

Country/entity	Georgia Russia Ossetia
Region	Europe and Eurasia
Agreement name	Protocol #36 of Extraordinary Meeting of the Joint Control Commission (JCC) on Georgian-Ossetian Conflict Resolution
Date	14 Aug 2004
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Georgian Separatist Conflicts (1989 -)

The Abkhazia-Georgia Conflict (1992 -)

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

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

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

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

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

Stage	Ceasefire/related
Conflict nature	Government/territory
Peace process	South Ossetia peace process
Parties	Taimuraz Elmurzaevich Kusov, State Advisor to the President of RNO-Alania, North-Ossetian Co- Chairman of the JCC
Third parties	-
Description	Ceasefire agreement outlining the opening of the Ergneti-Kekhvi road, withdrawal of troops, withdrawal of illegal police stations and the deployment of legitimate police and JPKF, as well as establishing contact between the commanders on the two sides. Agreement also underscores the protocol of submitting troop movements, etc., to the JCC for approval.

Agreement document	GE_RU_040814_Protocol #36 of Extraordinary Meeting of the JCC on Georgian-Ossetian Conflict Resolution.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing	No specific mention.
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.
Civil and political rights	No specific mention.
Socio-economic rights	No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	Page 1, Resolution: ... 2. ... a) To open the Ergneti-Kekhvi section of the Transcaucasus Road with parallel patrolling of the section by JPKF, also the Tskhinvali-Dmenisi and Tskhinvali-Vanati roads, for unimpeded movement of people and goods, including humanitarian aid;
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees

Page 2, Resolution:

... 2. ... f) In parallel with implementing paragraph e) of this item, the sides to agree the number of militia/police stations necessary to ensure law and order and to provide for public safety in settlements located in the conflict zone.

Ceasefire

Security sector→Ceasefire→Ceasefire provision

Page 1, Resolution:

1. The Georgian and South Ossetian sides to immediately cease fire starting from 00:00 August 14 2004 (a separate Ceasefire Protocol is enclosed);

Page 1, Resolution:

... 2. ... b) ... Upon achieving agreements on this issue, control over their implementation shall be provided by groups of military observers with involvement of OSCE military monitoring officers;

Page 1, Resolution:

... 2. ... c) To position a JPKF post with observers from the three sides on the contact line between the Georgian and South Ossetian armed units in the area of village Sarabuki.

Page 1, Resolution:

... 2. ... d) To restore a RF peacekeeping post on the Eredvi-Vanati road positioned earlier by a decision of the JPKF Joint Command, with military observers from RF and Georgia;

Page 2, Resolution:

... 4. Within seven days, heads of armed forces of the sides in conflict shall submit to JCC for consideration proposals for further steps to de-escalate tension in the conflict zone

Police

Page 2, Resolution:

... 2. ... f) In parallel with implementing paragraph e) of this item, the sides to agree the number of militia/police stations necessary to ensure law and order and to provide for public safety in settlements located in the conflict zone.

Page 2, Resolution:

... 5. The issue of the SCC re-starting its activities shall be discussed after the police posts illegally deployed by the sides withdraw from the conflict zone.

Armed forces

Page 2, Resolution:

3. To take note of the fact that on 15 August 2004 heads of armed forces of the sides in conflict will start negotiating measures for implementing agreements listed in item 2 of this Protocol.

Page 2, Resolution:

... 4. Within seven days, heads of armed forces of the sides in conflict shall submit to JCC for consideration proposals for further steps to de-escalate tension in the conflict zone

DDR

No specific mention.

Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	<p>Page 1, Resolution: ... 2. ... b) Within three days, to resolve issues of moving posts and withdrawing armed units that the sides deployed without agreement with JCC and the JPKF Joint Command, in the area of Kurta-Eredvi- Sarabuki-Kekhvi;</p> <p>Page 1, Resolution: ... 2. ... c) ... In parallel with positioning the post, a direct contact shall be established between commanders of these units before their withdrawal;</p> <p>Page 1, Resolution: ... 2. ... e) No later than in 2 weeks, the sides to start resolution of the issue concerning withdrawal of the armed units deployed without agreement with the JCC and JPKF Joint Command, from the conflict zone;</p> <p>Page 2, Resolution: ... 5. The issue of the SCC re-starting its activities shall be discussed after the police posts illegally deployed by the sides withdraw from the conflict zone.</p>
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.

Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
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Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/ similar

Page 1, Resolution:
 ... 2. ... a) To open the Ergneti-Kekhvi section of the Transcaucasus Road with parallel patrolling of the section by JPKF [Joint Peacekeeping Force], also the Tskhinvali-Dmenisi and Tskhinvali-Vanati roads, for unimpeded movement of people and goods, including humanitarian aid;

Page 1, Resolution:
 ... 2. ... b) ... Resolutions of the JPKF Joint Command about the movement and positioning of new JPKF posts shall be submitted to the JCC for approval.

Page 1, Resolution:
 ... 2. ... d) To restore a RF peacekeeping post on the Eredvi-Vanati road positioned earlier by a decision of the JPKF Joint Command, with military observers from RF and Georgia;

Page 2, Resolution:
 ... 6. To take note of the JPKF Command's proposal for deploying additional and moving the existing JPKF posts.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Archives of Georgian Ministry of Foreign Affairs; http://www.rrc.ge/law/prot_36_2004_13_08_E.htm
