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The Context of Russia's Passportization Policy in Georgia

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DECLARATION

I hereby declare that no portion of the work referred to in this thesis has been submitted in support of an application of another degree, or qualification thereof, or for any other university or institute of learning. I declare that this thesis is my own independent work. All the used material and literature has been duly referenced and quoted.

In Prague, 29th June 2018

signature: _____

Nikoloz Azikuri

Abstract

The large presence of Russian citizens in Georgia's breakaway autonomous regions of Abkhazia and South Ossetia has been regarded as one of the main reasons for increased Russian involvement these regions, particularly during the August 2008 war between Georgia and Russia. This paper critically examines the Kremlin's mass conferral of Russian citizenship, i.e. passportization policy, in the context of preceding Russo-Georgian relationship dynamics. Legal aspects of passportization will be coupled with relevant geopolitical analysis in order to make a case study and demonstrate the overall nature of this policy in the light of preceding developments.

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Acronyms

BTC	Baku-Tbilisi-Ceyhan pipeline
CIS	Commonwealth of Independent States
EU	European Union
FSB	Federal Security Service (Russia)
GRU	Main Intelligence Directorate (Russia)
GTEP	Georgia Train and Equip Program
ICJ	International Court of Justice
IIFFMCG	Independent International Fact Finding Mission on the Conflict in Georgia
KGB	Committee for State Security (Soviet Union)
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation in Europe
SSR	Soviet Socialist Republic
UDHR	Universal Declaration of Human Rights
UN	United Nations
US	United States
USSR	Union of Soviet Socialist Republics

Map



South Caucasus region (Intellinews, 2016). Retrieved from <https://bit.ly/2KxofBW>

Introduction

According to Gordadze (2009),

“an eagerness to control the Caucasus and its central country, Georgia, has been a leitmotiv of all Russian empires. It was in the Caucasus that imperial pride and dreams of greatness were nurtured, and where Russia took refuge in order to deflect frustration away from its continuous resentment vis-à-vis the West” (p. 28).

In fact, Asmus (2010) states that Russian actions during the war with Georgia in 2008 were a reaction to ‘color revolutions’ across the former Soviet sphere since the early 2000s and Western measures regarding Kosovo.

However, the key justification for Russian military operation in Georgia was the protection of its citizens (Littlefield, 2009). “I must protect the life and dignity of Russian citizens wherever they are” said the Russian President Dmitry Medvedev when the conflict in Georgia’s breakaway region of South Ossetia escalated in August 2008 (Reuters, 2008). Indeed, it is interesting to look at how the Kremlin-sponsored process of mass conferral of Russian citizenship, i.e. passportization, unfolded in Georgia’s breakaway autonomous regions of Abkhazia and South Ossetia, what important preceding events prompted the Russian leadership to pursue it and what was the overall significance of this policy.

The paper will assess a wide range of issues revolving around the relationship dynamics between Tbilisi and Moscow, especially in the context of passportization. The importance of nationality in international law will be

addressed in the pertinent context of state succession. Afterwards, the analysis of Georgian citizenship laws and their equivalent Russian laws will elucidate the status of the residents of Georgia's breakaway regions of Abkhazia and South Ossetia and the legal nature of mass conferral of Russian citizenship in these regions will be examined. Subsequent chapters will critically investigate the major geopolitical developments between Russia and Georgia that preceded the passportization policy, namely, Georgian Civil War of 1991-93, the so called "Pax Russica", initial rifts between Eduard Shevardnadze and his Russian colleagues, Chechen crisis, Kodori crisis, Rose revolution and others. Ultimately, the passportization policy will be contextualized in the light of these developments.

Literature Review

Most works addressing the 2008 August war between Georgia and Russia merely state that Russia's passportization policy was an illegitimate move that provided Russia with justification for military intervention. There is little analysis on why this policy was illegitimate or how exactly the citizens of Russia came to be about in Georgia's breakaway regions in the first place.

The paper called "Russia's Passportization Policy toward Unrecognized Republics" by Toru Nagashima (2017), a diplomat serving at the Japanese embassy in Moscow, is particularly useful in examining what prompted the Russian leadership to undertake such measure and the major geopolitical developments that immediately preceded this policy, especially due to its broad overview of the Russian media at that time. However, it only focuses on the immediate, post-1999 developments without assessing the origins of the relevant

geopolitical status quo.

The EU-sponsored report of Independent International Fact-Finding Mission on the Conflict in Georgia (IIFFMCG) headed by Swiss diplomat Heidi Tagliavini (2009) is considered to be one of the most reputable and balanced sources on the Russo-Georgian war of 2008. Its second volume directly deals with the passportization issue and dissects its controversial legal aspects in multiple legal frameworks in significant detail. Its interpretation of the Russian Citizenship Laws of 1991 and 2002 is slightly different from the ones contained in the other sources. However, Nagashima (2017), Kalichava (2015) and the original version of Russian Citizenship Law (1991) retrieved from *Democracy.ru* database provide a comprehensive overall picture of the Russian citizenship laws.

Kakhaber Kalichava's (2015) work titled "Some Aspects of Russian 'Passport Policy' in Abkhazia and Tskhinvali Region" examines the legality of Russia's passportization policy in the framework of international, Georgian and Russian laws is rather useful in understanding the overall spurious nature of this policy, but addresses its geopolitical aspects rather cursorily.

The Georgian Citizenship Law (1993) serves as the basis of conferral of Georgian citizenship on the territory of Republic of Georgia. Russian Citizenship Laws (1991; 2002) reveal the guidelines for acquiring Russian citizenship.

Alexi Gugushvili (2012) discusses the early citizenship policies of Georgia since its restoration of independence in 1991 and provides much needed insight on the legal status of the residents of Georgia's breakaway regions during the

first half of 1990s, as well as certain noteworthy details of Georgia's citizenship laws which elucidate the legislative complexities Georgia experienced at this time.

Nottebohm Case (1955) is a landmark judgment in the history of international nationality law as it determined a certain roadmap for international disputes regarding naturalization by introducing an idea of genuine link. The emergence of the genuine link concept due to the Nottebohm ruling is also covered by Sloane (2009).

The Hague Convention (1930), originally signed by League of Nations, advanced particular guidelines regarding the acquisition of nationality and affirmed the preponderance of state sovereignty in this matter. It also encouraged states to disregard any conferral of nationality that was not in line with such rules. Donner (1994) also underlines the preponderance of state sovereignty in this matter.

Kristopher Natoli (2010) provides interesting historical developments regarding the notion of nationality in international law, discusses it in the pertinent context of state succession and also critiques certain legal aspects of Russia's passportization policy.

Nationality and Statelessness in International Law by Paul Weis (1956) is a key reference when it comes to the significance of the notion of nationality in international relations and international law and it also addresses the implications extraterritorial naturalization, as well as the reason why it can be a rather contentious and objectionable phenomenon.

“The Politics of Citizenship Policy in post-Soviet Russia” by Oksana Shevel (2012) describes the evolution of Russian citizenship policy and important debates in Russia’s legislative body called State Duma that eventually paved the way for future passportization.

Inal Khashig (2002) is an Abkhaz journalist who covered the mass distribution of Russian passports in Abkhazia in June 2002 and wrote about the preconditions of this policy, details regarding its technical execution and also the international reaction and political implications that followed afterwards.

Khrabryi (2002) mentions the involvement of a radical nationalist organization called the Congress of Russian Communities in passportization process in Abkhazia while Laruelle (2015) analyzes the motives behind Moscow’s occasional tendency to rely on such organizations in order to achieve its goals.

There is a significant amount of literature examining Russo-Georgian relations since Mikheil Saakashvili’s rise to power in Tbilisi and his pro-Western path after the Rose Revolution of 2003 that ostensibly precipitated conflict with Russia, but there are not many works examining the pre-Saakashvili period in critical light. In this regard, the first three chapters of *The Guns of August 2008: Russia’s War in Georgia* edited by Svante Cornell and Stephen Frederick Starr (2009) are of significant use.

Thomas Goltz (2009) is an American journalist who traveled to Georgia during the dissolution of USSR and his chapter “The Paradox of Living in Paradise: Georgia’s Descent into Chaos” provides important and interesting

insights, sometimes with sharp remarks, on how the situation was unfolding in Abkhazia and Adjara regions at that time.

The significance of Thornike Gordadze's (2009) chapter "Russo-Georgian relations in the 1990s" cannot be stressed enough. Gordadze is a Georgian-French political scientist who has written over 50 papers on Caucasus and Central Asian politics and specializes in modern history. This contribution critically examines the Tbilisi-Moscow dynamics from the dissolution of USSR until Saakashvili's presidency in compelling details and this is what makes it so significant, as there are not many sources that examine this period so extensively. Moreover, Gordadze analyzes of phenomenon of "Pax Russica" in 1990s Georgia which is often overlooked by researchers of Georgia and Russia.

Andrei Illarionov (2009) is a Russian economist who used to be Vladimir Putin's senior economic adviser in 2000-2005 and wrote the chapter called "The Russian Leadership's Preparation for War, 1999-2008" which chronicles the period of aggravated tensions between Georgia and Russia when Illarionov was a Kremlin insider and this is precisely what makes this work particularly interesting and valuable. This contribution also contains numerous references to Russian mass media outlets, but they hardly seem to be electronically traceable.

Furthermore, the abovementioned book features one more pertinent chapter by Niklas Nilsson (2009) who briefly explains what the Rose Revolution meant for Georgia's relations with Russia and how such revolutionary event did not have novel implications to the pre-existing geopolitical realities.

Cory Welt (2005) analyzes the geopolitical ramifications and also the

limitations of US-Georgian rapprochement in the light of Georgia Train and Equip Program (GTEP) in 2002.

Ariel Cohen (2004) of *The Heritage Foundation* and *Atlantic Council* deliberates about the security concerns of Eduard Shevardnadze after facing two assassination attempts in 1990s and their alleged link to Kremlin.

Armenian analysts Tigran Mkrtchyan and Vahram Petrosyan (2009) of *Turkish Policy Quarterly* mention the ephemeral “Caucasian Home”, the Georgian-Chechen proposed organization in 1991 that posed a major threat to Russian hegemony in the Caucasus.

Rukhadze and Duerr (2016) provide a brief overview of the war in Abkhazia, describing its preconditions in the light of Georgian civil war and also its serious consequences for Georgia.

Pamela Jewett (1994) of Harvard University discusses the significance of Russian involvement in Abkhazian war and the overall strategic objectives Russia aimed to accomplish while getting involved in the conflicts in Georgia. Derluguian (2005) complements this by providing an interesting insight on the motivation of Russian authorities to activate North Caucasian fighters in the Abkhazian war.

Vincent Artman (2013) and Scott Littlefield (2009) analyze the effects of Russia’s passportization policy in Georgia’s breakaway regions, as well as certain noteworthy developments that preceded it and maintain that this move was not merely a distribution of passports to the residents of these regions

emanating from humanitarian concerns, but rather momentous, calculated action that had extensive geopolitical ramifications.

Methodology and Methods

The paper employs a qualitative case study research approach. According to Zainal (2007), case studies “explore and investigate contemporary real-life phenomenon through detailed contextual analysis of a limited number of events or conditions, and their relationships” (p. 1-2). The discussion initially focuses on legalistic aspects of Russia’s passportization policy in Georgia in terms of international, Georgian and Russian statutory norms and then an in-depth analysis of preceding Russo-Georgian relationship development is presented in order to better understand the motives for this policy. Indeed, these issues are aptly examined by the qualitative case study research approach. Passportization had a particular legal basis, occurred in the light of specific Russo-Georgian dynamics and had certain geopolitical ramifications, thus the paper will combine these aspects in order to provide a comprehensive and multifaceted understanding of the issue.

The terms ‘nationality’ and ‘citizenship’ seem near-identical, but are used in slightly different contexts. According to Tagliavini (2009), the former primarily pertains to the legal sphere while the latter carries more political connotations (p. 149). However, due to the fact that this research combines both political and legal aspects of Russia’s passportization policy, the terms ‘nationality’ and ‘citizenship’ will be used interchangeably.

While the Georgian and Russian citizenship laws themselves are

important reference points, they have been amended several times and thus their interpretations vary. As a result, this research consolidated a wide range of available primary and secondary source interpretations of said Russian and Georgian citizenship laws to provide a thorough account on developments regarding citizenship.

For the sake of conciseness, this paper will only assess the Tbilisi-Moscow dynamics from the 1991 up until 2004, when the passportization policy was largely concluded in Georgia's breakaway regions. The 2008 August war involving Georgia and Russia is in fact one of the most widely covered armed conflicts in the modern world. The preceding four years, broadly denoting the first term of Georgia's third president Mikheil Saakashvili, along with the US-Russia dynamics during this period, are covered rather comprehensively as well.

However, the fact that the residents of Abkhazia and South Ossetia were regarded as Russian citizens is usually taken for granted and the provenience of their citizenship, namely, the passportization policy, has received somewhat little critical attention considering how often the citizenship issue is mentioned in the context of 2008 August war. For this reason, the paper will initially assess the legal side of Russia's mass passportization in Georgia's breakaway regions. Afterwards, as mentioned above, it will discuss certain noteworthy developments in the relationship between Georgia and Russia from 1991 until 2004, roughly denoting Eduard Shevardnadze's rule in Georgia. Besides conciseness and the different levels of exposure, another reason for choosing this period is that the formation of the geopolitical status quo discussed later in the paper began in the

first half of 1990s.

In order to articulate the argument, theoretical framework will assert why the notion of adversarial balance of power is applicable to the issue of contemporary Russo-Georgian dynamics. Afterwards, the paper will proceed with certain legalistic aspects of passportization policy in Georgia. Subsequently the discussion will focus on particular developments in the relations between Georgia and Russia and eventually the passportization policy will be contextualized in the light of these developments.

Theoretical Framework

Adversarial balance of power most duly applies to the analysis of Russo-Georgian relations since 1990s, especially in the context of passportization. According to Little (1989), this theory embodies a coercive conception of power and represents political actors in competitive and self-interested terms, while balance of power between states is perceived as a zero-sum game (p. 88-89). Power is not a static, but a dynamic phenomenon and there is a constant possibility of boundaries between states expanding or contracting which prompts rulers to take expansive measures in order to prevent the advancement of their adversary (Little, 1989, p. 89).

Moreover, while defining the basics of adversarial balance of power, Little (2007) asserts that “great powers monitor the material power possessed by all the other states in the international system and endeavor to manipulate the resulting distribution of power in their own favor as a means of enhancing their chances of survival” (p. 11). Indeed, as the heads of soon-to-be former Soviet

republics gathered in Almaty, Kazakhstan on December 21, 1991 to simultaneously declare the dissolution of USSR and the creation of CIS, a loose post-Soviet association where Russia would assume a principal role, the only leader of the original, founding Soviet republics to be clearly and demonstratively absent was Zviad Gamsakhurdia of Georgia (Hierman, 2017, p. 141). This conspicuous refusal of the latter to partake in an important Russian-led post-Soviet venture and even certain attempts at countering, as it will be mentioned below, drew antagonism from Moscow and led to its adverse actions, triggering a negative feedback loop discussed in the later chapters, which eventually resulted in passportization.

Ultimately, Moscow reckoned that amid heightened tensions with Tbilisi and the latter's increased attempts at challenging its favored status quo, i.e. "Pax Russica", it was necessary to prevent tilting the balance of power against itself by making the residents of Abkhazia and South Ossetia Russian citizens, as the threat of Georgia's advancement was deemed realistic. Passportization policy was carried out by Russia on the territory of Georgia without its consent, contradicted various legal and international norms as it will be argued below and effectively undermined the latter's sovereignty (Kalichava, 2015, p. 222-223).

Adversarial balance of power is often contrasted with associative balance of power, which maintains that states can act in a cooperative manner on international arena and pursue the interests of others (Little, 1989, p. 88). Considering the very fact that Russia and Georgia engaged in a full-scale armed conflict in 2008 and the former carried out the military occupation of the latter's

breakaway regions, recognized them as independent republics and consequently there have been no diplomatic relations between Russia and Georgia since then, it is precisely the notion of adversarial balance of power that seems most appropriate to examine the early developments in the relations between Tbilisi and Moscow in 1990s and the first half of 2000s, a period that ultimately paved the way for such a warring scenario to unfold, especially in the context of a policy as contentious as passportization.

Nationality in International Law and State Succession

It is difficult to downplay the importance of nationality – after all, states consist of their nationals and the duties of the polity and its subjects are bilateral. Nationals enjoy certain benefits such as protection and social services that are not available to non-nationals and they in turn have to pay taxes and usually serve in the military, but besides this, nationality carries one important territorial function: “the justification in international law for the intervention of one government to protect persons and property in another country” (Weis, 1956, p. 35). Certain principles that regulate the rules of nationality on global scale are encompassed in international law. Even though these principles are difficult to enforce on a global level due to the fact that the states themselves define their own nationality policy and the notion of state sovereignty is still predominant, they nonetheless serve as an important benchmark for global consensus.

Natoli (2010) asserts that “international law . . . does not determine who is a national, but rather sets forth the conditions under which that determination must be recognized by other states” (p. 410). Therefore, according to

international law, “it is for every sovereign state, to settle by its own legislation the rules relating to the acquisition of its nationality, and to confer that nationality by naturalization granted by its own organs in accordance with that legislation” (Nottebohm Case, 1995, p. 20). Nevertheless, Natoli (2010) maintains that despite the fact that there is no single treaty regime regulating international nationality law, there are certain restrictions set on states in this area by international customary law (p. 399).

As the 20th century saw the appearance of many new nation-states, the phenomenon of nationality in international law became increasingly important. The 1930 League of Nations protocol called ‘Convention on Certain Questions Relating to the Conflict of Nationality Laws’ (also referred to as ‘Hague Convention’) is considered to be “the most important multilateral agreement in the field of nationality” (Weis, 1956, p. 75). The Hague Convention (1930) affirmed state sovereignty in the matter of conferring nationality by stating that “it is for each state to determine under its own law who are its nationals” (p.99). Moreover, it asserted that “any question as to whether a person possesses the nationality of a particular state shall be determined in accordance with the law of that state” (Hague Convention, 1930, p. 101). Nevertheless, while acknowledging state sovereignty in this matter, the protocol did not precisely delineate how the nationality might be acquired or lost, but as mentioned above, it provided a certain limitation of state’s rights in terms of conferring nationality as it also gave states a negative right to disregard any conferral of nationality that would be inconsistent with international conventions, rules and the “principles of law

generally recognized with regard to nationality” (Natoli, 2010, p. 406).

According to Donner (1994),

“when a part of the territory of a state is acquired by another state or becomes the territory of a new state, the nationals of the first state who continue their habitual residence in such territory lose the nationality of that state and become nationals of the successor state . . . unless in accordance with the law of the successor state they decline the nationality thereof” (p. 50).

Moreover, the Badinter Arbitration Committee that was tasked with settling legal disputes between former Yugoslav republics, maintained that in case of succession, states “must afford the members of those minorities and ethnic groups all the human rights and fundamental freedoms recognized in international law, including, where appropriate, the right to choose their nationality” (Pellet, 1994, p. 184).

While discussing the issue of state succession with regards to conferral of nationality, Natoli (2010) stresses the importance of a narrow time-frame between cessation of one state and emergence of another during which the conferral of the people’s desired nationality should ideally take place and the fact that the right of emerging state’s population to choose their preferred nationality also necessarily implies the right of a predecessor state to implement the conferral of nationality if such popular demand arises (p. 413). In case of Russia, it has to be said that despite its consistent involvement in South Ossetia since the collapse of USSR, it only started conferring its nationality to the local

population en masse only since the early 2000s, i.e. after more than a decade of the dissolution of USSR (Natoli, 2010, p. 413).

Furthermore, the actions of South Ossetians themselves imply that they did not immediately identify with Russia as they declared themselves sovereign within the USSR and when it collapsed shortly afterwards, they remained a secessionist entity of Georgia, thus the principle formulated by the Badinter Arbitration Committee should not apply in this case (Natoli, 2010, p. 413).

Georgian Citizenship Law

Shortly after the Georgian SSR declared independence from USSR in 1991 and became Republic of Georgia, its legislative body called the Supreme Assembly passed a draft law on citizenship on June 28, 1991 (Gugushvili, 2012, p. 3). According to this law, whoever lived permanently on the territory of Republic of Georgia at the time of drafting the law, including its autonomous regions, would automatically become a citizen of Georgia (Kalichava, 2015, p. 224). It also stated that anyone would be considered a citizen of the country if they had legal residency in Georgia during the last 10 years, knew Georgian or other official language of the autonomous regions of Georgia, had employment or any kind of stable income and possessed real estate on the territory of Georgia (Kalichava, 2015, p. 225). Gugushvili (2012) notes that despite the first independent Georgian government led by Zviad Gamsakhurdia often being considered overly nationalistic, this law did not discriminate against any minority group (p. 3). There was no discussion in this law about dual citizenship as this issue was perceived threateningly by the Georgian leadership, but the law could

not be approved due to political upheaval and subsequent civil war in Georgia (1991-93) and only in 1993 was issue of citizenship readdressed and therefore in this two year period the status of persons living in Abkhazia and South Ossetia was undetermined (Gugushvili, 2012, p. 3).

As the original version of the Georgian Citizenship Law (1993) stipulates, a person should be considered citizen of Georgia if he/she has lived permanently on the territory of Georgia for at least 5 years, is still a resident of the country at the time of passage of this law and does not refuse citizenship in a written form within 3 months after its passage. According to Kalichava (2015), this law was amended on June 24, 1993 and the period to refuse citizenship through a written request was extended to 6 months (p. 221). According to Gugushvili (2012), after this normalization of citizenship regime in Georgia, only a marginal number of 5,510 persons filed for the renouncement of Georgian citizenship before 1994 on all the territory of Georgia including Abkhazia and South Ossetia and many of them emigrated from the country afterwards (p.4). Taking this into account, it has to be said the mass conferral of Russian citizenship onto the residents of these regions discussed in subsequent paragraphs was a violation of Georgian law, because Georgia does not acknowledge dual citizenship and as the vast majority of the persons in question did not technically refuse Georgian citizenship, they indeed became Georgian citizens by the virtue of 1993 Georgian citizenship law (Kalichava, 2015, p. 221).

The IIFFMCG report headed by Tagliavini (2009) affirms Georgian position by stating the following:

“the residents of Abkhazia and South Ossetia who had not refused Georgian citizenship in a written form before 24 December 1993 became Georgian citizens for purposes of Georgian and international law. Their personal reservations against Georgian citizenship are irrelevant, as long as they did not exercise the right to refuse Georgian citizenship within the statutory delay” (p. 154).

The Constitution of Georgia (1995) stipulates that “the territory of the Republic of Georgia shall be determined as of 21 December 1991. The territorial integrity of Georgia and the inviolability of the state frontiers, being recognized by the world community of nations and international organizations, shall be confirmed by the Constitution and laws of Georgia” (p. 1). Kalichava (2015) acknowledges that Georgia was indeed internationally recognized, including by Russia, within the borders that included the territories of Abkhazia and South Ossetia and it is plausible that the persons living in these regions were automatically assigned with Georgian citizenship, which they did not widely refuse as per law (p. 220).

Russian Citizenship in Georgia’s Breakaway Regions

Throughout 1990s, the Russian Federation maintained an ‘open door’ citizenship policy towards the residents of former Soviet Union and it was relatively easy for these persons to apply for citizenship and obtain Russian passports (Shevel, 2012, p. 113). Nevertheless, the event that signified departure from this practice was the Russian Citizenship Act of 2002. Even though this legislation made it difficult to obtain Russian citizenship, certain posterior

amendments enabled Russian authorities to carry out a wave of mass passportization in South Ossetia in 2004 (Nagashima, 2017, p. 2). Consequently, the year of 2002 was a turning point in Russian-Georgian dynamics, especially since the Article 7 of the new Citizenship Law stipulated that “citizens of the Russian Federation residing abroad are entitled to protection and patronage from the state” (Roitman, 2002; Russian Citizenship Law, 2002).

However, the first wave of Kremlin-backed mass passportization happened in Abkhazia immediately before the introduction of the abovementioned law, still during the old ‘open-door’ policy in June 2002 (Khashig, 2002). According to Khrabryi (2002), Genadii Nikitchenko, the head of Russian nationalist organization Congress of Russian Communities, declared on Abkhaz television that special offices would be set up to collect applications for Russian citizenship and the organization would employ people to deal with all the paperwork. As a result, an ad hoc designated Russian consulate in Sochi received around 150,000 applications (which correspond roughly to 70% of Abkhazian population in 2002), where Kremlin dispatched specifically trained officers who later also distributed these 150,000 new passports to the applicants in Abkhazia (Khashig, 2002; Nagashima, 2017, p. 3).

This process was carried out rapidly in June 2002, because the following month the first version of the new, restrictive citizenship policy would be implemented (Khashig 2002; Glanin, 2002). Even though the second wave of Kremlin-sponsored mass passportization occurred two years later in South Ossetia, Rubleva and Gordienko (2002) note that almost half of this region’s

population hurriedly obtained Russian citizenship at the same time as Abkhazians, through their own efforts.

Vladimir Putin's senior economic adviser during his first term (2000-2004) was Andrei Illarionov, a libertarian economist whose core idea was to modernize Russian economy and reduce its financial burden (Cornell and Starr, 2009). Therefore it is not surprising that the initial citizenship law tightened rules and regulations pertaining to naturalization of the former Soviet citizens. However, this changed when several deputies of the Russian State Duma objected to the original version of this law. According to Shevel (2012), Viktor Alksnis, a member of the Communist Party of the Russian Federation, denounced the draft by saying that the equation of former Soviet citizens with "far-abroad" foreigners meant treason and a "dismemberment" of the Russian nation (p. 129). Communist and liberal deputies that sided with Alksnis maintained that Russia was not just a successor, but also a continuer of the USSR and in their mind, Russia had a moral obligation not to abandon the former Soviet citizens that saw their future with Russia (Shevel, 2012, p. 129).

Consequentially, after lengthy discussions spanning over a year, the Russian State Duma added a new provision known as Article 14 to the 2002 Citizenship Law that enabled one more wave of Kremlin-sponsored mass passportization in 2004, this time involving the remaining persons in South Ossetia who had not obtained Russian citizenship two years earlier (Nagashima, 2017, p. 5). The Article 14 stipulated that anyone who "had Soviet citizenship, lived and live in countries that were components of the USSR, but have not

obtained citizenship of these countries and remained stateless” could become a citizen of the Russian Federation in a simplified procedure (Nagashima, 2017, p. 5; Russian Citizenship Law, 2002). Therefore, it is evident that the target audience for this provision was the populace deemed stateless in particular.

With reference to statelessness, this phenomenon garnered particular attention with the advent of Universal Declaration of Human Rights (UDHR) in 1961 and therefore this notion along with that of citizenship became increasingly important (Schabas, 2013). Furthermore, Weissbrodt and Collins (2006) maintain that citizenship became a fundamental right after UDHR because its denial poses a serious predicament for the persons involved, as citizenship means “a right to have rights” (p. 248).

One might assume that the residents of Abkhazia and South Ossetia were de facto stateless and thus the passportization in these regions is not problematic. Tagliavini (2009) defines de facto statelessness as a situation where citizenship of a state is technically possessed by certain persons, but they do not enjoy protection from the state because either the state declines to do so or due to some reasoning, the persons in question refuse such protection (p. 176).

However, according to Tagliavini (2009),

“the idea of de facto statelessness of persons does not seem to enjoy widespread approval in state practice and scholarship. Moreover, Georgia did not refuse to protect the residents of South Ossetia and Abkhazia. Only those residents of Abkhazia and South Ossetia who explicitly refused Georgian nationality in 1993 became and remained in legal terms

stateless” (p. 176).

Littlefield (2009) asserts that the Georgian government indeed assigned citizenship to all persons living on its territory, but it was not widely embraced by the populations of the breakaway regions (p. 1472). Nonetheless, as Gugushvili (2012) demonstrated above, only 5,510 persons on all the territory of Georgia officially refused Georgian citizenship through relevant provisions until 1994 and many of them left the country afterwards (p. 3), while the combined population of Abkhazian and Ossetia was around 250,000 (Illarionov, 2009, p. 60)

Moreover, it can be assumed that the mass conferral of Russian citizenship in Georgia’s breakaway regions contradicts not just the Georgian law as demonstrated above, but the Russian law itself, because the Article 18 in Russian Federal Law on Citizenship of 1991 asserts that the only group of persons not living on the territory of the Russian Federation that can obtain Russian citizenship through a simplified procedure is the one that is stateless and lives on the territory that was formerly part of the USSR (Tagliavini, 2009, p. 164). Tagliavini (2009) asserts that the aforementioned group of persons had to register at specific public offices of Russia until February 6, 1993 in order to receive Russian citizenship in a simplified procedure (p. 164).

Additionally, the original version of the Article 18 of Russian Citizenship Law (1991) stipulated that besides the stateless persons from former Soviet republics not residing in Russia being able to register until February 6, 1993 as noted above, another group of persons eligible for Russian citizenship through registration were the former USSR citizens who had relocated to the Russian

Federation until February 6, 1992 and registered for Russian citizenship at the relevant public offices until December 31, 2000. However, Kalichava (2015) maintains that no large scale conferral of Russian citizenship took place before 2002, because it was precisely the year of 2002 when the vast majority of Abkhazian population was passportized and as there are no records of Abkhazians obtaining Russian citizenship via registration as per abovementioned provisions presented by any party, the number of such instances, if ever occurred, would have been marginal (p. 221-223).

Abkhazians and South Ossetians were indeed Georgian citizens by the virtue 1993 Georgian Citizenship Law and did not constitute the aforementioned group of stateless persons residing in the former Soviet territories and even if they had not become Georgian citizens or refused Georgian citizenship, of which there are hardly any records, the conferral of the Russian citizenship onto these populations still contradicts the Russian law, because there are no records indicating that these persons relocated to the Russian Federation en masse before February 6, 1992, or that they registered as stateless persons at specific public offices of Russia by February 6, 1993 (Kalichava, 2015, p. 221-223; Tagliavini, 2009, p. 164-165).

Natoli (2010) asserts that there are several requirements for naturalization to be considered legitimate: “1) states may not impose their nationality, 2) individuals must be able to change their nationality, and 3) some genuine connections must exist between an individual and the state to support the legitimacy of any grant of nationality” (p. 415). With regards to choice, the

residents of Abkhazia and South Ossetia did seem to be willing to accept the Russian citizenship provided to them by the Russian authorities, but Kirova (2012) notes that Russian pensions were at least 16 times higher than Abkhaz or South Ossetian ones and the economic incentives such as social benefits, pensions and quotas for free university tuition were crucial in obtaining Russian citizenship (p. 17-19).

Concerning genuine link, this issue gained prominence with Nottebohm Case (1955). A dispute between Guatemala and Liechtenstein ensued after Friedrich Nottebohm, a long-time resident of Guatemala and a former citizen of Germany, obtained Liechtenstein citizenship right after the start of Second World War and subsequently demanded diplomatic protection from Liechtenstein as he faced difficulties in Guatemala, which was in war with Germany (Sloane, 2009). International Court of Justice (ICJ) ruled that Nottebohm's link with Liechtenstein was not sufficient or genuine enough for him to be considered Liechtenstein citizen and enjoy its diplomatic protection, so the issue was decided in favor of Guatemala and thus the notion of genuine link emerged (Sloane, 2009).

Regarding the population of Georgia's breakaway regions, Tagliavini (2009) maintains that Soviet citizenship or even a temporary residence permit in Russia does not fulfill the minimum requirement of genuine link (p. 168). While South Ossetians are indeed closely related to North Ossetians who constitute a republic in Russian Federation and historically were allied to the Russian states, the same cannot be said about Abkhazians, therefore generally speaking, the mass conferral of Russian nationality to these populations cannot be

substantiated by adequate genuine link requirements (Tagliavini, 2009, p. 169).

Tagliavini (2009) continues that “collective naturalization of persons living outside of the territory of the state seems to be contrary to international law” (p. 163). Furthermore, Weis (1956) asserts that naturalization of persons living within 500 miles from the naturalizing state contradicts international law because, “it purports to deprive other states of a number of their nationals, of the right of protection over a number of their subjects. It constitutes an encroachment upon the personal jurisdiction of these states and must be regarded, if it affects a considerable number of nationals, as an unfriendly or even hostile act against the state of nationality comparable to the violation of a state’s territorial jurisdiction: it constitutes a threat to peaceful relations and is as such illegal” (p. 112).

Indeed, Russia’s passportization policy constituted interference in Georgia’s internal affairs through which Russia deterred Georgia from enjoying its sovereign right to exercise jurisdiction over its citizens (Kalichava, 2015, p. 222).

Overview of the Russo-Georgian Dynamics Before 2002

In order to understand what prompted Kremlin to undertake a measure such as passportization in Georgia’s breakaway regions, it is useful to examine the preceding Russo-Georgian relationship dynamics and the geopolitical situation in the Caucasus region.

Georgian Civil War

Georgia declared independence from USSR on April 9, 1991, on the

second anniversary of the April 9, 1989 massacre during which Soviet troops dispersed a peaceful pro-independence demonstration in Georgia's capital Tbilisi with shovels and toxic gas, resulting in 19 casualties (Petersen, 2008, p. 193-194). This period saw tensions between Tbilisi and Moscow for a number of reasons.

According to Mkrtchyan and Petrosyan (2009), Zviad Gamsakhurdia, Georgia's first independent president, along with Chechen leader Dzhokhar Dudaev, intended to create "Caucasian Home", an organization that would alienate Russia from the Caucasus and tilt the balance of power in favor of Georgians and Chechens, who would take a leading geopolitical role in Transcaucasia and North Caucasus, respectively (p. 61).

Gamsakhurdia also proved to be uncompromising in relation to South Ossetians, whose demands for increased autonomous status were rejected by Tbilisi due to perceived threats from their close ties with North Ossetia in Russian Federation (Jones, 2013). Subsequently, as South Ossetians declared themselves sovereign within the USSR in September 1990, three months later Gamsakhurdia abolished the South Ossetian autonomy altogether, precipitating an armed conflict with Ossetians that involved Soviet troops stationed in the region and resulted in the establishment of South Ossetian breakaway administration (Jones, 2013). Overall, Gamsakhurdia's rule was characterized by controversial policies and serious mismanagement, which caused significant backlash and as a result, the country verged on a civil war (Jones, 2013, p. 101-104).

Moreover, Gamsakhurdia adamantly refused the inclusion of Georgia into the Commonwealth of Independent States (CIS), a loose association of post-Soviet states that would succeed USSR (Pike, 2012). Consequently, Russian military forces stationed near Tbilisi supported a wide array of Georgian opposition in their attempts to overthrow Gamsakhurdia and through their combined efforts, a coup d'état ensued in Tbilisi in late December of 1991 (Gordadze, 2009, p. 30). After the initial turmoil, Eduard Shevardnadze, a former Soviet Foreign Minister under Gorbachev, was invited by interim military authority called State Council to lead Georgia (Jones, 2013). At this time, the country was embroiled in a civil war between Gamsakhurdia supporting militias, Zviadists, and pro-State Council forces.

According to Rukhadze and Duerr (2016), Abkhaz nationalists took advantage of the civil war and started sabotaging the Georgian rule in the autonomous region, attacking the government building and eventually declaring independence in July 1992 (p. 37). Goltz (2009), who travelled to Georgia at this time, recalls a warning by a senior Abkhaz politician given to his Georgian colleagues not to proceed with rash moves, as in that case Russia would support the separatist forces (p. 23). Nevertheless, Georgian army units advanced with their frantic attempts to reestablish control over Abkhazia, triggering a 403 day-long war that ended in September 1993 with a Georgian defeat and ethnic cleansing of around 250,000 Georgians from Abkhazia, approximately half of the region's population (Rukhadze and Duerr, 2016, p. 37).

While Russia initially claimed to be neutral in this war, its involvement on

the side of Abkhaz proved to be crucial, not only in terms of ammunition, but also due to the fact that thousands of Cossack and North Caucasian fighters crossed the Abkhazian section of Russo-Georgian border and tilted the balance in favor of Abkhaz (Jewett, 1994, p. 48). According to Derluguian (2005), Russian security services trained fighters from North Caucasian republics and sent them to fight in Abkhazia. This move served as “a sort of ‘safety valve’ for rising nationalist pressures in the North Caucasus . . . It exported the revolutionary challengers while at the same time punishing newly independent Georgia, which had threatened to become a hostile neighbor” (Derluguian, 2005, p. 267-268; Artman, 2013, p. 685). In fact, in late November of 1993 Russian Foreign Minister Andrei Kozyrev admitted to Russian journalists that the Abkhaz side asked for military assistance from Russia and “when confronted with specific facts, did not deny that the military had provided it to them” (Jewett, 1994, p. 49). Moreover, during one of the battles in March 1993, UN military observers confirmed that a downed warplane that carried out bombing of Georgian settlements in Abkhazia indeed belonged to the Russian aviation and was operated by a professional Russian pilot carrying relevant paperwork, as the Abkhaz separatists did not have air force (Goltz, 2009, p. 26).

Nevertheless, the civil war in Georgia was not over and according to Teague et al. (1998), in late 1993 Zviadist rebels launched an offensive in western Georgia to regain power, allegedly with covert Russian backing. Subsequently, as Zviadists were advancing towards Tbilisi, Eduard Shevardnadze was offered from Moscow what Artman (2013) deemed “a sort of

Faustian bargain” in exchange for victory – Georgia would join the Russian-dominated CIS, the existing Russian military bases would be kept in the country and Russia would assume a peacekeeping role in Abkhazia and South Ossetia, to which Shevardnadze agreed, thus institutionalizing Russian involvement in Georgian affairs (p. 686).

Pax Russica

During the UN General Assembly of October 1993, Russian Foreign Minister Andrei Kozyrev underlined the significance and exceptionality of Russian peacekeeping mission in a “specific post-Soviet space” (Fedarko, 1993; Gordadze, 2009, p. 34). According to Artman (2013), Russia’s goal was to enforce stability on its own terms instead of providing meaningful conflict resolution efforts and as a result, “Pax Russica” was established in the region (p. 687). Besides the importance of peacekeeping mission in Russia’s “near abroad”, while discussing the strategic objectives of Russia, Jewett (1994) argues the following:

“Russia seized the opportunity to manipulate the conflicts in Georgia to protect its strategic objectives which include: maintaining access to the Black Sea and retaining the naval ports along Georgia's coast; preserving control over key military installations and bases, including Eshera and Bombora in Abkhazia; protecting railroads and pipelines through Georgia to pro-Russian Armenia, which is cut-off from Russia by Georgia and Azerbaijan; preventing the unstable Muslim republics of the Russian Federation which border Georgia from pursuing their own agendas in the

region, and securing Georgia's border with Turkey" (p. 46).

The latter point concerned Adjara, one of the three autonomous units of Georgian SSR. Its population was overwhelmingly Georgian, but according to Goltz (2009), tensions still arose in this region in 1991, when Gamsakhurdia-appointed administrator was shot dead in mysterious circumstances and serious strife seemed plausible (p. 17). The culprit was widely believed to be Aslan Abashidze, a local strongman who subsequently took power and established a semi-independent "armed autonomy" with heavy backing from Russian military base located in the region (Goltz, 2009, p. 17). Shevardnadze eventually made peace with such arrangement and thus the region remained under Abashidze throughout Shevardnadze's rule.

One of the most notable characteristics of "Pax Russica" during the early Shevardnadze rule besides Russia's peacekeeping mandate in the breakaway regions was the fact that Moscow made certain that its preferred military and security servicemen were to be appointed in Georgia's 'power' structures (Gordadze, 2009, p. 35). As a result, Ministry of Defense, Ministry of State Security and Ministry of Interior were headed by the protégés of Russian security services (Gordadze, 2009, p. 35-36). Nevertheless, Shevardnadze was dissatisfied with the status quo, as "Pax Russica" seemed to provide no real dividends in terms of state security, general stability and conflict resolution in Abkhazia and South Ossetia, where the conflicts were effectively frozen (Gordadze, 2009, p. 36-37).

Initial Rifts

While defining the overall dynamics of Russo-Georgian relations since the 1990s, Gordadze (2009) notes the following:

“once the shock of disintegration was over, both Russia and Georgia came back to their classical national projects: for Russia, the restoration of an empire or at the very least a zone of influence; for Georgia, the construction of a nation-state. Inevitably, their interests clashed again; the regime of Eduard Shevardnadze, presumed by many to be loyal to Moscow, turned out to be as attached to the idea of independence and sovereignty as its predecessor, the Gamsakhurdia regime, had been. Russia, in order to impose its hegemony, had somehow to punish this new regime. Yet during this period it became clear that no serious political force in Georgia would ever be so obedient to Moscow as to abandon its sovereignty and territorial integrity” (p. 29).

As a result, the balance of power in Georgia started to change in 1995. Shevardnadze began to get rid of Russian-backed elements from the civil war period and suffered an assassination attempt, which was widely interpreted as a warning sign (Geyer, 2000, p. 55-61). The alleged perpetrator was Igor Giorgadze, Minister of State Security and a long-time KGB officer (Cohen, 2004, p. 7). After the assassination attempt, Giorgadze immediately fled to Moscow via military jet from the Russian base near Tbilisi (Gordadze, 2009, p. 39). Later, Giorgadze was declared wanted for the assassination attempt and was also accused of conducting psychological warfare campaign in Russian media against

Georgia, while Russia declined to extradite him (Cohen, 2004, p. 7). According to Gordadze (2009), Shevardnadze later admitted that Yeltsin had warned him about possible dangers beforehand and asked him refrain from participating in Baku-Tbilisi-Ceyhan (BTC) oil pipeline, a project in which Georgia was actively involved and sought to provide alternative energy sources to European market, bypassing Russia (p. 39).

The advent of BTC pipeline, originally proposed by Turkey, also implied the involvement of United States in the project as a key NATO ally and Shevardnadze capitalized on this opportunity by having his presidential guard trained by the US, as well as surrounding himself with pro-Western advisers (Gordadze, 2009, p. 38-39).

Moreover, another factor that contributed to Shevardnadze's shift towards the West was the fact that the breakaway Chechen administration, victorious after the First Chechen War of 1994-96, sought to establish close relations with Georgia, its only geographic link to the outside world and started frequenting Tbilisi and this was not received well in Moscow (Gordadze, 2009, p. 40). In February of 1998, Shevardnadze suffered another assassination attempt, which became a subject of joke by then Russian Foreign Minister Evgenii Primakov, Shevardnadze's arch-enemy from Soviet times (Cohen, 2004, p. 7). Furthermore, October of 1998 saw a failed armed revolt in western Georgia where defectors from the Georgian National Guard were evidently awaiting signals from Moscow (Gordadze, 2009, p. 40; Gamtsemlidze, 1999). Tensions between Georgia and Russia increased.

Chechen Crisis and the Russian Military Bases in Georgia

The Second Chechen War which started in 1999 significantly deteriorated the already strained relations between Tbilisi and Moscow. The new leader of Russia, Vladimir Putin, launched an all-out war against Chechen separatism and in the course, demanded from Georgia the usage of its airspace, control over Georgian side of the border with Chechnya and the permission to involve Russian bases stationed in Georgia in military operations (Gordadze, 2009, p. 41). Eduard Shevardnadze refused, as the prospect of a hostile country such as Russia getting even more militarily involved within Georgian territory was not desirable to Tbilisi, which was already wary of Kremlin's existing presence. As a response, Russia accused Georgia of harboring and even arming jihadists among the Chechen refugees that crossed the border and concentrated in Pankisi valley, an area in northeastern Georgia populated by ethnic Chechens (Nagashima, 2017, p. 6). According to Gordadze (2009),

“Russia never presented any credible evidence on Georgia's alleged involvement on the side of the Chechens. But the accusations served to exonerate the Russian army for its failures during the first year-and-a-half of the operation. It was also useful to Moscow to have tarnished Georgia's international reputation by endlessly representing it as at best a failed state that could not secure its borders, and at worst as a rogue state in league with terrorists” (p. 42).

In addition, Russia lifted the CIS introduced ban on the Abkhazian section of the Russo-Georgian border in September 1999, thus establishing direct land

connections with the Abkhaz breakaway administration (Illarionov, 2009, p. 51). According to German (2006), this early decision of Vladimir Putin was met with uneasiness in Tbilisi, but another decision of the Russian leadership in December 2000, namely, the imposition of special visa regime on Georgian passport holders while disqualifying the residents of Abkhazia and South Ossetia from this rule was received with even greater apprehension, as this measure implied differentiated attitude towards Georgian passport holders and the residents of Georgia's breakaway regions and the Kremlin's preferences in this matter were no longer kept secret. In fact, this measure was denounced by European MPs as "the de facto annexation of Georgian territory" (German, 2006, p. 9). Gordadze (2009) argues that Russian leadership erroneously assumed the new visa regime would significantly reduce the remittances sent from Russia to Georgia by the perceived high number of labor migrants, but this number was considerably overestimated and therefore such restrictions had negligible impact on Georgia (p. 45)

Besides the Chechen crisis, the abovementioned measures were a response to Tbilisi's declared intentions to finally close all the Russian military bases on Georgian soil in September of 1999 (Gordadze, 2009, p. 44). Long and strenuous talks ensued at an OSCE summit two months later between the representatives of Georgia and Russia regarding the closure of Russian bases and after series of negotiations spanning over a couple of years, Russia required fifteen years of time to complete the evacuation of its military installations, vast compensation for the military personnel and their families and even encouraged

ethnic Armenians in Javakheti region and certain political groups within Georgia to push for the continuation of the bases (Gordadze, 2009, p. 44). As Georgia called for an end of all permanent foreign military presence on its soil on international arena and even garnered support from Western powers such as United States on this issue, Russia opened border with Abkhazia and then imposed the abovementioned special visa regime on Georgian passport holders (Gordadze, 2009, p. 44).

Kodori Crisis

Another source of variance between Tbilisi and Moscow became the 2001 upper Kodori valley crisis, which was demilitarized and remained the only area in Abkhazia remaining under Georgian control (Fawn, 2002). An unusual situation developed in this territory when a Chechen guerilla commander Ruslan Gelaev, along with a few hundred Chechen militants and several Georgian paramilitaries appeared in the valley and launched an assault on the positions Abkhaz militia, alongside with whom Gelaev fought a decade ago against Georgians (Tarkhan-Mouravi and Sumbadze, 2006, p. 284). According to Dzebisashvili (2014), Abkhaz and Russian forces managed to repel Gelaev's associates, but later attempted to capture the whole valley and after the Georgian government forces intervened, the status quo ante bellum was maintained (p. 5).

Nevertheless, Abkhaz side accused Georgia of masterminding the Chechen-led incursion in order destabilize Abkhazia and restore Georgia's jurisdiction and military control over the region (Nagashima, 2017, p. 6). UN representative Dieter Boden said the reports coming from both parties of the

conflict were difficult to confirm and there was no accurate information on what was actually going on in the Kodori valley (Fawn, 2002, p. 141). Moreover, later in 2006 the Prime Minister of Estonia Mart Laar suggested that the 2001 upper Kodori valley crisis was a Russian plot to establish full military control over Abkhazia (Baltic News Service, 2006). All in all, an armistice was reached, but the upper Kodori valley remained a source of contention and the resultant increased rapprochement between Russia and the Abkhazian breakaway administration was seen by Georgia as another attempt at undermining its sovereignty (Nagashima, 2017, p. 6).

Changing Realities: GTEP

According to Gordadze (2009), Georgian leadership grew increasingly dissatisfied with the existing geopolitical status quo (p. 43). Unresolved state of affairs in breakaway regions, Russia's discontent by Georgia's attempts to build an independent, sovereign state and to boot, its insistence on Georgia being a shelter of terrorists ironically culminated in ever increased US interest in the region, which was actively fighting against international terrorism since September 11, 2001 and as a result, Russia inadvertently induced what it desired the least – American military presence near its southern borders (Gordadze, 2009, p. 43).

Eduard Shevardnadze understood that the weakness of Georgian law enforcement and armed forces brought substantial challenges for the security of a country that had just recovered from the civil war, especially in terms of transnational threats and asked United States for assistance, which, as noted

above, was seeking partners in combating terrorism, including in the post-Soviet space (Fawn, 2002, p. 137). According to Welt (2005), the US leadership did not decline Shevardnadze's request and as the situation in Pankisi valley proved to be precarious, US and Georgia announced a \$64 million Georgia Train and Equip Program (GTEP) in February 2002, which boosted Georgia's security and by the time the program was halfway through, virtually all the Chechen militants had left the valley (p. 3). Moreover, as Welt (2005) elaborates,

“besides dealing with the Pankisi problem, the new partnership provided Georgia with what it wanted: a buffer against Russian pressure. In tandem with GTEP, the United States delivered explicit signals to Russia that it did not consider threats of force, and especially sporadic missile attacks on northern Georgian territory, to be acceptable instruments of pressure. Drawing a red line against transgressions of Georgian sovereignty, the United States made it clear that Georgia was no longer under Moscow's thumb” (p. 4).

According to Welt (2005), the resolution of the crisis in Pankisi valley demonstrated no signs that GTEP was going to be used by the Georgian government in its supposed attempts to reestablish control over the breakaway regions by force, especially considering that the program included provisions that explicitly prohibited Georgia from deploying units trained in counter-terrorism and general military operations in Abkhazia (p. 4). Deployment in South Ossetia was not addressed as specifically, but this region was not a major point of interest at the time, as all attention was focused on more strategically important Abkhazia

(Welt, 2005, p. 4).

Nevertheless, GTEP was perceived negatively by certain politicians in Moscow. According to Nagashima (2017), a group of Russian State Duma deputies was alarmed by Tbilisi's increasing rapprochement with Washington, tangible American military presence near Russia's sensitive border regions such as Chechnya and and issued the following statement: "Russia had offered assistance to Georgia many times but the Georgian leaders ignored it and turned to the United States for cooperation in resolving this problem" (p. 6-7).

Even more alarmed by the developments regarding GTEP was Vladislav Ardzinba, the de facto president of Abkhazia who sent a petition to Moscow demanding military protection in case of a possible advance from Georgia (Nagashima, 2017, p. 7). Dmitry Rogozin, one of the leading figures of the abovementioned statement of Russian deputies and a person in charge of State Duma's international relations committee, announced that Moscow was considering the recognition of Abkhazia and South Ossetia as independent states in order to fend Georgia's possible military intrusion in these regions (Nagashima, 2017, p. 7). However, Rogozin promptly changed his stance after Putin declared that increased involvement of US troops in Georgia was not seen as dangerous because Russia acknowledged Georgia's right to be concerned about its security, especially on matters such as terrorism and that his stance on tackling this matter coincided with that of US (CNN, 2002).

Welt (2005) maintains that Washington appreciated collaboration with Moscow on matters such as war on terror and nuclear non-proliferation enough

not to take more assertive role in pushing for conflict resolution in Georgia's breakaway regions and therefore challenging Kremlin's hegemonic status in Georgia was not seriously considered by the Bush administration at the time (p. 4). Similar position is voiced by Gamtsemlidze (2002), who notes that despite the rapprochement between Tbilisi and Washington, Georgia was not deemed nearly as strategically important as Russia and Washington's policy would be influenced by its pragmatic cooperation prospects with Moscow.

Nonetheless, by the summer of 2002 Russia began administrative preparations for passport distributions in Georgia's breakaway regions as the implementation of new citizenship law was approaching (Illarionov, 2009, p. 53). According to Nagashima (2017), even though Georgia and the Abkhaz breakaway administration reached a deal regarding the demilitarization of upper Kodori valley in April 2002, the Abkhaz side claimed that Georgians had not fully withdrawn and this caused a series of mutual accusations (p. 8). As a result, the June 2002 passportization in Abkhazia was preceded by a meeting of Abkhaz, South Ossetian and Russian leaders where they issued a following joint statement: "Georgia is conducting large-scale military preparations to return Abkhazia and South Ossetia to Georgia by force under the guise of a fight against international terrorism" (Nagashima, 2017, p. 8). This process caused serious concerns among Georgian politicians who considered this move of Russia an "annexation" of Abkhazia and Nino Burjanadze, Georgia's Speaker of Parliament, raised this issue at an upcoming OSCE assembly (Khashig, 2002).

Subsequent Developments and Russia's Motives for Passportization

Evidently, Russia's motive behind this contentious move was that it perceived increased military capabilities of Georgia as a significant threat to its favored geopolitical status quo and such measure served as an effective deterrence strategy in order to maintain its strategically important sphere of influence, namely, Abkhazia (Nagashima, 2017, p. 8; Chatham House, 2009). Such measure, however, was a serious violation of Georgia's sovereignty and an obstruction of the latter's attempt at consolidating civic national identity in its territories (Littlefield, 2009, p. 1473). New large population of Russian citizens in Abkhazia also meant that Kremlin could act more decisively if it considered its subjects were in danger (Khashig, 2002). According to Nagashima (2017), passportization was effective yet subtle method for Russia to further strengthen its involvement in Abkhazia without taking drastic measures such as recognition of independence or official incorporation, which would have caused significant international backlash (p. 8)

In addition, through passportization policy Kremlin tried to silence critical voices among the Russian political establishment which maintained that by tolerating US military presence in Georgia, the latter would certainly attempt to retake Abkhazia by force and a region on the Black Sea vital to Russian strategic interests would be compromised due to inaction (Nagashima, 2017, p. 8). Even more noteworthy is the fact that the Kremlin relied on a radical nationalist organization such as the Congress of Russian Communities to carry out the passportization. The Kremlin has an occasional tendency to rely on radical

groups when it is deemed strategically useful and as the pressure was mounting in its direction amid GTEP, Kodori crisis and the subsequent hypothetical developments in Abkhazia, the employment of the abovementioned organization, whose eventual declared goal, en passant, was to provide legal means of incorporating Abkhazia and South Ossetia into the Russian Federation, proved to be politically convenient (Nagashima, 2017; Laruelle, 2015, p. 92-94).

Afterwards, the Russo-Georgian relations escalated rapidly in August 2002, when Russia once more demanded access to Georgian airspace while carrying out military operations in Chechnya and after another refusal from Tbilisi, bombed the Pankisi valley multiple times, causing one civilian casualty (Illarionov, 2009, p. 53). Russia denied carrying out the bombings, claiming it was being framed in a false-flag operation by Georgia, but later independent OSCE monitors confirmed that the warplane came from the Russian side of the border (Walsh, 2002). According to Illarionov (2009), tensions reached a new low when on the first anniversary of September 11 attacks, Putin issued an ultimatum against Georgia by threatening to use military force against Georgia's perceived terrorist threat and Georgia responded by declaring its intention to become a member of NATO during the organization's Prague summit on November 22, 2002 (p. 53).

Russia responded by appointing its security servicemen from FSB and GRU on high ranking positions in the South Ossetian breakaway regime and reopening railway link with Abkhazia that was closed down as a part of CIS introduced blockade in 1996 (Illarionov, 2009, p. 53). Illarionov (2009) notes that

by the end of 2002, “Russia had gradually ratcheted up pressure on Shevardnadze’s government. It had taken steps that threatened Georgia’s territorial integrity, going as far as to threaten military action — while working to smear Georgia’s reputation internationally as a den of terrorism” (p. 53).

As the intention of Georgia to join NATO was announced by Shevardnadze, a former high-ranking Communist functionary who realized that attempts to guarantee Georgia’s territorial integrity and sovereignty meant no other viable choice, United States became gradually involved in the region. Devdariani and Hancilova (2002) note that by the end of 2002, the increase of American involvement in the Caucasus region’s security architecture posed serious long-term challenges to Russia’s interests in the region.

Indeed, what followed next was that Russia sent significant military equipment, including twelve tanks, into South Ossetia in February 2003, around the time when it refused to attend the routine meeting of joint peacekeeping mission which discussed the issues concerning Georgian-Ossetian conflict (Illarionov, 2009, p. 54). Moreover, Russia lifted the international economic blockade on Abkhazia imposed after the 1992-93 war and the representatives of the South Ossetian breakaway regime declared that they would not follow certain provisions in previous peace agreements (Illarionov, 2009, p. 54). Furthermore, in October of 2003, Russian Defense Minister Sergey Ivanov stated that Moscow did not rule out possibility of carrying out airstrikes in certain parts of the world in order to guarantee its own security and this statement was perceived by many observers to be directed at Georgia, especially after the August 2002 Pankisi

bombings, (Illarionov, 2009, p. 54).

Georgia had scheduled parliamentary elections on November 2, 2003. After it became obvious that the results of this election were rigged, mass demonstrations took place in Tbilisi and after three weeks of protests, Eduard Shevardnadze resigned on November 23 and a team of reformist and markedly pro-Western politicians headed by Mikheil Saakashvili took power (Miller, 2004).

According to Gordadze (2009), Kremlin ideologues such as Vladislav Surkov and Gleb Pavlovsky insist that it is not possible for democracy and Western liberal values to function outside the Euro-Atlantic world and any attempts to make it happen must be a plot of Western design to undermine the “natural order” in certain areas of the world (p. 46). Hence the Rose revolution of Georgia was perceived in Moscow not as a public action against Shevardnadze’s unpopular government, but an American orchestrated regime change in Russia’s backyard, despite the fact that the US Secretary of State James Baker, a personal friend of Shevardnadze, evidently attempted to dissuade the latter from rigging elections and including certain controversial figures on his party ticket in order to maintain stability and avoid backlash several months prior to the elections (Gordadze, 2009, p. 46-47). Russia sent its Foreign Minister Igor Ivanov in frantic attempts to save Shevardnadze’s rule, since he was still perceived as relatively more agreeable than markedly pro-Western Saakashvili (Gordadze, 2009, p. 45). However, it was too late. According to Miller (2004),

“few Georgia-watchers could have imagined how quickly events would unfold after the November 2 election . . . Soviet-style vote rigging is no

way to lead a nation with aspirations of joining the West, nor is it feasible in a country with a high level of literacy and free mass media. Indeed, the Georgian people acted out one of the purest renderings of the social contract. No longer seeing Shevardnadze's government as legitimate, they invoked their right to remove it" (p. 19).

It is pertinent to take notice of one event that occurred when the Rose revolution was underway. On November 11, Russian State Duma approved the amendment to the 2002 Citizenship Law discussed earlier in this paper, which was proposed by Viktor Alksnis and his associates and called for the expansion of the law, providing a loophole for future mass passportization of South Ossetia later in 2004 (Nagashima, 2017, p. 5). Besides, it's worth noting that Russian Foreign Minister Igor Ivanov intensified meetings with the leadership of Georgia's breakaway regions immediately after the Rose revolution, discussing the possibility of distributing more Russian passports and in early December of 2003, the Russia media suggested that preparations for future passportization were underway (Illarionov, 2009, p. 55).

According to Nilsson (2009), the new government of Georgia headed by Mikheil Saakashvili embarked on rapid modernization efforts and the strengthening of Georgian state institutions was a chief priority (p. 102). While the restoration of Georgia's territorial integrity was always desired by Tbilisi, its ability to do so increased drastically after the Rose revolution (Nilsson, 2009, p. 103). Therefore, Saakashvili's push to safeguard and secure Georgia's sovereignty and territorial integrity, especially through increased

Westernization, clashed with Russia's desire to maintain sphere of influence in Georgia's breakaway regions and Tbilisi's attempts to further alter the Russian-favored status quo became increasingly apparent (Nilsson, 2009, p. 103).

Indeed, the new Georgian government was vocal about its intentions to reestablish effective control over all of the country's territory and the first target was the autonomous republic of Adjara under the semi-independent rule of Aslan Abashidze, who was deposed after a combination of peaceful mass protests organized by Saakashvili's ruling party and the defiance of his security services (Nagashima, 2017, p. 9). Upon his downfall, Abashidze was escorted from Russia's local military base to Moscow (Nagashima, 2017, p. 9). After Tbilisi regained full control over Adjara, Saakashvili purportedly called Putin and thanked for his understanding while the latter responded: "Now remember, we did not intervene in Adjara, but you won't have any gifts from us in South Ossetia and Abkhazia" (Illarionov, 2009, p. 55). Indeed, immediately after the Adjarian revolution, a representative of the South Ossetian breakaway regime issued a statement condemning the actions of Tbilisi and fearing that the Rose revolution would be "exported" to South Ossetia (Vignarskii, 2004). Furthermore, Illarionov (2009) maintains that few days after the Adjarian revolution, Vladimir Putin signed a secret decree outlining Russia's plans in South Ossetia, which consisted of increased militarization of the region by constructing new bases, sending a greater number of military personnel to the region and appointment of more Russians from FSB and GRU to the security structures of the South Ossetia breakaway regime (p. 56).

Therefore the second wave of Russian state-sponsored mass passportization started in South Ossetia three weeks after the ouster of Aslan Abashidze in Adjara and in the end, this policy resulted in 98% of South Ossetians and over 80% of Abkhazians becoming Russian citizens by the end of 2004 (Nagashima, 2017).

Littlefield (2009) argues that by passportizing the residents of Abkhazia and South Ossetia en masse, Russia employed one of its few remaining leverages on Georgia and strengthened its footing in the country while appealing to human rights protection (p. 1475). Moreover, Artman (2013) asserts that,

“possession of a Russian passport, which is emblazoned with Russian national symbols and the words “Rossiiskaya federatsiia,” reinforces the idea that its bearer is located in a particular territory, both spatial and ideational. Russian passports thus certified that their bearers were Russian citizens as opposed to Georgian citizens. Passports documented their bearers’ separateness – politically, territorially, and ideationally – from Georgia. By conferring citizenship en masse to the residents of Abkhazia and South Ossetia, Russia discursively extended its sovereignty into territory legally owned by another state . . . a Russian passport was an unambiguous sign that Moscow’s writ and its military might extended at least as far as to the soil upon which its bearer stood” (p.693).

Conclusion

The initial part of the paper examines the legitimacy of the Kremlin’s mass conferral of Russian citizenship, i.e. the passportization policy, with regard to

international, Georgian and Russian legal norms. The research demonstrates that when the USSR collapsed, the residents of the former Georgian SSR became citizens of Georgia by the virtue of Georgian Citizenship Law, as international law affirms the preponderance of state sovereignty in the matter of state succession. Only the persons that refused Georgian citizenship as per relevant provisions can be considered as not being citizens of Georgia. Considering the existing data, it can be suggested that the vast majority of persons living in Georgia's breakaway regions of Abkhazia and South Ossetia did actually become citizens of Georgia through the 1993 Georgian Citizenship Law and were not stateless.

Therefore the 2002 Kremlin-sponsored mass passportization in Abkhazia carried out under the provisions of the 1991 Russian Citizenship Law, as well as the similar process two years later in South Ossetia realized through the revised law, should be considered illegitimate from the perspective of international, Georgian and even Russian law, as Georgia does not allow for dual citizenship, a significant fraction of these persons were not stateless and they did not fulfill certain key criteria of the 1991 Russian Citizenship Law in a timely manner. Moreover, this policy resulted in the encroachment of Georgia's sovereignty and deprived the country of its own citizens and the sovereign right to exercise jurisdiction over them.

All in all, this mass passportization policy transpired amid a history of heightened tensions between Tbilisi and Moscow. As the USSR verged on collapse, the leadership of Georgia challenged Russian hegemony in multiple

ways. Subsequently, Russia became involved in certain internal processes of Georgia, namely, the coup d'état in Tbilisi, the ensuing Georgian civil war and war in Abkhazia that resulted in considerable destabilization of the country and tilted the balance of power significantly in favor of the Kremlin. The new Georgian leadership hesitantly agreed to join the Russian-dominated CIS, keep Russian military bases on its territory and grant Russia a peacekeeping mandate in the breakaway regions of Abkhazia and South Ossetia, where the conflicts were effectively frozen.

Dissatisfied with the “Pax Russica”, the President of Georgia Eduard Shevardnadze gradually started challenging the Russian-imposed status quo which was rather unfavorable to Georgia. As Shevardnadze began to participate in the BTC pipeline project and took measures that steadily lessened Russian influence in Georgia, two unsuccessful assassination attempts and a failed military mutiny ensued, allegedly involving Moscow. As a result, when Russia started to carry out military campaign in its breakaway region of Chechnya that bordered Georgia and demanded cooperation from the latter, Shevardnadze refused to do it on Russian terms and the tensions between countries began started reaching new levels.

Nevertheless, Tbilisi acknowledged the security challenges posed by the Chechen crisis and instead of Russia, started cooperating with the US on this matter. As a result, Tbilisi's increased military capabilities were perceived rather threateningly by the de facto leadership of Georgia's breakaway regions and by Moscow, which deemed that bolstered Tbilisi might attempt to reclaim jurisdiction

over its breakaway regions by military means and through inaction, important spheres of influence might be compromised. Consequently, seeing how much Georgia was willing to defy the Russian-favored status quo, especially after the Rose revolution in November of 2003, the Kremlin distributed citizenship to the residents of Abkhazia and South Ossetia in order to further strengthen its involvement in these regions, effectively undermining Georgian sovereignty while doing so.

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