider the procedures for issuing passports to be either unduly facilitated or complicated. They attributed the growing number in recent years of ethnic Georgians with Abkhaz passports to the fact that in many cases those people obtained an Abkhaz passport when they went to replace their old documents. The process of changing documents, according to the respondents, was made quicker in 2009 with an amendment to the Law on Elections, which allows one to vote only in the case of possessing an Abkhaz passport.<sup>5</sup>

During the discussions, it was also mentioned that prior to 2008, some of the residents from the Gal district displayed a political passiveness and adopted a waiting stance; but after the August war and the recognition of Abkhazia by the Russian Federation, these people decided to acquire Abkhaz citizenship and began to actively apply for documents.<sup>6</sup>

It is noteworthy that none of the ethnic Georgian mentioned that any of the problems connected with obtaining a passport or the increasingly frequent cases of passports being invalidated as being due to a violation in the requirements of the Law on

<sup>5</sup> It should be mentioned that in 2009 the distribution of passports to residents of eastern Abkhazia was suspended prior to the presidential election, because the opposition considered that it was in the government’s interest to increase electoral resources in eastern Abkhazia through an accelerated process of passport distribution.

<sup>6</sup> The Law on Citizenship of 1993 gave the right to obtain citizenship to all residents of Abkhazia, who had at least one of their ancestors born in Abkhazia. The residents of Gal district belonged to this category of people. In 2005, a new law was adopted. According to it, the only individuals who were eligible for Abkhaz citizenship were those who had been living in Abkhazia for at least 5 years at the moment of the declaration of Abkhaz independence on 10 October 1999. According to an amendment made in 2013, dual citizenship is allowed only for Russian citizens.

Citizenship, which prohibits a person from holding Georgian and Abkhaz citizenship at the same time. The revoking of passports is discussed more in terms of ethnic-based discrimination.

It is natural for ordinary citizens to be poorly versed in the law, especially given that the law itself is contradictory in certain aspects and is controversial even among law-makers and experts. However, considering the number of public debates, discussions in Parliament, and the statements of various political parties and groups on this issue, it can be assumed that the residents of the border districts understand that, according to the law, their Georgian citizenship prevents them from holding Abkhaz citizenship at the same time. Most likely, the reason that they did not list this as a factor is because they preferred not to mention the fact that they are Georgian citizens.

One ethnic Georgian, who was well versed in legal matters, mentioned that from the standpoint of international law, all residents of Abkhazia automatically became citizens of Georgia after the collapse of the Soviet Union, and that for residents of Abkhazia there is no legal way to renounce their Georgian citizenship:

*“Whether we like it or not, we are considered citizens of Georgia and it is not easy to renounce it. It is impossible to get an official document from Georgian authorities proving renouncement of Georgian citizenship.”*

a respondent from Gal town

During the discussions in the central and western regions of Abkhazia, another opinion was heard, according to which the obtaining of a Georgian passport in order to recognise oneself as a Georgian citizen was ultimately the choice of each individual. The following motivations were listed by the (mainly ethnic Abkhaz) participants on the reasons why ethnic Georgians may choose to obtain Georgian passports:

- **Pragmatic considerations** and interest in getting additional social assistance from the Georgian government;
- **Means of survival**, as for many years after the 1992–1993 war, the residents of the border region, especially in the lower zone of the Gal district, had no social protection from the Abkhaz authorities, were unemployed, and unprotected in terms of healthcare and other services;
- Associating themselves with the ethnic Georgians of Georgia and also with Georgia as a state and perceiving **Abkhaz passports as a compulsory measure** required only to regulate living at their place of residence. In this sense the Abkhaz passport is perceived as a kind of internal document;
- **Inability to get a Russian passport** (unlike other ethnic groups in Abkhazia) for free travel to third countries;
- **Uncertainty about their future in Abkhazia** and uncertainty over whether their rights will be protected.

Focus groups conducted in the Gal district also showed that many ethnic Georgians perceive obtaining a passport primarily as a measure which enables them to deal with day-to-day issues. Previous surveys conducted by the organisations Institute for Democracy and Saferworld<sup>7</sup> identified crossing the Georgian–Abkhaz border as the main motivation among ethnic Georgians for obtaining an Abkhaz passport.<sup>8</sup> However, interestingly, this study has highlighted somewhat different results, although it should also be taken into account that different methodologies were used and it is not based on quantitative indicators. The ability to legally cross the Abkhaz–Georgian border was rarely listed by participants as a reason for getting an Abkhaz passport, although it was not altogether absent from the list of reasons. For example, one participant cited:

<sup>7</sup> See, for example, *Security For All – A Challenge For Eastern Abkhazia. Community perceptions of safety and security*, Institute for Democracy and Saferworld, May 2013.

<sup>8</sup> Residents of Abkhazia can cross the Abkhaz–Georgian border only with Abkhaz identity documents.



*“Frankly speaking, our families are divided. Some family members live here, some there. So, a passport is the only way for us to cross the border and see them.”*

focus group participant, Gal town

Nevertheless, the following reasons dominated the responses by ethnic Georgian participants on the reasons for obtaining or keeping an Abkhaz passport:

■ **Confidence in property rights, as a passport gives one the opportunity to register, buy or sell real estate, cars and other property**

*“When you have a passport, you are the owner of your property.”*

focus group participant, village of Okum

■ **The need for free movement within Abkhazia**

*“After obtaining a passport I am not afraid to go to the city, to drive across the territory of Abkhazia.”*

focus group participant, Gal town

■ **Ability to obtain a higher education in Abkhazia**

*“After obtaining a passport, I was admitted to ASU [Abkhaz State University], where I study now and at the same time, work in a school.”*

focus group participant, Gal town

■ **Ability to gain or maintain employment or to start one’s own business**

*“If I get a passport, first I will have no more fear that I will lose my job; and then everything that was mentioned here: I will be able to cross the border freely, [and to] travel.”*

focus group participant, Gal town

*“After obtaining a passport, I was able to register my small business, while before that I could do nothing.”*

focus group participant, Gal town

■ **Access to health care in Abkhazia**

*“Just a couple of days ago, they told us in Sukhum that without a passport they will not do tests. In Sukhum, there is a laboratory, where we send the blood samples of pregnant women to test for the presence of viruses. Now we do not know what to do.”*

focus group participant, Gal town

■ **Ability to receive Abkhaz pensions and social benefits**

*“I am retired, my passport was invalidated. Now my pension is suspended. Tell me, please, what to do?”*

focus group participant, village of Okum

Along with practical considerations, many ethnic Georgians mentioned that having a passport affects the moral and psychological state of the population:

*“The lack of passports affects not only the property but also our dignity... Now, when deprived of a passport, I do not know who I am, to what I belong. It is humiliating.”*

focus group participant, village of Okum

Many respondents expressed a desire to integrate more into Abkhaz society and to feel themselves to be Abkhaz citizens with equal rights:

*“I cannot explain how I felt when I received a passport. I was happy and told everyone that I was already a citizen of Abkhazia.”*

focus group participant, Gal town

Ethnic Georgians mostly considered obtaining passports from the standpoint of their rights. However, it was also mentioned that with the loss of Abkhaz citizenship and their passports, people were able to free themselves from some of their civic duties, such as military service, which many local Georgians prefer to avoid.

Local views were divided when it came to evaluating the effectiveness of the authorities in informing the population of the eastern districts about issues relating to the issuing

of passports. Some believed that the relevant services provided all the information necessary to obtain a passport, noting the positive role of the local authorities in this process. Others believed that the officials themselves do not always know the requirements; or that while the information may be available and complete, the requirements for passport applicants go beyond the official list.

A lack of information was discussed by participants mainly in connection with those cases where passports were invalidated or passport applications rejected. Local residents noted that they were not informed about the reasons for their passport applications being rejected, or about the reasons for the cancelling of passports which had already been issued. They also expressed their deep concern over the fact that the process of issuing passports has been frozen without any information on whether it will be resumed, if at all.

It is possible to say that for the residents of the eastern districts the most frustration has been caused by the cancellation of passports. People are concerned as they are not given any documents to replace the passports which have been annulled. They have also not yet been offered another type of legal status (for example, residence permits). Moreover, they do not know what kind of rights may be provided under such a new status. All this creates the impression of a lack of a proper system and an ad hoc way of making decisions regarding the status of ethnic Georgians. This in turn causes a sense of confusion and insecurity over the future among these residents.

The responses of ethnic Georgians to the passportisation situation reflected a more or less unanimous opinion. However, opinions from other areas were more diverse. These opinions, expressed mainly by ethnic Abkhaz, reflected differing attitudes towards the issues of citizenship and the integration of the Georgian population into the wider Abkhaz society. These attitudes can be divided into positions for either restricting or softening the principle idea of the policy.

According to more conservative opinion, the right of the ethnic Georgian population to participate in elections should be limited, while they should maintain all other rights. Supporters of a more liberal approach mainly endorsed measures aimed at creating an Abkhaz civic identity among the residents of the border regions. They emphasised the necessity of a gradual solution to issues relating to citizenship and the importance of differentiated approaches for various categories of residents living in these regions as an alternative to a mass cancellation of passports. The following are suggestions proposed by people from the central and western districts to solving the problems of the legal status of Georgians in eastern Abkhazia:

- Issuing a 'non-citizen' passport to ethnic Georgians: following the Baltic states' experience in defining the rights and responsibilities of the individuals with 'non-citizen' status;
- Recognising ethnic Georgians living in Abkhazia as foreign citizens and issuing them with residence permits with the right to obtain Abkhaz citizenship in the future;
- Opening the possibility of Abkhaz citizenship to all interested residents of living in the eastern part of Abkhazia, and at the same time giving residence permits to the other residents. The necessity of having various categories of residence permits was also mentioned.

Opinions also differed when it came to the issue of those applying for Abkhaz passports having to legally renounce their Georgian citizenship Abkhaz passports. Some thought that Abkhaz passports should not be issued without proof that the applicant had renounced their Georgian citizenship. Others believed that as Georgia does not recognise independence of Abkhazia, it will not issue documents renouncing citizenship to residents of Abkhazia; however, if it was a case of the person acquiring another type of citizenship, such as Russian citizenship for example, then Georgia would be compelled to provide those people with documents proving their renunciation of Georgian citizenship. According to the third kind of opinion, the process should be

based on the ‘presumption of innocence’, meaning that residents of the region should not have to prove that they do not possess Georgian citizenship in order to acquire an Abkhaz passport. However, in case of fraud, where the state finds that a person has an Abkhaz passport and Georgian citizenship at the same time, the person should be punished. Various punishments were proposed such as loss of their Abkhaz citizenship without the right of recovery, deportation, criminal liability, etc.

It was also mentioned that Gal residents themselves should make the choice to integrate and request Georgia to give them official permission to renounce their Georgian citizenship. The respondents thought that this could be a significant step towards restoring trust between ethnic Georgians and the rest of the population of Abkhazia, because it would demonstrate their orientation towards the Abkhaz society and state.

Interestingly, while respondents held different views on this topic, their views coincided on the basic principles which should underpin the basis of the policy towards the population of the eastern districts. However, in-depth interviews revealed differences in the understanding of those principles, which sometimes reached the level of diametrically opposed interpretations as discussed below.

**“All should be done according to the law.”**

The study showed that different interpretations exist around the legitimacy of the Abkhaz authorities’ actions. Some think that as Abkhaz law does not allow residents of Abkhazia to hold dual citizenship (except for Russian), all Abkhaz passports belonging to those who hold Georgian citizenship (assumed to be the majority of population of eastern Abkhazia) should be taken away and rendered invalid. These people feel that the population of eastern Abkhazia should be required to comply with the Law on Citizenship of 2005 and think that their assumptions about the residents of the region having Georgian passports are sufficient grounds for their Abkhaz citizenship to be withdrawn.

Others emphasise that the amendments made to the Law on Citizenship have a political character, and therefore it is not possible to ignore that the situation is politically motivated and to refer only to the legislation. The existing legislation, in their opinion, is contradictory and does not fully address the problems with obtaining citizenship as it does not cover all aspects. For this reason it is necessary to harmonise all the articles of the law on citizenship; however, before that can happen, a political decision must be made as to who is eligible to become an Abkhaz citizen.

**“A citizen of Abkhazia cannot be a citizen of Georgia at the same time.”**

Materials collected during the focus group discussions and interviews show that nearly all the respondents who did not have Georgian ethnicity consider Georgia to be a threat, both politically and militarily. However, they recognise that the military threat has been reduced since 2008. It is a common opinion that the conflict with Georgia is still not resolved. This claim mainly relates to Georgian policy in that Georgia continues to insist that Abkhazia is an integral part of its territory and has not abandoned plans to retake it; the fact that Georgia has not signed an agreement on the non-use of military force is considered to be serious grounds for prohibiting dual citizenship with Georgia. One respondent said:

*“If Georgia recognises the independence of Abkhazia, we could relate to the issue of citizenship on different grounds.”*

a public figure, Sukhum

The study showed that the people who had the most conservative attitudes towards the citizenship of ethnic Georgians, in many cases considered that the holding Georgian citizenship by ethnic Georgians signifies a rejection of the idea of an independent Abkhaz state. However, many people recognised that some residents of the eastern districts are compelled to apply to the Georgian authorities for such documents in

order to get access to the Georgian social security and health care system, because Abkhazia, especially in the post war period, has had serious difficulties in these areas.

Those who held conservative attitudes emphasised that Georgia has tried, and will try again, to influence the political process in Abkhazia by using the residents of the border regions as a ‘fifth column’:

*“We cannot ignore the fact that our country has an opponent, Georgia, and it is supporting Georgians living in Abkhazia; the Gal region has a special position in Abkhazia.”*

**oppositionist, Sukhum**

Supporters of this opinion say that the majority of acts of sabotage (on the part of Georgia) take place in the Gal district. They underline that Gal residents are politically oriented towards Georgia; identify themselves with it in the context of the Georgian–Abkhaz conflict; participate in Georgian elections; and live in its informational space, etc. They also say that ethnic Georgians identify themselves with Georgia and will undermine the attempts of Abkhazia to create a political nation on the basis of an Abkhaz civic identity:

*“For the last 20 years, the Gal region has not established an openly pro-Abkhaz force, although several thousand people say they are citizens of Abkhazia, and that they are Abkhaz.”*

**veteran, Sukhum**

According to some, many residents of the border area have a consumer attitude towards Abkhaz citizenship and consider it a tool which allows them to apply for Russian citizenship.<sup>9</sup>

Those supporting this approach think that a huge effort from the Abkhaz side is needed for the social and political reorientation of ethnic Georgians towards Abkhazia, before the granting of Abkhaz citizenship to the ethnic Georgians can take place. Some conservative minded respondents of Abkhaz society understand that the residents of the border regions may fear possible retribution from Georgia (recalling the assassination in 2007 of the former Chairman of the Electoral Commission in Gal district, David Sigua, presumably carried out by Georgian intelligence services). However, they think that the situation has changed since 2008 and that the Gal population has to make a formal choice for their citizenship:

*“They are worried about what will be said in Georgia, but they should think about how they are perceived in Abkhazia.”*

**independent journalist, Sukhum**

One of the arguments for limiting the granting of Abkhaz citizenship is the assumption that, if it becomes necessary to protect Abkhazia from a possible attack from Georgia, people in the border area will either remain on the side or even take the side of Georgia.

A counter argument, which promotes a more inclusive approach, is that in 1993, during the Georgian–Abkhaz war, the vast majority of the Gal population did not support Georgia and did not fight against the Abkhaz. The population of the Gal district did not support Georgia during the August war in 2008 either. Supporters of an inclusive approach consider that the Gal residents should not be punished for being dependent on Georgia in terms of social protection and health care, etc. because the resources of Abkhazia have been quite limited for many years, and this has not allowed the authorities to meet the needs of the population. They think that if the major part of the population of eastern Abkhazia were to be legally recognised as citizens of a rival country [i.e. Georgia] with only Abkhaz residence permits, and not as Abkhaz citizens, the consequences of this situation for Abkhazia would be very bad for the following reasons:

<sup>9</sup> At present, the mass granting of Russian citizenship to residents of Abkhazia (regardless of their ethnic identity) has been suspended.

- without Abkhaz citizenship, these people would gradually alienate themselves from the Abkhaz state, and they would only be connected with it as a place of birth or a place of residence;
- they would increasingly see themselves within the framework of another civic identity and be oriented towards Georgia in terms of seeking protection.

Some considered that, for residents of Gal, obtaining an Abkhaz passport would be a recognition of their equal rights:

*“What kind of state is it where an ethnic group is isolated?”*

official, Sukhum

They believe that the political disputes and arguments often forget about the human relations aspect, which under many circumstances are quite complex:

*“A one size fits all approach is impossible. These are people with their own lives.”*

focus group participant, Gagra

### **“Ethnic Georgians of Abkhazia should be integrated.”**

Generally, the study showed that the dominant opinion in Abkhazia is that the population of the border regions should be integrated. Some participants of the discussions in the central and western regions mentioned that much time was lost not only because of the constant destabilisation of the situation in the Gal district by Georgia but also because the Abkhaz side, for 20 years after the war, was unable to develop a serious vision for the Gal district on which both the residents of Gal and the rest of the population of Abkhazia could agree. However, there is no common public opinion about whether the issuance of passports should be a prerequisite to integration or whether it should be a result of it.

Supporters of a conservative approach think that before giving Abkhaz citizenship to the majority of ethnic Georgians, huge efforts for improving the economic situation in the border regions should be undertaken; in such a case, the local residents would not have to depend on Georgia and would be more connected to Abkhazia in terms of their social security and healthcare. They also place great emphasis on the education system which can teach history from the Abkhaz point of view and educate young people to be loyal citizens of Abkhazia.

Those respondents placed especial emphasis on the necessity of improving the teaching of the Abkhaz language in the schools of the border regions. Moreover, many of them mentioned that the Law on Citizenship requires a knowledge of the state language and the Constitution, and that this requirement is being ignored at present. It was also mentioned during the discussion that knowledge of the Abkhaz language cannot alone guarantee loyalty. They cited the example of the Svans (ethnic Georgians) from Otkhari (former residents of the Gudauta region) who were well integrated into Abkhaz society and knew the Abkhaz language very well, but during the war in 1992–1993, fought against the Abkhaz.

Supporters of an inclusive approach also spoke about the importance of education, teaching history and the Abkhaz language, economic incentives, social protection and creating favourable conditions for accessible and quality health care. However, they also considered that the granting of citizenship, and the implementation of integration measures, should take place in parallel. They underlined that this approach does not envisage granting citizenship to all ethnic Georgians without exception. They support the actions of the Abkhaz authorities (and the international community), which would facilitate a voluntary and conscious choice on the part of Gal residents for acquiring Abkhaz citizenship. This would create conditions in which the residents of the region would fulfil their civic responsibilities towards Abkhazia and feel themselves to be citizens of Abkhazia with equal rights and to be fully a part of Abkhaz society:



*“Creating obstacles for people while creating an independent Abkhaz state, does not correspond to either the interests of these people, or to the interests of Abkhazia. The rejection of these people reduces the level of confidence and creates conditions for the formation of negative images of the state in which they live.”*

a public figure, Sukhum

For the supporters of a more inclusive approach, it is clear that loyalty cannot be achieved through exclusion. They spoke about the risks related to passportisation when it is not accompanied by measures for the integration of the population:

*“When the problems of registration and social support are not solved, civil identity is undefined, and legal procedures for choosing citizenship do not exist, the general passportisation does not solve many pressing issues but only creates such visibility. If passports are given to everyone, some people who are hostile to the Abkhaz state can also become Abkhaz citizens.”*

a public figure, Sukhum

Those supporting the idea of integrating the ethnic Georgians of eastern Abkhazia considered it necessary to:

- gain international recognition of their return to Abkhazia;
- attract international assistance for their social support and remove them from the list of Georgian refugees/internally displaced people;
- develop measures for ensuring their movement outside Abkhazia;
- create and improve educational programmes and textbooks for schools in Gal; strengthen the teaching of both the Abkhaz and Russian languages;
- include residents of border regions in common Abkhaz events;
- implement economic projects connecting the Gal region with the rest of Abkhazia.

The participants of these discussions considered the ethnic Georgians who study at Abkhaz universities to be special group as they are mainly integrated, socialise well among students, have a good command of the Russian language and can provide a link between the residents of the border areas and the rest of the population of Abkhazia.

Many participants also highlighted the fact that some of the Georgian population of eastern Abkhazia are the descendants of ethnic Abkhaz from the historic region of Samurzakan (modern-day Gal district) who were assimilated into the Megrelian (Georgian) population during the Soviet period. As one of the respondents said:

*“If historic nationality were returned to the Abkhaz, then out of the 30,000 residents of the Gal region, only up to 10,000 would remain Georgian. They would feel more respected than now.”*

a Member of Parliament

The majority of the ethnic Abkhaz respondents considered that individuals of Abkhaz descent from the eastern part of Abkhazia, who are willing to recover their ethnic Abkhaz identity and ancestral family names, should have the opportunity to do so and, moreover, that such actions should be encouraged. They suggested expediting the process of acquiring Abkhaz citizenship and the corresponding documents with their recovered family names for this category of residents.

### **“Passportisation should be depoliticised.”**

The majority of participants felt that excessive politicisation of the passport issue hinders the Abkhaz from making rational decisions to ensure greater security. Many people alleged that the election process influenced the discourse around the issue of passportisation. Some believed that one way to depoliticise the issue could be to redistribute the roles and responsibilities around decisions on granting citizenship. Others believed that the strict implementation of the law is the way to depoliticise the issue (different understandings of what is legitimate have been discussed above).

Still others believe that it will take time to develop a policy towards the inhabitants of eastern Abkhazia which would be acceptable for Abkhaz society, in terms of adopting relevant laws and regulations (residence permits), to verify the legality of the issuance of passports and, if necessary, to replace them with other documents. During this time, elections will take place at various levels. In connection with this, some respondents suggested to think about how to exclude the influence of the electoral process on the development of solutions to this complex issue.

## 2

## Opinions about crossing the Georgian–Abkhaz border

**THE DISCUSSIONS ABOUT THE POSSIBLE LEGAL STATUS** of the ethnic Georgians of eastern Abkhazia revived a debate about the type of regime which exists at the Georgian–Abkhaz border. In general, the opinions of ethnic Abkhaz about opening cross-border control points along the Ingur river were varied. Some referred to the fact that it is a state border with a hostile country, and therefore the border should be closed. Others believed that the opening of crossing points will allow for better control of the situation and minimise the number of illegal crossings. However, they acknowledged that the amount of people crossing the border is particularly high.

The prevailing opinion among ethnic Georgians is that the residents of the border regions, for various reasons, should be able to travel to Georgia freely and legally. Despite the fact that the majority of respondents did not say that the primary reason for having an Abkhaz passport was to be able to legally cross the border, nevertheless, they believe that having this possibility is currently a vital necessity. They listed the following reasons as to what motivates residents of the eastern districts to travel to Georgia:

■ **An opportunity to buy food and essential goods at more affordable prices**

*“If we have to go to Gal, it is first of all expensive and secondly too far.”*

focus group participant, village of Nabakevi/Bataiguara

■ **Receiving Georgian pensions and allowances**

*“You know that here we get a pension of 500 roubles. Ask yourself, how can it be enough for us for a month? When we receive the Georgian pensions and allowances, with them all added together, we can somehow make ends meet.”*

focus group participant, Gal town

■ **High quality and timely medical service:** Respondents mentioned that the situation in the Central Hospital of Gal has improved in terms of personnel and equipment. However, many types of medical services are not available there:

*“Often they cannot help on the spot; sometimes they face operations that cannot be made here. Of course, it would be good if they could do it in the hospital. This would also be convenient for the people. But today, there is no such possibility and one cannot risk their life.”*

a respondent, Gal town

In addition, local residents noted that in Georgia they can receive free medical care.

- **Possibility of keeping in touch with relatives in Georgia;**
- **Possibility of getting income from running small businesses;**
- **Possibility of receiving education from schools and universities in Georgia.**

The results of the study showed that the inhabitants of the eastern districts cross the Georgian–Abkhaz border quite often:

*“A member of the family has to cross the border at least once a week.”*

focus group participant, Gal town

The respondents noted that in the period preceding the campaign to revoke the passports, they had no problems in crossing the border because the system of having to obtain a special pass to cross the border had been abolished. However, due to the confiscation of passports which have been annulled during the past few months, many residents of the border region avoid traveling to Georgia, because their passports can be confiscated by the Russian border guards when they are crossing the border. Local residents mentioned that this has started to affect the income of their families and their access to health care, etc. quite considerably. Some of the residents still cross the border, but they do so illegally, despite the fact that it carries certain risks (fines, detention):

*“Due to the fact that many people in our village do not have Abkhaz passports, they often cross the border illegally. Often they are detained and have to pay a fine of 1,200 roubles. As you know, not everyone can pay this amount several times a month.”*

focus group participant, village of Nabakevi/Bataiguara

Parents, whose children have Georgian birth certificates, are afraid to cross the border at the designated locations as Georgian documents have become the basis for the confiscation of Abkhaz passports. In these conditions, even those who believe that their documents are in order prefer to temporarily refrain from travelling; but they are concerned that they remain without their livelihoods and that they cannot communicate with close relatives who live on the Georgian side.

A lack of information, and unclear prospects for obtaining Abkhaz passports, results in anxiety among residents of the eastern districts over a possible tightening of the border regime. People believe that since the arrival of Russian border guards, there has been better discipline and order at the border. As a positive factor, they note the absence of discrimination on an ethnic basis, even though the discipline and order are not perceived in a positive manner by everyone.

The local population believes that there are few problems with crossing the border at the central and upper crossing points, except for perhaps periodic queues appearing at the main bridge over the Ingur river.

Respondents in the lower zone of the Gal district, on the other hand, said they are afraid to cross the border at the checkpoint in the lower zone even when their documents are in order. It is possible that an atmosphere of unease is created by persons crossing over illegally to the lower zone from the Georgian side as the border guards are then involved in searching out and identifying them. As the population often has no reliable information about activities carried out by law enforcement or border authorities in their neighbourhoods or villages, they treat any action by them with wariness.

In general, the discussions in the Gal district showed that the degree of dependence on crossing the border for their livelihood is quite high for many of the respondents. Due to the absence of alternatives for adequate social protection, health care and opportunities to earn a living, limiting the possibilities for crossing the border puts many residents of the region in a difficult position. Some local residents have noted that they are ready to get any legal document from the Abkhaz authorities (such as

residence permits) to be able to cross the border easily and to not feel stress due to the vagueness of their status in Abkhazia.

The discussion around this issue in the central and western regions of Abkhazia showed that the ethnic Abkhaz hold common opinions on the issue of traveling to Georgia. Supporters of conservative, as well as liberal, approaches towards passportisation were equally concerned with the amount of crossings made by the residents of the eastern districts at the Georgian-Abkhaz border. They were also concerned about the fact that many non-ethnic Georgian residents of other regions of Abkhazia travel to Georgia. They considered the main reasons for visiting Georgia by Abkhaz citizens of non-Georgian ethnicities to be for the opportunity to get cheap and high quality medical services and for trading. When participants from western and central Abkhazia were asked about their perceptions of the causes that motivate citizens to travel across the border to Georgia, their answers coincided with those of the people from the Gal district.

Participants from the central and western regions were concerned about the high number of border crossings while Abkhazia is still in a state of unresolved conflict with Georgia (respondents quoted official information and said that the border was crossed 80,000–125,000 times over a period of 3 months).<sup>10</sup> Some respondents said that as Abkhazia did not have sufficient resources for providing adequate living conditions in the region, Abkhaz authorities allowed the population of eastern Abkhazia to cross the border every day. However, during the discussions, the majority of the Abkhaz agreed that maintaining this practice is dangerous. In this regard, they mentioned the following threats:

- **Ideological influence on population:** The danger of residents of Abkhazia being recruited by Georgian special services:

*“Any individual crossing the border can pass along information, which can be used against us.”*

focus group participant, Gagra

- **Sabotage and terrorism threats:** In this case, the participants referred to threats related to military groups from Georgia and other means of provocation:

*“Who is sure that the vegetables that we buy from there are not poisoned?”*

focus group participant, Gudauta

However, some participants noted that the military threat significantly declined after the recognition of Abkhaz independence by the Russian Federation:

*“There are Russian border guards standing together with our border guards to protect our peace. In 2008, for the first time in 20 years, we began to sleep peacefully.”*

former official, Sukhum

- **Intimidation and repression against ethnic Georgians who are loyal to Abkhazia:**

Participants cited the arrest and detention in Georgia of two senior officials of local administrations from the Gal region. One respondent, who had working experience in the Gal region, noted that in the border area there are people who are afraid to go to Georgia as they may be prosecuted for cooperation with the Abkhaz authorities and for assisting the Abkhaz side during the Georgian–Abkhaz war;

- **An attempt to spread the jurisdiction of Georgia onto Abkhazia through the issuance of Georgian passports to residents of Abkhazia,** including to those people who are receiving free medical care. In this regard, it was mentioned that the Georgian authorities deliberately encourage residents of Abkhazia to visit Georgia, and they do not create any obstacles at the border crossing;

<sup>10</sup> According to the Ministry of Foreign Affairs of Abkhazia, during the period of January–March 2014, 125,000 border crossings were made at the Georgian–Abkhaz border.



### ■ An attempt by the West to integrate Abkhazia economically

*“Today, the US and the European Union and Georgia are doing everything they can to draw us into and integrate us into their markets.”*

former official, Sukhum

### ■ The risk of undermining the Abkhaz economy

*“We destroy our production by importing goods and products from there.”*

focus group participant, Sukhum

Apart from the concerns mentioned above by members of society from the central and western regions, there are other opinions – that the border should be closed completely or that the number of border crossings should be strictly limited. Many people referred to the fact that since Georgia and Abkhazia have not signed an agreement on the non-use of force, they are still in a state of war. It was also mentioned that Georgia hampers the free movement of Abkhaz citizens to third countries (Europe, the US), while requesting the free movement of people from Abkhazia to Georgia and back.

Considering all the concerns mentioned above, some participants of the discussions said that they would support a complete closure of the border until Georgia recognises the independence of Abkhazia, or until they sign a bilateral agreement on the non-use of force:

*“By going there we betray our country. And in relation to ethnic Georgians, I’d still be for the border closure, until Georgia signs the agreement.”*

focus group participant, Gagra

However, the dominant opinion was that it is not only impossible to close the border completely but also unreasonable, because the population of the border regions have problems of both a humanitarian and a social nature. However, most Abkhaz mentioned that the regime at the border should be made stricter along the whole length of the border in accordance with the requirements of an unresolved conflict.

There was more or less a consensus among people of the central and western regions about the conditions in which residents of Abkhazia should be allowed to cross the border. These cases are when medical care or visits to relatives are required. They spoke not only about restrictive measures but also about the creation of conditions in Abkhazia, which would reduce the need of the residents in the border regions to travel to Georgia. They mentioned the following conditions:

### ■ Improving the quality of medical care in the region

*“There are doctors from the Gal region living on the other side of the border and we have to call them to come here. Many young people have graduated from the medical institute and are unemployed.”*

a former official, Sukhum

### ■ The opportunity to study in Abkhazia

*“There should be some incentives for young people, to make them want to study at the Abkhaz State University.”*

*“Young people should study Abkhaz and Russian languages to avoid having language barriers.”*

focus group participant, Sukhum

### ■ Social protection

*“If the problem of an acceptable social status for the residents of the Gal region were solved, the necessity of crossing the border would be limited to communication with relatives.”*

a public figure, Sukhum

**■ Economic development of the border region**

*“Their business should be supported to make it advantageous to develop economic ties within Abkhazia.”*

focus group participant, Gagra

There are two main opinions about cross-border trading. Some believe that the import of goods, especially agricultural products, from Georgia to Abkhazia undermines the economy of Abkhazia by affecting local producers. Others doubt that this process can be stopped, but believe that the process should be legalised, as up to this point it has formed part of the underground economy and it is time to change this.

## 3

## The relationship between the population and the law enforcement agencies

**IT CAN BE ASSUMED** that the perception of the law enforcement agencies by the residents of the border districts is influenced by the fact that the issuance of passports has been suspended, and some passports have been annulled. According to the local residents, they feel quite vulnerable due to this situation.

During the discussions in the central and western regions, participants were not only from the general public but also from political parties and law enforcement agencies. These groups discussed the work of the law enforcement agencies both in the border regions and throughout Abkhazia more generally. During the discussion, the level of interaction with the population and also the effectiveness of the law enforcement agencies were criticised.

Among the factors undermining the effectiveness of the police, the representatives of the law enforcement bodies mentioned some external (contextual) as well as internal (interdepartmental) factors.

The most obvious and significant external factor, according to the representatives of the law enforcement agencies, was an unwillingness of the local population to cooperate with police and to prevent crimes. Participants who were not representing the police also mentioned this fact. However, opinions differed over the reasons behind this unwillingness to cooperate. The representatives of the law enforcement agencies mentioned that the following reasons had the primary importance:

- **Legal nihilism in society, a preference to solve problems in an extra-judicial way**

*“Everyone dreams about having a system where people can count on justice being done. But to make this happen, all stages should be observed, starting from the introduction of a complaint until the case is brought to the court. But it is difficult to find witnesses here, nobody wants to give testimony.”*

a representative of the Ministry of Internal Affairs – 1

- **Ties with relatives**

*“Today, if a citizen is brought to the police office, it is believed that his authority is lowered. We start to be accused of behaving incorrectly. One after the other – relatives, advocates and protectors ... do not let us work with a person. It happens that if a person is delivered to the police, within five minutes, a lot of people come.”*

focus group, law enforcement official, Novy Afon

- **Telephone justice:** that is, calls from those at the 'the top' with the purpose of influencing the legal actions of the law enforcement bodies:

*"If a policeman detains or stops someone, less calls should be made from the top."*

representative of the Ministry of Internal Affairs – 2, Sukhum

Representatives of law enforcement agencies pointed to a tendency towards unofficial processes, and even the influence of a criminal mentality, on the consciousness and behaviour of people, in particular the youth. They attributed this to various factors including the collapse of the Soviet system, the consequences of war and the post-war hardships as well as disadvantages faced by young people in their educational upbringing.

People from Sukhum and Novy Afon not representing law enforcement bodies did not deny the above reasons. However, they emphasised that informal means of solving problems are primarily the result of a lack of confidence among citizens in the effectiveness of the law enforcement bodies. Among the factors influencing the degree of effectiveness of the law enforcement agencies, they cited the following:

- A low level of professionalism on the part of law enforcement personnel, especially in those of the lower ranks;
- The random selection of staff for the police force, including people who do not understand their role as law officials;
- Evidence of corruption in law enforcement bodies;
- A lack of motivation among policemen, due to low salaries;
- A lack of modern equipment and technologies for the investigation and prevention of crimes.

The representatives of the law enforcement agencies mentioned the following main factors hampering the effective operation of the police:

- Low salaries and an absence of adequate social security for police officers, which is an obstacle to the recruitment of staff who correspond to actual needs or to attracting educated, professional and suitable people;
- Poor material and technical resources, and a lack of modern technologies for conducting operational work;
- Low support from the upper levels of authority when there is external pressure on representatives of the law enforcement.

Despite the complexities of both a subjective and objective nature, representatives of the law enforcement agencies observed a positive dynamic in the work of the police, which is reflected in official statistical data on the growth in the crime detection rate:

*"Yes, we probably have problems, but today the crime detection rate is almost 44% which is not bad."*

representative of the Ministry of Internal Affairs, Sukhum

Citizens from the central and western regions had different opinions on this issue: some thought that recently the situation had become more or less stable; others said that the positive changes were not as obvious, as despite the official announcement that the crime detection rate had increased, it did not automatically mean that the number of crimes had reduced overall, because many crimes continued to go unreported. It is often asserted that despite the increased number of reported crimes, society on the whole has not developed an awareness of the fact that crime carries with it the inevitability of punishment. However, the main reasons for this are connected with the fact that the enforcement of law and justice is often applied selectively.

According to the results of the study, the assessment of the effectiveness of the law enforcement agencies and the level of public confidence towards them is basically the same in eastern Abkhazia as in the other regions. They also mentioned negative factors, such as a criminal-like mentality among some of the local population:

*“Here they love to sit around for 24 hours gambling and acting like ‘cool guys’.”*

focus group participant, Gal town.

The opinion of the residents of the border regions had its own nuances; for example, along with mistrust, participants often mentioned a fear of the police:

*“We are afraid of them. Even if something should be said, we are trying to be silent and say nothing.”*

focus group participant, village of Papinirkhua/Saberio

Some residents, especially from the lower zones of the Gal region, recalled cases when the police would not come to the scene of a crime, especially at night. They mentioned that there were cases when the police even encouraged the residents to bring a criminal to the police department that they had caught themselves.

Local authorities who took part in the discussions confirmed that there were cases when, during the night, the police would not come to the scene of a crime, especially if the crime was committed in the more lightly controlled lower zone of the Gal region. The lack of response in the night is connected with the fact that the police are understaffed, have insufficient technical resources and consequently feel vulnerable when facing criminals and possible attacks from saboteurs from the neighbouring territory (Georgia):

*“During the night the policemen do not come, especially into lower zone, because they can be attacked.”*

an official, Gal town

*“It should be mentioned that we do not pay adequate attention to the Gal region, but this is physically beyond our capacities. We are not sufficiently equipped. We have problems with understaffing and therefore some aspects of the job remain unfulfilled.”*

policeman, Gal town

Participants from Sukhum spoke about the absence of a response from the law enforcement agencies in cases of family conflicts or domestic violence. This was explained as being due to the specific local mentality, according to which conflicts in the family are considered to be exclusively personal issues. In such cases the police behave passively. At best they would suggest to the members of the family to settle the conflict between themselves, but cases of domestic violence, as the discussions showed, are rarely recognised as illegal actions.

Discussions conducted in Gal district about the responsiveness of law enforcement agencies also indicated that for the local population an ‘absence of response’ often refers not only to situations when the police do not arrive at the scene of the crime but also can also refer to situations when, due to some particular reason (limited technical resources and understaffing/low professionalism of some employees/a danger of attack from a military groups from Georgia, etc.), the police were not always able to meet the needs of the victims – that is, return what was stolen, detain a criminal, bring a case to the court, etc. As the population does not believe in the guarantee of punishment and in justice being done, the residents often do not see the point in addressing the law enforcement bodies.

When speaking about the police, the participants also referred to the prosecutor’s office, the court, etc. of which they also do not have high expectations, and their critical perception of these bodies was projected onto the police as the most visible structure.

As for the category of residents addressing the police for help, and the problems that they face from the law enforcement agencies, the collected material additionally shows that many citizens prefer to solve their problems ‘informally’. According to residents of Sukhum, only the most vulnerable members of the population who cannot rely on relatives for help, go to the police for help in case of theft or robbery. They often address the police when there is a dispute over property. Some considered an increase in the number of people from the Russian-speaking population who go to the police to



be a result of the fact that these citizens feel more confident after the establishment of a Russian Embassy in Abkhazia as it is seen by citizens as a necessary support that they can go to if needed.

Participants of focus groups in Novy Afon and Sukhum mentioned that people often address the police in order to complain about members of the various law enforcement agencies. Presently, along with the police phone-line, there is also a hotline which can be used by citizens if they want to inform about a violation of the law. The representatives of the police described how citizens often called about violations from the side of law enforcement, but never when they witnessed a violation made by a citizen. According to the chairman of the Ministry of Internal Affairs, in 2013 34 people were fired from different law enforcement agencies (including the traffic police), which confirmed the opinion of ordinary citizens about the low level of professionalism among the law enforcement personnel, particularly in the lower ranks. However, this also shows that work is being carried out inside the agencies for improving discipline and professionalism. Representatives of the Ministry of Internal Affairs who participated in the discussions, said that the least professional parts of the present personnel of the law enforcement agencies are gradually being replaced with people who have graduated from special educational institutions. It was also mentioned that today there is a possibility to be admitted into Abkhaz, as well as Russian educational institutions for training police.

Discussions in the Gal district showed that local residents address law enforcement agencies mainly about issues related to obtaining passports or other documents, because they do not count on their support in solving other problems. Some people mentioned that they address the district policeman:

*“Well, most often the district policeman is addressed, because he is closer to the population, and often initiates contacts with people himself.”*

**focus group participant, village of Papinirkhua/Saberio**

Despite the fact that, during the last few years, the situation in the region in terms of security and in terms of inter-ethnic relations has improved significantly, it can be concluded that the unresolved conflict continues to influence perceptions of different ethnic groups towards each other. Given the fact that the law enforcement bodies in the border region are mainly represented by ethnic Abkhaz, this also influences the perception of the law enforcement agencies by the local population.

The local Georgian residents understand the complexity of the problems caused by the Georgian–Abkhaz conflict:

*“The ethnic question will be with us for a long time.”*

**focus group participant, Gal town**

However, in their responses, they did not speak about the last war as a source of tension, nor of the destructive impact on the situation caused by the unresolved Georgian–Abkhaz conflict. This on the one hand could be seen as evidence that one part of the population wants to build their mutual relations with the Abkhaz in the context of an internal Abkhaz agreement, and, therefore, they abstract themselves from the external context. Others likely associate themselves with Georgian interests, but for understandable reasons are not ready to speak about it openly. In any case, people tried to avoid the topic of the wider Georgian–Abkhaz conflict.

By contrast, some Abkhaz working in the Gal region emphasised their lack of trust towards the local population. They related this to both the war and to the post-war activities of Georgian partisans in the border regions of Abkhazia, which resulted in many members of the Abkhaz law enforcement agencies being killed or wounded. In such complex conditions, the population was reluctant to cooperate with the law enforcement agencies. Also, many law enforcement officials complained about cases of local residents hiding outlaws in their houses. This has not been conducive to creating

stable conditions in the Gal region or to establishing trust between the law enforcement agencies and the population:

*“The population hides kidnappers for two reasons: fear of criminals and the mentality that we will not hand over our people to the Abkhaz.”*

an official from Gal region, ethnic Abkhaz

Apart from the reasons mentioned above, the residents of the Gal region also fear reprisals from the Georgian side. Although they did not elaborate on the topic of pressure from the Georgian side on the local Georgians who cooperate with the Abkhaz authorities, and they did not explain in what form the pressure manifests itself, some of them admitted that one of the reasons for the reluctance of people to interact with the Abkhaz authorities, and in particular with the police (including an unwillingness to work in the police force), was a fear of the Georgian side:

*“When our people start working here, the Georgian side starts to see them as enemies. So, our people try not to work for the authorities.”*

focus group participant, Gal town

*“Some people wanted to work, but the Georgian side influenced them.”*

focus group participant, village of Papinirkhua/Saberio

A new factor negatively affecting the criminal situation in the border region is related to criminals arriving from Georgia following the amnesty in 2013 which saw hundreds of prisoners being released under the new Georgian government:

*“After the election of the new government of Georgia, and the amnesty announced by them, the situation has radically changed here. The individuals from Gali who were released from prison returned here and are continuing their dirty tricks.”*

focus group participant, Gal town

Despite their complaints about the law enforcement agencies, the participants of the discussions in all the regions generally believed that there should be more interaction between the law enforcement agencies and the population. In the context of the Gal region, the local population especially emphasised the importance of the principle of equality before the law, regardless of ethnicity, and demanded honesty from the law enforcement agencies:

*“The law should not have nationality; the law should be the same for everyone; and members of the law enforcement agencies should not violate it themselves.”*

focus group participant, Gal town

Participants in the eastern regions had mostly positive opinions about the idea of conducting meetings with representatives of various law enforcement agencies to exchange ideas about the needs of the population. However, they did not hold much hope that the other side would be mutually interested. One participant said:

*“If there will be not fear and if they will manage to gain our trust, we will find a common language.”*

focus group participant, Gal town

The responses of the participants were contradictory to some degree. For example, despite allegations that there is little trust towards the law enforcement agencies, some people still saw them as a source of protection. People from the village of Papinirkhua/Saberio said that they were interested not only in meeting representatives from the law enforcement agencies but also in increasing the police presence in their village so that it would be more consistent and effective: *“It would be good to have more policemen”; “It would be good if there was a permanent police station in our village”; “What matters is the quality and not the quantity of the work”; “Their presence is important, even if they do nothing”.*

Residents from the Gal region had a mostly passive position. They did not consider that they could do something from their side to improve their relationships with the

law enforcement agencies and their security situation. However, participants of one of the focus groups had hopes about the possibility of future interactions with the law enforcement agencies through the local administration, which indirectly speaks about more confidence in the latter.

*“The population cannot do anything. In the best case, the population can address the local administration with an initiative to develop a form of cooperation with the police and the local residents.”*

focus group participant, village of Papinirkhua/Saberio

The representatives of the law enforcement agencies had a more optimistic assessment of their relationships with the population of the region, saying that a more positive dynamic could be observed during the past few years:

*“I travel to the villages of lower and upper zones [of Gal] three times a week and I can see the attitude of the population. I meet the residents, the heads of the administration ... We come to help and if things go well, the population feels better...”*

a representative from the police, Gal town

The residents of the eastern areas of Abkhazia said that their attitude toward the law enforcement representatives of both Abkhaz and Georgian ethnicities was the same. It should be noted that the number of ethnic Georgian officers is very low, and they usually only hold low-level positions. One of the respondents mentioned that: *“Sometimes the local people [i.e. residents of the Gal region] are harsher towards the population than the Abkhaz”*. Another explained that, by doing so, they are trying to gain the favour of the Abkhaz side. Generally, everyone believes that if the quality of the work of the law enforcement agencies is not improved, simply recruiting local people into the police force is not likely to change the perception of the police by the population:

*“Georgian or Abkhaz, there is no difference. If one works for the police, he becomes an entirely different person.”*

focus group participant, village of Papinirkhua/Saberio

The fact that there are very few people among the local population willing to work for the police is not only due to a fear of revenge from the Georgian side as some people identified themselves with the Georgian side in the Georgian–Abkhaz conflict and not simply as ethnic Georgians:

*“Our people have the mentality that if they start working for the police, they will betray the Georgian side.”*

focus group participant, village of Papinirkhua/Saberio

However, apart from solidarity with Georgia, among some of the population there is also a lack of belief in the possibility of being able to have a good career within the law enforcement agencies of Abkhazia:

*“Which positions? Who will appoint them to any position, when the trust towards Georgians is equal to zero.”*

focus group participant, Gal town

The fact that local residents are more willing to work at the court, or at the prosecutor’s office, proves that working for the police is considered to be less than prestigious, while the work of the police in the border regions in conditions of unresolved conflict is associated with high risk.

For obvious reasons related to the past military events, the post-war sabotage activities of Georgian partisans and, in general, the unresolved conflict with Georgia, law enforcement officers working in the border areas still hold the mentality of the war times in their attitude towards the local population, despite the changes in political realities since 2008. However, the creation of a stable situation for the residents of the region, and also for the representatives of the law enforcement agencies working there, is impossible without creating first an atmosphere of trust. The residents should have

confidence that the Abkhaz law enforcement agencies protect their rights and provide security. The police should have an interest in ensuring that residents do not feel fear towards the law enforcement agencies, and they should have confidence that criminals will be punished for a crime or an offense. Only this will create a blueprint for closer cooperation between all stakeholders in the creation of a safe environment in the Gal region.

In practically all the regions of Abkhazia where the discussions were conducted, the participants spoke about the ‘specifics’ of the local mentality, saying that these do not help facilitate the promotion of cooperation between the citizens and the law enforcement agencies. However, we can assume that it is mainly the perception of the law enforcement agencies as repressive bodies, which acts as a major obstacle for overcoming the gap between society and law enforcement. If the law enforcement system evolves towards becoming a service-centred organisation in the context of respect for human rights, it will inevitably rely on the cooperation of all the stakeholders in society. For citizens, it is far more acceptable to cooperate with those whom they perceive as working for society, since many respondents acknowledged that society is generally predisposed towards obeying the law.

According to participants, it is necessary to draw attention to the serious problem of the chronic shortages of staff in the police agencies, which prevents them from being able to fully restore the institution of district inspectors. They could use this institution as a basis for building a more trusting relationship between the public and the law enforcement system. While most participants of the discussions did not know who their district inspectors were, many believed that restoring the institution would be beneficial. There was also an opinion that citizens, who may have forgotten about their relationships with the district inspectors during the post-war years, may find their reappearance suspicious. Therefore, a widespread informational campaign must accompany any steps the law enforcement agencies make towards greater interaction with the public.

Better information for the public about the activities of the law enforcement agencies is quite relevant at present. For example, while the public can learn about incidents and arrests of criminals from TV broadcasts, they are not informed about disciplinary measures or other types of sanctions that exist to tackle law enforcement officials who have exceeded their authority or breached the law.

As a representative of the Ministry of Internal Affairs said, public control over the activities of law enforcement is like a “popular rumour” at best. However, if we talk about a system of social control, according to several respondents including the MIA officials, the experience of countries where public institutions control the activities of law enforcement agencies could be used.

When speaking about the urgent need for reforming the law enforcement system, people in Sukhumi and Novy Afon emphasised the usefulness of international experience, considering the size of Abkhazia, its post-war legacy, the unresolved conflict, and the multi-ethnic structure of society.

It is important to orientate the law enforcement system towards a service-based approach and also to orientate society towards an understanding of the workings of the legal system. This needs to be accompanied by a technical as well as a technological modernisation of the law enforcement structures, and the social protection of representatives of law enforcement agencies. All of these things will certainly require a significant financial investment. However, measures for optimising the interactions between the law enforcement authorities and the public can be promoted even without this. The law enforcement agencies must have the confidence of the population; and society should give tasks as well as feedback to the law enforcement agencies. If meetings with the local population were to be held in this light, hopefully it would pave the way for the development of a social partnership in this area.

**The Centre for Humanitarian Programmes is a non-governmental charitable organisation. Its main goal is the promotion of democratisation processes in Abkhazia through civic education, civil society capacity building, promotion of a democratic political culture, human rights protection and advocacy.**

**COVER PHOTO:** Gagra coastline, Abkhazia.

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