

Country/entity	Georgia Russia Abkhazia
Region	Europe and Eurasia
Agreement name	The Provisional Mechanism for the Prevention and Settlement of Disputes - Technical Arrangements between the Ministry of Internal Affairs of Georgia and the Head of the Mission of the European Union Monitoring Mission
Date	3 Nov 2008
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Interstate/intrastate conflict(s)

Georgian Separatist Conflicts (1989 -)

The Abkhazia-Georgia Conflict (1992 -)

Much like other conflicts that sprung up in the wake of the collapse of the Soviet Union, the Abkhazia conflict emerged as an ethnic conflict following heightened nationalist awareness among Abkhaz and other minorities residing in the region. In 1978, protests against the Georgianization of Abkhazia emerged from Abkhaz intellectuals. Towards the end of the 1980s, both Georgian and Abkhaz nationalists demanded independence from the Soviet Union. Tensions began following clashes at Sukhumi University between pro-Unity protestors and Abkhaz nationalists in April-July 1989. However, the conflict remained a legal conflict up until August 1992 following the 1991 elections, wherein Abkhazians felt they were under-represented. War broke out between Abkhaz separatists, supported by Russian forces and hired fighters from the North Caucasus. Within Abkhazia, Abkhaz separatists were generally supported by ethnically Armenian and Russian residents. Within Georgia the conflict was exacerbated following conflict in South Ossetia from 1989 onwards in addition to political strife between the supporters of the ousted president, Zviad Gamsakurdia, and the post-coup government led by Eduard Shevardnadze.

Significant human rights abuses occurred, particularly after the capture of Sukhumi in September 1993, after which Georgian residents, which consisted of 45 per cent of the population in 1989, were faced with mass expulsion and ethnic cleansing. Russian Peacekeepers acting under the umbrella of the Commonwealth of Independent States (CIS), were deployed on the Abkhazia-Georgia line following a ceasefire in 1994. Atrocities towards ethnic Georgian's continued with over 1,500 deaths post-conflict. In 1998 fighting re-erupted following a flare up of fighting in South Ossetia. Again it was resolved with a ceasefire agreement. However, as of 2016 the conflict remains unresolved.

The Russo-Georgian War (South Ossetia) (1989 -)

Following heightened nationalist awareness among Ossetians and policies undertaken at the expense of ethnic minorities by the Georgian government led by President Gamsakurdia, calls for Ossetian Independence increased. After clashes broke out in Tskhinvali during a pro-Georgia protest, the conflict began to militarize. When President Gamsakurdia maintained his position after elections in 1990, which were boycotted by South Ossetia, Ossetians organised elections for their own parliament. The central Georgian government reacted by abolishing the autonomous status previously held by South Ossetia. The formation of ethnic militias and increased attacks on civilians escalated on both sides and in December 1990 a state of emergency and an economic blockade were declared. Fighting was haphazard as fighters on both sides were poorly equipped and disciplined. The Georgian National Guard was primarily formed of volunteers due to a lack of resources and as a result fighters often acted out of self-interest. Assaults on Tskhinvali by Georgian forces were repulsed on several occasions, and Georgian forces were also noted to expel Ossetian residents and destroy villages out of revenge and as a means to re-claim territory.

The Sochi agreement (1992) established a ceasefire and security corridor, as well as divided the territory between Georgian and Ossetian administration. Relations deteriorated drastically in April 2008, and following shelling of Georgian villages on August 1, the Georgian military responded in force retaking most of Tskhinvali by August 7. Russian forces intervened on behalf of Ossetian separatists and after retaking Tskhinvali, opened another front in the Kodori Gorge. A ceasefire was brokered on August

Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Abkhazia peace process
Parties	Minister of Interior of the Government of Georgia Ivane Merabishvili
Third parties	Head of EU Monitoring Mission Ambassador Hansjorg Haber
Description	Agreement outlines dispute and information exchange mechanisms between EU, Georgian and Russian authorities on three levels to adhere to the principles listed. Other clauses emphasise information exchange, the withdrawal of Russian forces, to be exchanged with Georgian police forces - who will be clearly marked, and not have heavy weaponry. The EUMM has the right to inspect at any time.

Agreement document	GE_081010_The Provisional Mechanism for the Prevention and Settlement of Disputes.pdf (opens in new tab) Download PDF
---------------------------	---

Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive Page 1, Untitled Section 1, The mechanism should provide assurances of stability through information and consultation based on the following principles:
... Normalisation:
... - Return of IDPs

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society Page 1, Untitled Section 1,
The mechanism should provide assurances of stability through information and consultation based on the following principles:
... Normalisation:
... - Engagement of international aid agencies.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 1, Untitled Section 1,
The mechanism should provide assurances of stability through information and consultation based on the following principles:
... Normalisation;
... - Return of the rule of law;

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance
Page 1, Untitled Section 1,
The mechanism should provide assurances of stability through information and consultation based on the following principles:
... Normalisation:
... - Engagement of international aid agencies.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees

Page 2, Mechanisms at the Operational level:

... The MoIA will inform EUMM of any arrangements made with the Russian side on security matters, including transit and movement of forces and equipment.

Ceasefire

Security sector→Ceasefire→General commitments

Page 1, Untitled Section 1,

The mechanism should provide assurances of stability through information and consultation based on the following principles:

Stabilisation:

... - Absence of Georgian armed forces from zones adjacent to Abkhazia and South Ossetia;

Page 2, Mechanisms at the Operational level:

... It is understood that the armed forces of Georgia, which are under the MoD, will not deploy to the areas.

Page 2, Mechanisms at the Operational level:

... The MoIA will inform EUMM in advance of any deployment of armed vehicles (in particular Cobras) in the direction of and into the areas.

Police

Page 1, Untitled Section 1,

The mechanism should provide assurances of stability through information and consultation based on the following principles:

Stabilisation:

... - Regulation of the presence (if any) of special Georgian police units and prevention of irregular armed groups.

Page 1, Untitled Section 1,

The mechanism should provide assurances of stability through information and consultation based on the following principles:

... Normalisation:

- Return of regular Georgian police to the area;

Page 2, Mechanisms at the Operational level:

... The Ministry of Internal Affairs (MoIA) will inform the EUMM of any forces that it plans to deploy in the zones adjacent to Abkhazia and South Ossetia (hereafter referred to as “the areas”), during and following the withdrawal of Russian forces and also on police forces that are already in the areas under Georgian control.

Page 2, Mechanisms at the Operational level:

... More specifically, MoIA will provide a detailed breakdown of the number of forces for the different locations, including the type of weaponry these police forces have available. This information will cover regular police forces as well as special police forces.

Page 2, Mechanisms at the Operational level:

... Transparency and predictability will be provided by the MoIA, including through a clear policy of visibility with respect to the uniforms, vehicles and other equipment used by the various police forces. Regular police, including Criminal Investigation Department as well as Special police, will have clearly distinguishable uniforms in order to avoid misunderstandings. Urgent efforts must be made to improve the identification of uniforms and vehicles when the latter resemble army units’, by providing additional and temporary identification, such as highly visible arm bands or badges and vehicle stripes or stickers. Identification marks will be systematically applied and colors will be mutually agreed.

Page 2, Mechanisms at the Operational level:

... The MoIA commits not to deploy heavy armaments in the areas, not any mortars. The MoIA also commits to strictly control and restrict any deployment of sniper rifles. Sniper rifles will be kept in police offices and may be deployed in the field only in reaction to a direct attack.

Page 2, Mechanisms at the Operational level:

... The MoIA recognizes the EUMM’s right to perform unannounced inspections on these matters and will inform the police forces of this disposition.

Page 3, Incident Reporting

EUMM and MoIA agree to set up an incident reporting mechanism. In particular, the MoIA will instruct its police forces to report any incident threatening or involving the use of arms to a central point of contact in the MoIA (POC). This POC will report the incident immediately to

EUMM Liaison Officer in the MoIA. EUMM Liaison Officer will similarly report on incidents to MoIA POC.

Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 2, Mechanisms at the Operational level: ... The MoIA will also provide information to EUMM about any armed irregulars in the areas.</p>
Withdrawal of foreign forces	<p>Page 1, Untitled Section 1, The mechanism should provide assurances of stability through information and consultation based on the following principles: Stabilisation: - Withdrawal of Russian forces;</p> <p>Page 2, Mechanisms at the Operational level: ... The Ministry of Internal Affairs (MoIA) will inform the EUMM of any forces that it plans to deploy in the zones adjacent to Abkhazia and South Ossetia (hereafter referred to as “the areas”), during and following the withdrawal of Russian forces and also on police forces that are already in the areas under Georgian control.</p>
Corruption	<p>Page 1, Exchange of Information and Dispute Settlement: The mechanism will consist of a system of consultations at three levels: ... 2. At EUMM Head of Mission, Georgian Ministry of Interior level and equivalent Russian counterpart, a mechanism for dealing with transparency, major incidents and disputes.</p> <p>Page 2, Mechanisms at the Operational level: Both sides agree that the prevention and resolution of conflicts will depend on high level of transparency, to be provided by all sides, as a condition for confidence building measures. It is understood that EUMM will seek transparency on both sides. In this context, the following is agreed.</p> <p>Page 2, Mechanisms at the Operational level: ... Transparency and predictability will be provided by the MoIA, including through a clear policy of visibility with respect to the uniforms, vehicles and other equipment used by the various police forces. Regular police, including Criminal Investigation Department as well as Special police, will have clearly distinguishable uniforms in order to avoid misunderstandings. Urgent efforts must be made to improve the identification of uniforms and vehicles when the latter resemble army units’, by providing additional and temporary identification, such as highly visible arm bands or badges and vehicle stripes or stickers. Identification marks will be systematically applied and colors will be mutually agreed.</p> <p>Page 3, Final Article Both sides endeavor to negotiate with the Russian side mechanisms for transparency (exchange of information) and incident reporting.</p>

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory Head of EU Monitoring Mission Ambassador Hansjorg Haber

Referendum for agreement No specific mention.

International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.
Related cases	No specific mention.
Source	(Archive of the EUMM in Georgia) ²⁸ Source: www.rrc.ge/law/MorigebebOrive_10_10_2008_E.htm
