



## VISA-FREE TRAVEL TO THE EUROPEAN UNION: PROSPECTS FOR A EUROPEAN CHOICE AND DEMOCRATIZATION BY THE OCCUPIED TERRITORIES OF GEORGIA

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### EXECUTIVE SUMMARY

In December 2015, the European Commission acknowledged the fulfilment of Georgia's Visa Liberalization Action Plan (VLAP) benchmarks<sup>1</sup>, a step that brought Georgian passport holders a step closer to the realistic prospect of travelling visa free inside the Schengen area in the foreseeable future. Although the date for lifting visa requirements for the citizens of Georgia remains uncertain, the expectations are manifold. Among other things, visa-free travel with the EU is, to some extent, viewed as a tangible mechanism to make the Georgian state attractive for its citizens living in the occupied territories and promote the process of democratization countrywide.

Europeanization is, to some extent, viewed as a democracy-promoting process since the integration path requires reforms, achieving democracy standards, the protection of human rights and the establishment of the rule of law. Along with the steps taken towards European integration, the Georgian government constantly offers Abkhazia and Ossetia the European prospect however, getting closer to Europe through Georgia is unacceptable for the unrecognized authorities.

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At the same time, the agreements signed between the breakaway regions and the Russian Federation are a sign of Russia's de facto annexation of Abkhazia and South Ossetia (Tskhinvali Region). These regions are dependent on Russia in all fields: defense, military, economic or social and travel abroad only with the Russian passports.<sup>2</sup>

Apart from visa free travel, Georgia's European integration encompasses the full implementation of the DCFTA agreement. If accepted, EU integration benefits will also be extended to the occupied territories, since all the agreements signed with Brussels concerns Georgia within its internationally recognised borders.<sup>3</sup>

While the path to European integration required that Georgia fulfill a number of benchmarks in its legislation, strengthen democratic institutions and ensure democratization, it did not include reaching a political resolution to the country's territorial problems.

In aftermath of Russo-Georgian war, Russian Federation officially recognized the independence of Abkhazia and South Ossetia. In December 2009, in response to Russia's "recognition policy," the EU Political and Security Committee adopted a new document: "EU's Non-recognition and Engagement Policy regarding Abkhazia and South Ossetia." The first of the two principles (non-recognition) was the EU's reaction to the recognition of Abkhazia and South Ossetia by the Russian Federation and it emphasized the EU's respect for Georgia's territorial integrity and sovereignty. The second principle (engagement) was motivated by the aspiration to "de-isolate" the conflict regions and it aims to decrease of the regions' dependence on Russia, promote alternative (European) values, build confidence, encourage more integration with the common space of Georgia and, consequently, eliminating the threat coming from the "black holes" or "white spots" in the close neighbourhood.<sup>4</sup>

In order to assess the prospects of a European Choice by the occupied territories, this policy brief portrays the existing reality in Georgia's occupied regions in terms of both the democratization and the dangerous process of integration with Russia.

By reviewing the examples of Moldova and Cyprus, the document illustrates the experiences of the states that have offered the European prospects to their seceded entities. Considering the fact that, with visa-free travel in Schengen area, Georgia will be offering tangible incentives to residents of the occupied territories, it is essential to assess the anticipated results of these offers.

The policy brief offers recommendations for respective stakeholders and aims to demonstrate the threats presented by the occupied regions becoming more integrated with the Russian Federation, and how this dangerous process threatens European integration.

## SITUATION ANALYSIS

Unrecognised Abkhazia and South Ossetia (Tskhinvali Region) are de jure included in the internationally recognized borders of Georgia and, with the deepening process of European integration, the residents of those entities are viewed as possible recipients of all the benefits that comes with moving closer to the EU.

Although the establishment of democratic processes was a major test for Georgia on its European path, the two breakaway regions demonstrate few signs of democratization. Skepticism concerning the democratization process in the occupied territories of Georgia is preconditioned by several factors. It is worth noting that de facto governments make a great effort to prove the processes in Abkhazia and South Ossetia are democratic and refer to the regular change of government and free elections held within the entities. Moreover, the de facto authorities in Abkhazia claim that it holds multiparty elections. However, the processes in these two regions are, in many respects, contradictory to democratization. For example, the de facto authorities ordered that, starting from the 2015-2016 academic year, elementary school pupils in Gali district began studying in the Russian language and with the textbooks published in Russian Federation. This decision violates the right to receive a school education in one's native language and this practice creates an overall problem of education accessibility.<sup>5</sup>

In general, the human rights situation is a major problem for Abkhazia.

According to Human Rights Watch<sup>6</sup>, human rights are regularly violated in Abkhazia. The freedom of movement is among the most frequently violated human rights in the region and includes a number of limitations and difficulties created for Georgians at the administrative border. The situation deteriorated after the war in 2008, when Russian border guards replaced the Abkhaz on the Enguri bridge crossing point and the Abkhaz lost control over the so-called border. The Russian Federation border control officers now decide who can enter Abkhazia. In the case of ethnic Georgians, only those with the local Abkhaz ID documents are admitted, Geor-

gians without the Abkhaz ID can only enter the territory on the basis of short-term visitor invitations and the Georgian passport. However, a large amount of ethnic Georgians (no official data exists) do not hold Abkhaz passports and try to cross the border through different means. Russian officers often arrest ethnic Georgians on the border and they are sent to the prison or released after paying the fine. Furthermore, the confiscation of local identity cards issued to ethnic Georgians is a source of speculation in every elections.

Despite the fact that at present Abkhazia is populated not only by ethnic Abkhaz, but also by ethnic Georgians, Russians and Armenians (who compose more than half of the population), the Abkhaz are the only ethnic group which enjoys full political or other human rights. According to an Abkhaz journalist, "the Abkhaz are the only group who enjoy all freedoms."<sup>7</sup> Based on the reasons listed above, currently Abkhazia is clearly an ethnocracy.

In this regard, the situation in Tskhinvali Region is more critical.

In the recent years, Russian troops have been conducting a process known as "borderization" or border movement. Consequently, many Georgian families found themselves (and their land or home) beyond the barbed wires of the region's administrative border.

Due to the new policy, illegal detention and kidnapping has become a regular occurrence. For example, prior to the 2008 war Akhagori district remained under the control of Georgian authorities while in aftermath of war, the Russian troops took the control and stand on the border now. From time to time, Akhagori residents are also prevented from travelling and their freedom of movement is constantly violated.

Just like in Abkhazia, ethnic Georgians are also left out of the political processes in South Ossetia.<sup>8</sup>

South Ossetia is now reportedly preparing to hold a referendum to join the Russian Federation, which, even if conducted, will be an illegal.

Both Abkhazia and South Ossetia are unrecognised by the international community and their internal dynamics, human rights violations or democratization are not discussed or addressed in the same manner as the situation in states, which enjoy full-fledged international recognition.

Non-recognition is a separate dimension of the existence of Georgia's occupied territories. At present, Abkhazia and the Tskhinvali Region are only recognized by Russia, Nicaragua, Venezuela, and Nauru.

Of the two regions, Abkhazia is the only one trying to gain international recognition and establish pseudo-democratic institutions. Abkhaz artists, like musical ensembles and singers, as well as athletes and sports teams, often participate in foreign competitions. In addition, Sokhumi has repeatedly attempted to participate in international tourist symposiums and develop tourist potential of the region.

In all activities abroad, however, the Abkhaz participate using Russian passports. Residents of Abkhazia cannot apply for the visa with documents issued by the local authorities, since the republic is not recognised by any consulate (with the exception of Nicaragua, Venezuela, Nauru and Russia).

Ethnic Abkhaz living in Abkhazia can receive European visas with their Russian passports. However, many of them also complain that the consulates easily identify Russian passports issued for the residents of the de facto republic, which negatively impacts their chances of receiving a visa. In response to the Russian Federation's intensive passportization policy, the Georgian government offered the Abkhaz and Ossetians a neutral travel document and identity cards in 2011. The travel document was recognized by more than 10 states but was largely unpopular with citizens living in the occupied regions.

There is little official information about how many Abkhaz chose to use the documents, however. While the Ministry of Reconciliation and Civic Equality used to report on the number of documents and cards issued under the previous government, that information has been absent

from their reports since the Georgian Dream came to power. State Minister Paata Zakareishvili has stressed, however, that there is no demand for the document and the number of applications reported in previous years is "meaningless."<sup>9</sup>

### **PERSPECTIVES OF SOKHUMI AND TSKHINVALI**

The agreements on "cooperation, integration and partnership" initiated by the Russian Federation with Abkhazia and Tskhinvali Region in 2014 envisage the mutually agreement on foreign policy, as well as the establishment of common defence, security, social and economic space between the signatory parties. Unlike Tskhinvali, where the idea of integrating into Russian state is somewhat acceptable, political opposition groups in Abkhazia protested against the agreements.<sup>10</sup>

Irakli Khintba, an Abkhaz official noted in 2010, before the agreements were signed, that "EU "soft power" is an effective mechanism for conflict transformation and overall modernization of society and state institutions. But EU engagement should not be based on a "zero-sum game" in relations with Russia. Instead, formidable mechanisms should be elaborated in order to ensure cooperation and participation in the Georgian-Abkhaz context. Abkhazia is interested in European engagement, as there is a overarching need for de-isolation. But any strict politicization of this process and efforts to approach Abkhazia solely through Georgia will lead to Abkhazia being closed off to any Western influence, which is not in the EU's interest."<sup>11</sup>

Abkhazia residents have not received any awareness raising programs about the benefits of Europeanization and more integration with Russia is viewed positively.<sup>12</sup> It also appears that the direct benefits of getting closer to Europe through Georgia are not tangible enough for the populations of Abkhazia and South Ossetia and they do not consider it to be an alternative to the path presented by the Russian Federation.

## **THE PROPOSAL OF GEORGIA - “ EUROPEAN PROSPECTS”**

The Georgian prime minister emphasized the potential that European integration provides for the restoration of the territorial integrity at the signing ceremony for the Association Agreement in Brussels in 2014. Irakli Gharibashvili, who served as PM at the time, noted that all Abkhaz and Ossetians will be able to share the European integration benefits.<sup>13</sup>

Georgian President Giorgi Margvelashvili made a similar statement on the day the agreement was signed: “This very path is [a] unique [possibility] for the resolution of the major problem of our country – the problem of territorial integrity. We will offer the benefits of the Association Agreement to our Abkhaz and Ossetian brothers; we will offer them Georgia, which will be the part of the European Community. We shall build a European Georgia! In this country, the rights of the representatives of any ethnic, political, social group will be protected”.<sup>14</sup>

In response, the de facto president of Abkhazia said: “The deepening partnership between Tbilisi and Brussels will not directly or significantly impact Abkhazia’s political or economic security. However, the strategic location of Abkhazia, a pro-Russian state on the border of the areas of Western influence on the one hand, and geopolitical strengthening of the West in the Caucasus on the other, might lead our republic to take further steps to deepen its strategic partnership with the Russian Federation.”<sup>15</sup>

Abkhazia’s reaction was the same when, at the end of 2015, Georgia’s visa liberalization action plan (VLAP) received a positive assessment. “The statement of the Georgian government that the issuing of biometric passports for the Abkhaz will be simplified is another attempt to mislead them about visa-free travel to the EU”, said Kan Tanya, Abkhazia’s deputy minister of foreign affairs.<sup>16</sup>

## **EXAMPLES OF CYPRUS AND MOLDOVA**

The EU has already lifted visa requirements for Moldova, another Eastern Partnership coun-

try (EaP), which – like Georgia – does not exercise effective control within its internationally recognized borders due to its secessionist region Transnistria. Transnistria, as other unrecognized entities in the post-Soviet space, exists thanks to the support of its patron, the Russian Federation.

It is worth noting that Moldova has not taken any tangible actions to resolve the Transnistria issue after the visa liberalization and DCFTA came into force.

However, according to the data published by the Border Police of Moldova, in 2014 alone about 27,000 residents of Transnistria applied for Moldova’s biometric passports, a necessary document for travel to the EU. The case of Cyprus and its breakaway Northern Cyprus differs from Moldova and Transnistria because Cyprus was granted actual EU membership despite its territorial conflict. Cyprus was initially required to resolve its conflict with its breakaway before it could join the EU. But in 1999 Brussels removed that precondition – deciding that the benefits of direct membership would help the country find a solution.<sup>17</sup>

It appears Brussels’ policy was correct: settlement prospects became more realistic when the Turkish residents of Northern Cyprus (Turkish Cypriots) realized the economic benefits of the EU integration. In addition, the European aspirations of Turkey – the second party to the conflict – have also helped the resolution process since Brussels made it clear Ankara cannot become a member of the EU while still supporting an independent Northern Cyprus.

Unlike Cyprus, however, Eastern Partnership countries have only been offered Association Agreements, not full membership, which is also a signal for de facto states about the degree of benefits they can realistically expect.

The cases discussed in this section prove the trend that parent states can attract residents of conflict zones using economic benefits. However, the effort of parent states is instrumental in transforming the benefits to European integration into a conflict resolution tool: EU visa free travel or free trade alone will not resolve conflicts if the governments lack the vision to use them in a production and proactive manner.

## MAJOR CHALLENGES OF GEORGIA

Given the circumstances, the policy brief poses the question: What measures should the government of Georgia take in order to ensure the positive impact of the European integration (primarily the visa free movement) on the democratization and the European future of Abkhazia/Tskhinvali regions?

Based on the situation analysis and case studies, there are number of challenges that the Georgian state faces in this process:

- a. According to certain expectations that exist in the country, if Georgia integrations further into the EU, the residents of the occupied territories will naturally make the choice in favour of European prospects. However, Russia's aggressive policy gives reasons for skepticism in this regard;
- b. Anti-Western sentiments are increasing for many in Abkhazia on daily basis and the de facto authorities use the situation to demonize the West and argue that the Russian path is the only option. Under these circumstances, the Georgian government needs to do more to develop a relevant strategy;
- c. The majority of residents in Abkhazia and South Ossetia, who would like to travel to Europe, already hold Russian passports and despite obstacles, European consulates accept their visa applications;
- d. Deepening ties with Moscow and, in case of Tskhinvali region, even the decision to hold a referendum to join the Russian Federation, is an indication of the absence of democratic processes in these regions;
- e. In addition to the path of European integration, maintaining a stable political environment and steady economic development remain the biggest challenges for Georgia.

The prospects of democratization of Abkhazia and South Ossetia are extremely fragile. Apart from the fact that the domestic processes are rather ethnocratic in nature, the deepening ties or actual integration with the Russian Federation distances the de facto states from both hypothetical independence and the opportunity to imple-

ment democratic processes.

In this situation, Georgia faces two challenges: first to attract the residents of breakaway regions using European benefits and, second, confront the existing anti-Georgian sentiments, which are triggered by anti-Western Russian propaganda.

## RECOMMENDATIONS

- It is essential for the Georgian government to take into account the lessons learned from similar cases (Moldova, Cyprus, Serbia) and embark on a new action plan that will demonstrate the clear advantages of visa free travel in the EU for the residents of the occupied territories.
- Benefits of European integration should not be understood as a natural means of finding a key to resolution, i.e. a magic stick that will resolve the conflict without a well thought state vision.
- Revisions to the existing Reintegration Strategy of Georgia are necessary and must lead to the creation of a new document relevant to the existing reality.
- Given that Abkhaz and Ossetians already receive Georgian public healthcare services, the comprehensive study of this practice will help the government fully utilize the successful aspects of the process to increase demand on Georgian biometric passports.
- It is necessary that the benefits of visa-free movement with the EU and the DCFTA are both discussed and implemented in the context of Georgia's non-recognition policy.

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