

FOREIGN POLICY & SECURITY PROGRAMME

Georgian State Border – Past and Present

Nikoloz Samkharadze

PhD Student of International Relations
Ivane Javakhishvili Tbilisi State University

*CSS project “Graduate Programs at the Faculty of Social and Political Sciences at Iv.
Javakhishvili Tbilisi State University”*

Grant Code: E0476

Contents

I. Introduction.....	3
II. History of Georgia’s state border formation in 20th century.....	5
III. Delimitation Negotiations.....	16
IV. Conclusion	19
About the Author	20

I. Introduction

Georgia regained independence in December 1991 after Soviet Union officially ceased to exist. In Soviet Union, all borders between the neighbouring Soviet Socialist republics were considered as administrative and one could freely travel between the “fraternal” republics without any border checks. Only traffic police booths with blue-and-white stripes and road signs separated the territories of union republics. In contrast, Georgia’s border with Turkey, which at the same time served as - to use the current EU terminology- a Soviet external border with a NATO member country was properly delineated and demarcated. In 1998 the last detachment of Russian border troops left Georgia and the newly independent nation started to guard the state borders with its own resources. Unfortunately, after 21 years of independence, out of 2148 kilometres of Georgian state border only 275 kilometres - roughly 13% - is delineated and demarcated. Border delimitation is a lengthy and complicated process and only Russia and Azerbaijan have managed to sign a border treaty in the region so far.

Remarkably, Georgia could not manage to agree on its state border with any of the neighbouring states, although state commissions on delimitation and demarcation with all three countries were established as early as in 1993-94.

The commissions had a difficult start and even after almost two decades of negotiations only 86% of the border has been agreed on the commission level with Russian Federation, 71 % with Armenia and 66% with Azerbaijan.¹ However, the border cannot be agreed only partially. Negotiations are completed only when the whole border is agreed. For the last several years the negotiation process with the South Caucasus neighbours has been stagnating and so far no light is visible at the end of the tunnel. The scenario is even worse at the negotiations with Russia, as they have been stalled indefinitely since Russia’s 2008 recognition of Abkhazia and South Ossetia as independent states. According to the Georgian border management strategy, which is the primary state document in this field, the Georgian-Russian commission on delimitation will resume its work only after the de-occupation of Abkhazia and South Ossetia by Russia.²

Thus, the prospect of Georgia agreeing on its state borders with the former soviet republics seems distant. This undermines one of the fundamental characteristics of a state, which is - defined territory. It also creates unnecessary tensions in Georgia’s

¹ Border Management Strategy of Georgia, 2012, Chapter 5.2

² Border Management Strategy of Georgia, 2012, Chapter 5.1

relations with its neighbours as the recent incident at David Gareji monastery demonstrated.³ Furthermore, undefined borders create additional obstacles for the attainment of Georgia's declared foreign policy goal of integration with NATO. As territorial issues are always very sensitively perceived by the population, especially if the non-agreed border segment runs along sites of cultural or religious heritage, which is the case at Davit Gareji portion of Georgian-Azeri border, then the situation might easily get out of control and damage the popularity of the ruling regime. Moreover, disagreement over even a tiny portion of land might undermine the stability of the region. Therefore, the topic of this article, delimitation of Georgia's state borders is highly pressing and significant element of inter-state relations in the South Caucasus region. It is an inexhaustible source of tensions in trans-border relations and causes public outcry every now and then, forcing the authorities to downplay the significance of border incidents.

This article provides historical background to the formation of Georgia's current borders in the course of 20th century and analyzes the stance of Georgian state on border delimitation after independence. In the first part of the article, the period of 1918-1921 when most border changes took place in the South Caucasus is examined. Then the Soviet period is discussed. The article moves on to examine the period of 1991-93, during which the successor states of the USSR reconfirmed the internal republican borders of the USSR. The second part of the article describes the process of Georgia's negotiations with neighbouring states on border delimitation after the restoration of independence. Delimitation of the border cannot be achieved unilaterally. It is a bilateral process and the failure to reach the consensus should be attributed to both negotiating parties. The aim of this article is not the identification of the guilty party, but rather identification of the actual reasons for lack of progress in negotiations. It reflects a Georgian perspective of the past and present state of play, since it is mostly based on documentary analysis and interviews conducted in Georgia.

This research argues that the lack of political will from all negotiating parties has been the main reason for protraction of the process of border delimitation. It is a first attempt to bridge the existing gap in research on the border delimitation issue in interstate relations. Unfortunately, border delimitation is a field which has not been extensively researched either by Georgian or by international scholars, which makes this article even more timely and relevant.

³ Georgia, Azerbaijani FMs discuss disputed border section at monastery complex area, <http://civil.ge/eng/article.php?id n =24779>

II. History of Georgia's state border formation in 20th century

For the purposes of this article, the history of Georgia's state border formation in the last century is divided into three periods: 1918-1921, the first independence period, 1921-1991, the Soviet period, and 1991-1993, the early phase of the second independence period. Each of these periods played an important role in formation of Georgian borders in their contemporary shape.

1. First Independence Period

At the dawn of the 20th century the present-day Georgian territory was fully incorporated into Russian empire and represented an integral part of Caucasus Vice-royalty. As of January 1917, Caucasus vice-royalty consisted of the following entities – Baku, Elisavetpol, Kutaisi, Tiflis, Black Sea, and Erivan Provinces (*Gubernias*). Provinces in their turn consisted of *Oblasts* (Batumi, Dagestan, Kars, Kuban, Terek) as well as smaller administrative units - Counties (okrugs) and Districts (uezds). These territories were governed according to a special Caucasus administration act (“*Учреждение управления Кавказского края*”) of 1883 and all of them except Kuban and Terek *oblasts* constituted Transcaucasus (*Закавказье*). Black Sea Province also had a special status. Southern parts of Tiflis and Kutaisi Province were incorporated to Russian Empire as a result of Russian territorial gains in Russo-Turkish war of 1877-1878.

In the wake of the February and October Revolutions of 1917 and outbreak of bitter civil war in Russia, the Transcaucasus Commissariat the successor body of Special Committee of Transcaucasus, which was formed by the Russian transitional government to administer Transcaucasus - summoned a Transcaucasus parliament (*Seim*) in January 1918. The *Seim* consisted of Caucasian deputies elected for the Russian constituent assembly, which in its turn was dispersed by the Bolsheviks after the October revolution.

The *Seim* had to work against the background of a dire international situation. The conclusion of the Brest-Litovsk treaty in March 1918 between Russia and Germany, which, *inter alia*, envisaged the transfer of Batumi, Kars and Ardahan counties to Ottoman Turkey⁴ without consultation with local Caucasus elites, led to aggravation of the situation. The *Seim* refused to agree to Brest-Litovsk conditions and offered peace negotiations to Turkey.

⁴ Brest-Litovsk treaty of 3 March, 1918, <http://www.dhm.de/lemo/html/dokumente/brest/index.html>

The first round of Trabzon negotiations between the sides failed and the Ottomans occupied Batumi, Ardahan, Ozurgeti and Akhaltsikhe as well as large parts of Azerbaijan and Armenia. In order to continue negotiations, the Ottomans demanded the proclamation of an independent Transcaucasus. Transcaucasus Democratic Federative Republic (TDFR) was proclaimed on April 22, 1918, Ottoman Turkey recognized the independence of TDFR on April 27.⁵ TDFR internal and external borders coincided with the provincial, oblast and County borders of entities constituting Transcaucasus part of the Caucasus vice-royalty. TDFR launched peace negotiations with Turkey however internal strife between Georgian Mensheviks, Armenian Dashnaks and Azeri Musavats who made up the vast majority of TDFR *Seim*, as well as divergent positions of these parties towards a truce with Turkey undermined the political unity of TDFR. On May 26, 1918 Turkey issued an ultimatum to the TDFR on accepting new borders and giving passage to the Turkish army through Georgian territory within 72 hours. The crisis became insoluble since the foreign policy interests of the three parties clashed again at the *Seim* session and the *Seim* declared self-dissolution.⁶ Several hours later, Georgia declared independence, Armenia and Azerbaijan followed suit in two days.

The Democratic Republic of Georgia (DRG) was born into a war. All borders that it claimed according to Russian imperial administrative-territorial division were contested by every single neighboring entity. The Ottomans had occupied southern Georgia and were threatening the Borjomi valley and Tbilisi. In order to save the rest of Georgia from Turkish occupation, DRG government signed a Batumi agreement with the Ottoman Empire on June 4, ceding Batumi and Kars oblasts and Akhaltsikhe and Akhalkalaki Districts (in total 11 000 sq. km) to the Turks.⁷ However, this agreement was never ratified by the Georgian Parliament and therefore it never had legal force. The arrival of German army units to Georgia stopped Turkish intervention and enabled DRG to work in relative peace on building the state and establishing borders.

As early as in September 1918 Georgia started negotiations with White General Denikin on defining borders between Georgia and the Kuban Republic formed by him. Kuban republic demanded that Georgia cede Sochi and Abkhazia and even carried out a military operation to

⁵Von Liszt, Franz, Rights of Georgian Republic, Tiflis, 1918, In: Bakradze Akaki (ed), Historical Rarities, Tbilisi, 1989

⁶ Surguladze A, Surguladze P, History of Georgia (in Georgian), Tbilisi 1991, P. 196

⁷ Metreveli R, History of Georgia, Lexikon (in Georgian), Tbilisi, 1979, P. 114

seize Gagra. This was repelled by Georgian forces, which took control of Sochi area and stopped at the Mekhadir River. Negotiations on setting the border line failed.⁸

Meanwhile, Germany and Ottoman Turkey capitulated in WWI and German units in the Transcaucasus were replaced by British forces. According to the Armistice of Mudros, the Turks had to evacuate their forces from the southern Georgian regions occupied after Brest-Litovsk. Southern Georgian counties returned to Tbilisi control, with the exception of the Batumi area, which became under direct rule of British forces.⁹

In March 1919, the Georgian government drafted an address to the Paris Peace Conference on political demands and borders for consideration. The address and its annex on border outlined that Georgia's borders should embrace the former Tiflis and Kutaisi Provinces including Sokhumi County, the territory of Sochi County of Black Sea Province until the Makopse River in the north-west, Batumi *oblast*, Ardahan and Oltis counties of Kars *oblast* and parts of Erzerum *vilayet* (Chorokhi bank) and of Lazistan *sanjak* of Turkey in the South-west as well as Zaqatala County in the East. The address argued that these territories were historical lands of Georgian people and 75% of population there was ethnic Georgian.¹⁰ The underlying logic was that return of those lands to the Georgian state would have restored historical justice. Ironically, the League of Nations recognized the Democratic Republic of Georgia within these borders on 27 January, 1921 after refusing its entry into the organization a month before. The recognition came too late as the fate of the DRG was already decided in the Kremlin.¹¹

However, by that time Georgia had already bilaterally agreed its borders with the Russian Soviet Federative Socialist Republic (RSFSR) under a treaty signed by the two countries on May 7, 1920. Article 3 of the treaty stipulates that “the state border between Georgia and Russia runs along Psou river until Asakhchi mountain, continues over Asakhchi and Agapet mountains and runs along northern border of the former Black Sea, Kutaisi and Tiflis Provinces until Zaqatala County and with eastern border of the mentioned County to Armenian borders”.¹² Article 4 stated that apart from territories of Black Sea Province listed in article 3, Russia recognizes the following Provinces and former *oblasts* of Russia as integral parts of Georgia: Tiflis, Kutaisi and Batumi with all Districts and counties as well as

⁸ Surguladze A, Surguladze P, History of Georgia (in Georgian), Tbilisi 1991 , P. 221

⁹ Surguladze A, Surguladze P, History of Georgia (in Georgian), Tbilisi 1991 , P. 218

¹⁰ Surguladze A, Surguladze P, History of Georgia (in Georgian), Tbilisi 1991 , P. 380

¹¹ Menteshashvili, Avtandil, History of Democratic Republic of Georgia relations with Soviet Russia and Entente states 1918-1921 (in Russian), Tbilisi, 2000, p. 86

¹² Russia-Georgia treaty of 7 May 1920 In: Khvedelidze Manana, Georgian state border in constitutions and international treaties (In Georgian), Tbilisi, 1999. P 8

Sokhumi and Zaqatala counties. The mountain passes located at the border were declared neutral until January 1922, when a special commission would define borders there.¹³

The agreement with Russia was a huge success for Georgian diplomacy in terms of securing the northern and north-western border of Georgia in a very volatile area. Territorial claims of Georgia were to a large extent satisfied, even going beyond the border of Sokhumi County of Kutaisi Province and embracing the Gagra area, which constituted a former part of Sochi County of the Black Sea Province.

The conclusion of the Russo-Georgian agreement caused discontent among Georgia's Transcaucasus neighbors. The leadership of by then already soviet Azerbaijan protested against the inclusion of Zaqatala County into the Democratic Republic of Georgia, due to the high proportion of Muslim population there. In 1916, Zaqatala County numbered 76000 inhabitants out of which only 19 000 were Georgians, 45000 Leks and 12000 Turks, Persians and Kurds.¹⁴ The protest led to the deployment of troops in the County by both Georgia and Azerbaijan and minor armed clashes. Russia intervened by deploying its own forces to end hostilities. Consequently, on May 12, 1920, Georgia and Russia signed an additional agreement envisaging the creation of a joint commission of Georgian and Azeri representatives chaired by a representative of Russian Soviet Federative Socialist Republic. The commission should have agreed on the status of disputed areas at Zaqatala County and Georgian-Azeri border as a whole. Decisions of the commission were mandatory for Georgia as well as Azerbaijan.¹⁵

The Russo-Georgian treaty also provoked a protest from Armenia. On 15 June 1920, diplomatic representative of Armenia to Georgia Bekzadyan sent a note protesting the recognition of Tiflis Province and Batumi *oblast* with all their counties and Districts as integral parts of DRG. "This treaty violates the agreement of Georgia and Armenia of January 17, 1919 on disputed territories and therefore Armenian government declares parts of the treaty concerning Tiflis Province and Batumi *oblast* void"- the protest note said.¹⁶ The agreement that the Armenian diplomat referred to was concluded after the brief Georgian-Armenian border war of December 1918. Georgian forces repelled the attack of Armenian

¹³ Russia-Georgia treaty of 7 May 1920 In: Khvedelidze Manana, Georgian state border in constitutions and international treaties (In Georgian), Tbilisi, 1999. P 8

¹⁴ Javakhishvili, Ivane, Georgia's borders, (in Georgian), Tiflis, 1919 p. 13 , In: Bakradze Akaki (ed), Historical Rarities, Tbilisi, 1989

¹⁵ Additional agreement to Russia-Georgia treaty 1920 In: Khvedelidze Manana, Georgian state border in constitutions and international treaties (In Georgian), Tbilisi, 1999. P 17

¹⁶ Menteshashvili, Avtandil, History of Democratic Republic of Georgia relations with Soviet Russia and Entente states 1918-1921 (in Russian), Tbilisi, 2000, p. 61

troops which occupied parts of Borchalo and Akhalkalaki Districts and started to advance on Armenian positions. The British-brokered ceasefire stopped them at Sadakhlo village of Borchalo District.¹⁷ Armenia requested to declare Borchalo and Akhalkalaki as neutral zones with joint administration, before final status determination. Georgia objected to transfer of Akhalkalaki District to joint administration and kept Georgian administration there, but agreed to joint administration of the Lori area of Borchalo District south to Sadakhlo line, where Georgian forces had stopped the advance. A provisional agreement was signed on January 17 in accordance with which the Armenian government dropped their claims over Akhalkalaki District and Georgia lost a strip in the south of Lori area of the Borchalo District. The rest of the Lori area was turned into a British-occupied Georgian-Armenian Condominium.¹⁸ The northern boundary of the Neutral Zone between the countries was declared to be the line of the furthest counter-advance of Georgian troops as per the beginning of the ceasefire (December 31, 1918, 24:00):

“... the straight line from the mountain of Deli-Dagh through the mountain pass towards the village of Irgan-Chay; further – along the straight line till the hillock number 798 and further to the hillock of Kuludash (855.5), hillock number 676, through the village of Saatly, hillock number 694, then through the village of Akhkerpi and from there – the straight line to the hillock number 492, the village of Opreti, church ruins of the village of Baradzor near the village of Khojorni, the village of Sadakhlo, the railway station of Sadakhlo, hillock number 1554 to the north of Sadakhlo, then further on to the hillock number 2660 (the mountain of Tana-Dagh), then further to the sign denoting a spring which is to the north of the sign denoting the mountain of Khalutly-Bashi. The villages of Irgan-Chay, Jandari, Akhkerpi, Opreti, Khojorni, Baradzor and Sadakhlo remain to the north of the above line”.¹⁹

The contemporary boundary line between Georgia and Armenia also runs along that line. One of the provisions of the treaty was that the final resolution of the conflict was to take place at the Paris Peace Conference together with final border delimitation between Armenia and Georgia, which actually never happened. Turkish advances on Armenian territories during the Armenian-Turkish war of 1920 once again changed the picture. Threatened with possible takeover of the Lori area by the Turks, Dashnak Armenia allowed DRG troops to enter the sector on a temporary basis for three months.²⁰ Another round of negotiations on the

¹⁷ Ramishvili, Akaki, *Our mistakes 1918-1921* (in Georgian), Tbilisi, 2000, P 29.

¹⁸ Andersen, Andrew and Egge, Georg, *Armeno-Georgian War of 1918 and Armeno-Georgian Territorial Issue in the 20th Century*, http://www.conflicts.rem33.com/images/Georgia/Armeno_Georgian_War18_E.html

¹⁹ Andersen, Andrew and Egge, Georg, *Armeno-Georgian War of 1918 and Armeno-Georgian Territorial Issue in the 20th Century*, http://www.conflicts.rem33.com/images/Georgia/Armeno_Georgian_War18_E.html

²⁰ Menteshashvili, Avtandil, *History of Democratic Republic of Georgia relations with Soviet Russia and Entente states 1918-1921* (in Russian), Tbilisi, 2000, p. 86

status of the sector was to be held in February 1921. But, on November 29, 1920 soviet rule was established in Armenia and the Lori sector effectively stayed under Georgian control for another year – until after sovietisation of Georgia. It should be noted that the Georgian-Armenian territorial disputes during the Paris Peace Conference also concerned the Ardahan, Kars and Oltis Districts. But, since these areas do not belong to either Georgia or Armenia today, they are less important for the matter of Georgia-Armenia border formation.

In the wake of tensions around Zaqatala County, DRG and Azerbaijan Socialist Soviet Republic (ASSR) signed truce at Aghstafa station on June 12, 1920. The document set the border between the two countries at the Borchalo and Qazax District borders running along Poverchash and Vartish mountains, cutting in the middle the Red Bridge and Poilo Bridge and then continuing along the old administrative border until the Zaqatala County border. Several neutral zones were defined in Qazax District, where it was prohibited to deploy troops and build fortifications for a period of one year. Administration of neutral zones remained in Azeri hands.

The document re-confirmed the Russo-Georgian agreement that the decision on status of Zaqatala County was a prerogative of the joint commission²¹ that the negotiating delegations having failed to agree on this matter. The same document established diplomatic relations between DRG and ASSR. The agreement was ratified by the DRG constituent assembly two weeks later.²²

Unfortunately, this turned out to be the last agreement with a neighbouring country on borders in the lifetime of DRG. In February 1921, DRG fell to the Red Army and soviet rule was established in Tbilisi. The DRG transformed into the Georgian Soviet Socialist Republic (GSSR). Large portions of Georgia's border with the RSFSR and Azerbaijan SSR were agreed by the DRG. However, the open issues of Caucasus mountain passes with Russia, of neutral zones, and, more significantly, of Zaqatala County, which were to be decided by the joint commissions in the course of 1921, as well as final agreements on borders with Armenia and Turkey, were left in hands of the new Bolshevik leadership of GSSR – revolutionary committee.

2. Soviet rule

²¹ Peace Agreement between DRG and ASSR In: Khvedelidze, Manana, Georgian state border in constitutions and international treaties (In Georgian), Tbilisi, 1999. Pp 19-22.

²² Khvedelidze, Manana, Legal, geographic and political aspects of Georgian state border (In Georgian), Tbilisi, 2000. P 35

On February 12, 1921, using an uprising of local communists in Lori neutral zone as a pretext, Red Army units crossed into Georgian borders and occupied Tbilisi thirteen days later. The Turks, who in the war with Armenia already had regained most of the territory lost in 1878, used the momentum to regain the Georgian part of that territory too. On February 22, Georgian ambassador in Ankara was informed that Turkish troops would occupy the Ardahan and Artvin counties: they entered the following day.²³ On March 11, Turks also occupied Batumi, which was ceded to Georgia after the last British troops left Transcaucasus in July 1920. Largely thanks to joint military action by the fleeing Menshevik army commanders and new Bolshevik rulers of Georgia, the Turks were ousted from Batumi six days later.

At this point, the Russian SFSR and the Kemalist Grand National Assembly of Turkey, which both had legitimacy problems in their own countries, rushed to sign a Treaty of Friendship on March 16, 1921 in Moscow, which among other issues, set the north-western border of Turkey. The article 1 of the treaty reads:

“The north-eastern boundary line of Turkey is specified as follows: this line starts from the village of Sarp on the Black Sea coast, crosses the line of Khedis-Mta and follows the watershed line of the mountains Shavshet and Kanni-dag. Thence it follows the northern administrative frontier of the sanjaks of Ardahan and Kars, and the bed of the rivers Arpha-tchai and Arax, thus reaching the mouth of lower Kara-Ssu”.²⁴

Article 2 also concerned Georgian territory, stating that

“Turkey agrees to cede to Georgia suzerainty over the City and Port of Batum, as well as the territories north of the frontier, which are specified in article 1 of the present treaty and which form part of the Batum District...”.²⁵

The fact that this very north-eastern area of Turkey bordered nominally independent soviet republics of Georgia and Armenia made the Moscow treaty legally ineffective for these states. Therefore, to confirm the borders agreed at Moscow, the Government of Grand National Assembly of Turkey and Soviet Socialist Republics of Georgia, Armenia and Azerbaijan signed Treaty at Kars on October 13, 1921. Article 4 of the Kars Treaty basically reconfirmed the borders as described in Moscow treaty²⁶ with the difference that annexes I and II of the Treaty distinguished the borders between the Turkey and Georgia and Turkey

²³ Mango, Andrew, Atatuerk, London, 2004, p.310

²⁴ Moscow Treaty of 16 March 1921, http://www.deutscharmenischegesellschaft.de/?page_id=2407

²⁵ Moscow Treaty of 16 March 1921, http://www.deutscharmenischegesellschaft.de/?page_id=2407

²⁶ Treaty of Kars, Article 4 In: Khvedelidze Manana, Georgian state border in constitutions and international treaties (In Georgian), Tbilisi, 1999. P 36

and Armenia.²⁷ Kars Treaty entered into force on September 11, 1922 when the ratification certificates were exchanged by the parties in Yerevan.

With the signing of the Kars Treaty, Georgia lost Artvin and Ardahan Districts of the Batumi area, which it effectively controlled and which according to DRG Constitution of 1921 had an autonomous rule in local affairs²⁸, as well as other territories of historical Tao and Lazeti (Oltis District and Lazistan *sanjak*), which were recognised as Georgian sovereign territory by the League of Nations, but had actually never been controlled by the DRG government. Interestingly, the arrangement of this border was re-visited at the Potsdam Conference after WWII. On July 22, 1945, Soviet Foreign Minister Molotov stated that Artvin, Ardahan and Kars Districts should be returned to the Georgian and Armenian soviet republics to restore historical justice.²⁹ Soviet plans were fiercely opposed by the British and American delegations, wary of Soviet advances into Middle East. The issue of territorial gains in the Caucasus, which was high on the agenda of USSR foreign policy in the aftermath of WWII, gradually faded away and USSR finally withdrew all territorial claims on Turkey in May 1953.³⁰ Thus, Georgia's borders with Turkey were finally fixed.

Curiously, the sovietisation of Georgia quickly resolved all outstanding border issues with its neighbours (soviet Azerbaijan and soviet Armenia) largely due to the fact that soviet Georgian leadership repudiated its claims to all disputed areas, after Stalin accused some of them in deviating from party line in a nationalist direction at the session of the Caucasus Bureau of Bolshevik Party in July 1921.

On July 5, 1921 the conference on regulation of internal borders of Transcaucasus republics issued a decree on the border line between the GSSR and the Azeri SSR. Article 1 of the decree reconfirmed the existing border between the two republics unless provided in other articles. Article 2 redefined the status of the Karaya valley, stipulating that it would be the special property of Qazax District peasants, with the provision that a special joint commission would define the exact borders. The same Commission was tasked with the definition of status of Eldari valley. Paragraph 4 stated that Georgian SSR repudiated its claims to Zaqatala County.³¹ Based on the decision of the Conference and materials of the special joint

²⁷ Treaty of Kars, Annex I In: Khvedelidze Manana, Georgian state border in constitutions and international treaties (In Georgian), Tbilisi, 1999. P 42

²⁸ Article 107, 21 February, 1921 Constitution of DRG, www.tbappeal.court.ge/upload/r_848.pdf

²⁹ Potsdam Conference of three leaders – USSR, USA and Great Britain (In Russian), Moscow 1984, pp. 135-136

³⁰ Statement of USSR Government to Government of Turkey, May 30, 1953, www.obraforum.ru/pdf/fourth.pdf

³¹ Khvedelidze Manana, Legal, geographic and political aspects of Georgian state border (In Georgian), Tbilisi, 2000. P 42 (Translation of the author)

commission, the Georgian SSR and the Azerbaijan SSR signed an agreement on borders on November 15, 1921. The agreement states that the

“border line between GSSR and ASSR is recognised as follows: the border starts at Red Bridge and goes north to Torpan-Tan, with straight line, crosses river Mtkvari and via Qozlukhi forest reaches 17th ditch of Karaya irrigation system to southern edge, from there it continues north and embraces all adjacent cultivated lands of Sixli villagers. Then the border goes north to Beik-Kyasik land, crosses Jandara lake leaving eastern part in Azeri SSR and western part of the lake in Georgian SSR, continues north to Kirishli mountain, reaches Kesisgza mountain, then dissents to south-east and crosses the big road via Sihlu-Qaravan-Elda pass, turns north, ascends to Debsizin-Dag. crosses Aram-Diare ditch, rounds Qutna, reaches Karagir mountain, continues to Iori river and along it to Qesamal edge and then goes along state border”.³²

Most importantly, paragraph 3 of the agreement enforces the decision on Zaqatala County according to paragraph 4 of decree issued by the Conference on regulation of internal borders of Transcaucasus republics. This agreement basically sealed the fate of Zaqatala County and Karaya valley, which since then has become integral part of Azerbaijan SSR. The present border between Georgia and Azerbaijan is almost identical to the border as agreed in 1920 and its modification in 1921.

As for Georgian-Armenian border, on November 6, 1921 Georgian SSR and Armenian SSR signed a decree on borders between the two republics. The decree outlined that the border between the two countries

“starts at Uch-Tapalar mountain with a straight line from west to the east until hillock 8456 where it reaches Ortul-Dag pass 8030 and Okuz-Dag mountain, then turning north-east. Further east, the line leaves Madata lake through Troickoe village north and villages Tatoi-Kharaba, Karmir-Kharaba and Dar-kei south and reaches mountain Deli-Dagh”.³³

From there on the border runs exactly at northern border of the neutral zone as described in the 1919 treaty (see above). Finally, this agreement defined the status of the Lori area, which the Georgian SSR leadership handed over to the Armenian SSR. The northern part of the neutral zone and territory of former Akhalkalaki District remained in the Georgian SSR.

Having agreed its borders with all neighbouring states, the Georgian SSR, together with Armenian SSR and Azerbaijan SSR, formed the Transcaucasus Soviet Federative Socialist

³² Khvedelidze Manana, Legal, geographic and political aspects of Georgian state border (In Georgian), Tbilisi, 2000. P 51 (Translation of the author)

³³ Khvedelidze Manana, Legal, geographic and political aspects of Georgian state border (In Georgian), Tbilisi, 2000. P 48

Republic (TSFSR) on March 12, 1922. The TSFSR then joined the Union of Soviet Socialist Republics as a founding member in December 1922.

In the lifetime of the Soviet Union, the Georgian SSR northern border with the RSFSR was modified several times due to the abolition of autonomous entities in North Caucasus and the deportation of Circassians, Chechens and Ingush people to Central Asia. Thus, in 1943 Karachay autonomous District was abolished and its territory was divided between Stavropol Province of RSFSR and the Georgian SSR. Similarly, in 1944 the Chechen-Ingush autonomous SSR of RSFSR was abolished and its southern part was transferred to Georgian SSR. Parts of the south-western Kabardo-Balkarian autonomous SSR also became Georgian SSR territory in the same year. As a result of these changes, the Georgian SSR northern border reached deep into North Caucasus. However this situation did not last long. After the rehabilitation of deported peoples of the North Caucasus and the gradual restoration of their autonomous entities, the Georgian SSR in 1955 started returning all territory gained in 1943-44 to the RSFSR and its autonomous entities. It completed the transfer process in 1957.

The borders with Azerbaijan SSR and Armenia SSR underwent only minor changes. After the abolition of the Transcaucasus SSR, the Georgian, Azerbaijan, and Armenian SSR central executive committees approved the administrative/republican boundary line between the republics in 1938 on a 1:500000 scale verst map. After the introduction of new topographic maps based on the metric system in 1945, new 1:100000 scale maps were designed and the presidia of Supreme Councils (SC) of the union republics were asked to approve them again. The Georgian-Armenian administrative/republican boundary line was approved in 1963 by the Presidia of the SC of Georgian and Armenian SSRs. As for the Georgian-Azerbaijan boundary line, it was approved only by the Georgian SSR. The Azerbaijan SSR SC Presidium refused to ratify the new metric map.

In summary, we may conclude that Georgian SSR exited Soviet Union with the same borders as it had in 1922 when she entered USSR.

3. Second Independence Period

The Minsk (Belovezh Forest) agreement of December 8, 1991 of the presidents of Russia, Ukraine and Belarus - three founding members of the USSR - marked the beginning of the end of the Soviet Union. The leaders proclaimed the formation of the Commonwealth of Independent States (CIS), which other USSR republics were invited to join. Article 5 of the agreement stated that “the high contracting parties recognize and respect the inviolability

of existing borders in the commonwealth”.³⁴ The three states were joined by a further eight republics of the USSR in Alma-Ata (Almaty) on December 21, 1991 to form the CIS. Georgia and the Baltic Republics did not join. The Alma-Ata declaration officially formed the CIS and thus officially dissolved the USSR.³⁵ The preamble of the declaration reiterated respect for the inviolability of existing borders.³⁶ The 1993 Charter of the Commonwealth of Independent States further strengthened the border inviolability clause by explicitly stating that “member states of CIS will build their relations on the basis of the inviolability of state borders, the recognition of existing borders and the rejection of unlawful territorial annexations; the territorial integrity of states and the rejection of any actions directed towards breaking up alien territory”.³⁷ With the Alma-Ata declaration, all republics of the USSR, including Georgia, gained independence in their borders as of December 21, 1991. Georgia was admitted to the United Nations as the 179th member in July 1992. Georgia joined the CIS in December 1993. The irony of the history repeated itself as Georgia did not fully control the borders in which she acceded to the UN, similarly to 1921 when Georgia was recognised by the League of Nations.

The restoration of independence revived the necessity of border delineation with neighbouring states again. In July 1992, Georgia and Turkey reconfirmed their common land border in their agreement on friendship, cooperation and good neighbourly relations. The agreement signed in Tbilisi stipulates that the parties will adhere to previously concluded agreements starting from the Kars treaty and guiding themselves with the principle that that treaty finally established the border between the two states.³⁸ The maritime border between the two countries was officially agreed after signature of a protocol between the Georgian and Turkish governments in July 1997 that officially recognised the maritime border according to Soviet-Turkish agreements of 1973 on territorial waters, of 1978 on the continental shelf and, and of 1980 on maritime border demarcation.³⁹ Thereupon, the Georgian-Turkish state border

³⁴ Minsk Agreement of 8 December, 1991, In: Zbigniew Brzezinski, Paige Sullivan “Russia and the Commonwealth of Independent States: Documents, Data, and Analysis”, CSIS, 1997

³⁵ Alma-Ata declaration of 21 December, 1991 http://lcweb2.loc.gov/frd/cs/belarus/by_appnc.html

³⁶ Alma-Ata declaration of 21 December, 1991 http://lcweb2.loc.gov/frd/cs/belarus/by_appnc.html

³⁷ Charter establishing the Commonwealth of Independent States, In: Zbigniew Brzezinski, Paige Sullivan “Russia and the Commonwealth of Independent States: Documents, Data, and Analysis”, CSIS, 1997

³⁸ Treaty on friendship, cooperation and good neighbourly relations between the Republic of Georgia and the Republic of Turkey of 30 July, 1992 In: Khvedelidze Manana, Georgian state border in constitutions and international treaties (In Georgian), Tbilisi, 1999. P 108

³⁹ Khvedelidze Manana, Legal, geographic and political aspects of Georgian state border (In Georgian), Tbilisi, 2000, P 128

was finally set, whereas the delineation of borders with other neighbours has turned out to be a mission impossible so far.

III. Delimitation Negotiations

It is self-explanatory that fixing borders is a very sensitive issue in the Caucasus where all four nations of the region, Russia, Georgia, Armenia and Azerbaijan, have fought wars in the post-Soviet past, and the territorial integrity of two countries of the region, Georgia and Azerbaijan is undermined by the other two states, Russia and Armenia respectively. It is, therefore, not surprising that agreement on borders in this volatile region takes a lot of effort and requires strong political will.

Surprisingly, none of the overarching general strategic documents of Georgia, such as the National Security Concept, the Foreign Policy Strategy and Threat Assessment, mentions the necessity of state border delimitation. Only the Georgian Border Management Strategy adopted in 2008 states that completion of state border delimitation and demarcation process is of crucial importance, since its protraction not only influences border management, but threatens political, economic and social stability of the country and the region.⁴⁰ The absence of this issue in the main strategic documents, gives an impression that border delimitation was not a priority task for the state.

The negotiations on the delineation of borders with the former Soviet republics started soon after restoration of independence. In 1993 the Georgia-Russia state border delimitation and demarcation state commission was created, followed by Georgia-Azerbaijan and Georgia-Armenia state border delimitation and demarcation commissions, set up in 1994.⁴¹ The delimitation commissions with Russia and Azerbaijan started work immediately after their creation, whereas the work with Armenia started a bit late due to frequent changes of Armenian commission members and chairs. In 2006, the three commissions were united into a single commission from the Georgian side in order to streamline and raise the effectiveness of the work. The Commission is headed by the Deputy Foreign Minister of Georgia and consists of representatives of the National Security Council, and the ministries of interior, justice, defence, economy and regional development. Negotiations with all three countries have been proceeding differently.

⁴⁰ Border Management Strategy of Georgia, 2008, Chapter 5.1

⁴¹ Interview with the head of expert group of Georgian delimitation Commission

There were high hopes that the negotiations with Russian Federation would end successfully, given the fact that, by the beginning of 2008, 768km out of 894km of the border was agreed. However, after the war and cut-off of diplomatic ties the commission stopped its work for indefinite period – until after the de-occupation of Georgian territories.⁴² With recognition of Abkhazia and South Ossetia as independent states, Russia basically violated the agreements reached at the commission level. The areas that could not be agreed at the expert level during the negotiations concern the village Aibga in Abkhazia, villages Chero and Intsokhi in Tusheti as well as tunnels in Dariali gorge near Larsi border crossing point and village Pichvebi segments.⁴³ In March 2011 the issue of village Aibga was put on the agenda by the Russian side again, this time at the Russian-Abkhaz delimitation commission set up following the Russian recognition of Abkhazia. Russian negotiators demanded the transfer of village Aibga situated on the Psou River in the northwest part of Abkhazia. In soviet times the village was divided into two, the southern part belonging to Georgia and the northern part to Russia. The village is located strategically near the village of Krasnaya Polyana – a main location of the 2014 Olympic Games. According to unverified sources, Russia further demanded 160 sq. kilometres of land near Ritsa Lake in Gagra District.⁴⁴ The Abkhaz side insisted on the soviet era boundaries and, after they provided documentation proving that the southern part of Aibga belonged to the Georgian SSR, the claim on the village was dropped by Russian delegation. Clearly, with the current deadlock in Russo-Georgian relations, there is no hope that the Georgian-Russian agreement on border will be concluded anytime soon. Negotiations with Azerbaijan have also been progressing slowly, but they have yielded certain results. 302km out of 458km have been agreed by the commissions so far. According to a member of the Commission, the parties have agreed on the principle that border delimitation will be implemented according to the administrative boundary line approved by both sides in 1938 however at certain segments of the border the actual situation is different from 1938 line. “Therefore, to move forward, certain compromises are needed from both sides, including the exchange of territories. Unfortunately, at this stage Azerbaijan is not ready to take such a decision”.⁴⁵ The most problematic disputed areas are the village Erisimedi in Signagi District and the lands adjacent to Davit Gareji monastery where the cells of monks, several caves with frescoes, and a tower are located. Davit Gareji monastery remains a pilgrimage place for Georgians. Due to its enormous cultural and religious

⁴² Border Management Strategy of Georgia, 2012, Chapter 5.2

⁴³ Interview with members of Georgian delimitation commission

⁴⁴ Khashig, Inal, “Upirobo Chikhi”, *Liberali Magazine*, 14 April, 2011

⁴⁵ Interview with the head of expert group of Georgian delimitation commission

significance the Georgian side has offered the exchange of this strip of land for other locations, but to no avail so far. Similarly, the Erisimedi village, populated by ecological migrants from Achara, is now located on the left bank of the river, due to change of Alazani riverbed. As the border ran along the river, the left bank is administratively Azerbaijani. According to Georgian negotiators, Azerbaijan has not put forward its own proposal on how to solve the issue of disputed lands so far and, in the recent past, negotiations have lost the momentum.

Negotiations with another neighbouring country, Armenia, are also progressing slowly. Presently, 160km out of 225km of the border is agreed at the commission level. Considering the legal basis, the Georgian-Armenian border is the least problematic. It was agreed bilaterally in 1938, in 1945 and again in 1958-1963 by the Presidia of the Supreme Councils of the republics. The border today is guarded according to those lines. Georgia agrees to these lines but Armenian side refers to some 1929-35 incomplete materials and demands compensation for the area lost to Georgia in this period.⁴⁶ Therefore, the Armenian side is delaying agreement on remaining 6 short segments of the border. According to the Georgian side, the Armenian approach lacks legal and technical argumentation and is not acceptable to Georgian commission.

In general, discrepancies between the maps and documents on one hand and the actual situation on certain segments of the border with both Armenia and Azerbaijan on the other, creates obstacles to full-scale delimitation agreement. The preparation of new maps of the border segments on a 1:10000 using new geodesic devices and modern technology started in 2008. That might help the commissions to break the ice. The maps of Georgian-Armenian border await bilateral approval, expected at the end of this year. Georgia also developed new maps for Azerbaijan segment of the border, but so far it has been a unilateral action and no agreement on maps is in sight. For obvious reasons, no such maps have been developed for the Russian segment yet.

It is obvious that the parties have special interest in certain territories. In all three cases, political and not expert-level issues hamper the negotiations. The political will to bring the process to the end is clearly absent, despite declarations that the parties are interested in completing delimitation as soon as possible.⁴⁷

⁴⁶ Interview with the head of expert group of Georgian delimitation commission

⁴⁷ Interview with the head of expert group of Georgian delimitation commission

IV. Conclusion

The period of Georgian independence and first year of sovietisation played a major role in forming the present borders of Georgia. Basically, Georgian borders have not changed significantly since November 1921. The establishment of the present south-western border of Georgia was conditioned by Georgia failing to gain the support of the allies at the Paris Peace Conference for its partially exaggerated territorial claims and could not defend the claimed territory from military intervention of Turkey. As for the disputed borders with the South Caucasus neighbours, the Soviet Georgian leadership, afraid of being accused of deviation to nationalism, handed over Zaqatala County and the Karaya valley to Azerbaijan and the Lori sector to Armenia. It should be remarked, however, that Georgian population was either in a minority or not residing in the territories transferred to Azerbaijan and Armenia. Regardless of minor alterations when administrative boundary lines were drawn in the Soviet period, Georgia regained its independence with the same borders as it had when it entered the USSR. After 21 years of restored independence, Georgia still does not have an agreed state border with three neighbouring states. As this research shows, there are two major reasons to it. First of all, delineation of borders has not been the top priority of the Georgian state, as none of the strategic documents have mentioned it, except the border management strategy, which was adopted quite recently in 2008. Nevertheless, despite a difficult start the state delimitation and demarcation commission did substantial work in the 1990's and 2000's to achieve some progress.

Another braking factor is the lack of political will to solve this issue in a timely way. The negotiation process is left alone, and it seems that the parties are comfortable with the status-quo. As Georgian officials say, Georgia is ready to show political will and compromise to exchange territories which are in the interest of the parties, but obviously there is no consensus on this either. Therefore, the future perspective of border delineation is very vague. In this regard, the situation with Russia is most dire, because it is hardly imaginable that Russia would withdraw recognition of Abkhazia and South Ossetia and start de-occupation process in the near future. As a result, agreement on Georgia's northern border is postponed indefinitely.

As for Armenia and Azerbaijan, despite the fact that the negotiation process has been stalled recently, the diplomatic resources are not exhausted and agreement on the remaining segments is reachable, since there are no fundamental disputes with either country. Members of the commission share the opinion that if Georgia agrees with one of them on delimitation,

this would automatically accelerate agreement with the other, in order to maintain balance in relations.⁴⁸ Consequently, it is realistic to expect complete border delimitation with Armenia and Azerbaijan in the next couple of years, provided that the parties demonstrate political will to finalize the process.

About the Author

Nikoloz Samkharadze – Graduated from University of Hanover in 2003 with Master of Arts degree in European Studies. In 2004-2005 worked as policy analyst in the project administered by RAND Corporation “Strengthening analytical capacity of the National Security Council of Georgia”. 2005-2009 served as a national expert at NSC of the EU Special Representative’s Office to the South Caucasus. Since 2010, he works as a Country Manager of South Caucasus Integrated Border Management Programme implemented by the United Nations Development Programme. Since 2009, gives lectures at International Relations Department of Tbilisi State University in capacity of invited professor. Speaks Georgian, Russian, English and German.

⁴⁸ Interview with members of Georgian delimitation commission