

# WHEN STATES LOSE TERRITORY: GEORGIA'S POST-2008 ADJUSTMENT<sup>1</sup>

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## ABSTRACT

*In this article I analyse how Georgia, as a political entity, coped with the de facto loss of two of its territories: Abkhazia and South Ossetia. The process by which Georgia lost these territories started in early 1990 and reached its final phase in 2008 after the Georgian-Russian war. This article explores how Georgia adjusted to these losses without ever acknowledging its loss of the two territories, demonstrating a perfect example on how the normative territorial structure of an international system works. The analysis focuses on the crucial role of time in the process of the de facto territorial changes and examines how Georgia, in adapting to territorial losses and through its own actions, actually strengthened its separation from Abkhazia and South Ossetia.*

**Keywords:** borders, territory, de facto states, international recognition, Georgia, Abkhazia, South Ossetia.

## INTRODUCTION

Two weeks after the August 2008 Georgian-Russian war, Russia recognised the independence of Abkhazia and South Ossetia. The President of the Russian Federation at the time, Dmitry Medvedev, made a public statement explaining that Russia had no choice but to help the threatened population of these two territories; recognising the territories as independent from Georgia, said Medvedev, was the only way to help and secure them (Медведев, 2008). This decision transformed Georgia. Georgia's "frozen" territorial conflict situation, which for a short time had become "hot," evolved into a situation in which Georgia faced two separatist entities supported by a powerful state.

Georgia's territorial conflicts with Abkhazia and South Ossetia began in the early 1990s when, after two wars, Georgia lost control of both territories. Although efforts to solve the conflicts had been implemented, neither side managed to find a viable solution (Cornell, 2002; George, 2009; Souleimanov, 2013). For a very long time, Georgians did not have any clear plans for solving the conflicts and keeping the territories within the state, as any concessions, or so it was perceived, would have only demonstrated Georgia's weakness. Later, the elites of the separatist territories grew increasingly unabashed in claiming the right, for their respective people and territories, to

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establish sovereign states. Around the turn of the century, the negotiations almost stopped and observers started to refer to the conflicts as “frozen.” The conflicts remained in this unresolved condition until the Georgian-Russian war of 2008 and the ensuing Russian recognition of the territories (Asmus, 2010; Coppieters, 2012; Cornell and Starr, 2009).

Since 2008, Abkhazia and South Ossetia intensified their state-building efforts and began implementing a variety of state practices, such as strengthening ministries, building social services, and formulating their own foreign and security policies. Both of the formerly Georgian entities signed friendship treaties with Russia, established agreements regarding assistance in guarding their borders; and in 2015 Abkhazia signed a Partnership treaty with Russia and South Ossetia signed an Integration treaty with Russia. Both South Ossetia and Abkhazia have regular parliamentary and presidential elections (these elections are not observed) and seem to be functioning like so-called normal states—and yet they are not normal states. Aside from Russia, Abkhazia and South Ossetia are currently recognised only by three other states: Nicaragua, Venezuela, and Nauru. So, Abkhazia and South Ossetia lack an essential element of sovereign statehood—international recognition.

In academic literature, entities like Abkhazia and South Ossetia are referred to as *de facto* states (Caspersen, 2012; Pegg, 1998; Yemelianova, 2015). *De facto* states have more or less all of the characteristics of a state except one: international recognition by a majority of the states (UN members). The main quandary for *de facto* states is that they cannot go back to their previous status and live within the state they want to separate from, nor can they become a legitimate part of the international society. Usually, three criteria define *de facto* states: 1) they possess *de facto* independence, including territorial control, and have maintained such independence for at least two years; 2) They lack widespread international recognition (though sometimes some members of the international community grant *de facto* states recognition); and 3) They demonstrate aspirations for full, *de jure* independence through referendums or a declaration of independence that reveal a clear desire for a separate existence (Caspersen and Stansfield, 2011, pp. 3–4). As Abkhazia and South Ossetia both satisfy this criteria, they are usually deemed *de facto* states in recent academic literature (Yemelianova, 2015).

Georgia considers the separatist efforts of Abkhazia and South Ossetia violations of its territorial integrity and Georgian officials are careful not to make any moves that would imply recognition of either entity. In this article, I want to demonstrate how Georgia, in growing accustomed to its new and smaller territory without ever acknowledging its loss of the separatist territories, is a perfect example of how the normative territorial structure of the international system works. To demonstrate this, I focus on how Georgia's adaptation to living without two part of its territory occurred and how time served as a crucial factor in allowing the *de facto* territorial changes to take place.

The driving force in the development of Georgia's conflicts with Abkhazia and South Ossetia has been establishing territorial control, and the current and most visible state-building practices of the *de facto* states concentrate on territorial and bordering practices. Thus, in the first part of the article, I define the role of territory, territoriality, and borders in the contemporary state system. In the second part, I explain international recognition practices—they impose the

structural limitations that allow or prevent new states to appear in the international arena. In the third part, I analyse the borderisation that has been taking place in Georgia since 2013—this process entails the creation of a border regime between Georgia and its separatist territories. In the fourth part, I analyse Georgia's policies regarding the separatist regions and demonstrate their contradictory nature. Finally, I explain how Georgia's practices and the habitual nature of international relations stabilise territorial divisions and strengthen the *de facto* statehood of Abkhazia and South Ossetia.

## 1. TERRITORIALITY AND THE INTERNATIONAL SYSTEM

The characteristics of modern territoriality noted by many researchers are its obviousness and stability (Agnew, 1994; Elden, 2013; Gregory, 1994; O'Tuathail, 1996); these researchers analyse the historicity of the modern concept of territory and emphasise its modern roots. Modern territoriality and statehood are inherently linked: the state controls the space of a particular territory and the territory of the state defines the control of violence over that state and its population. Foucault has noted that although territory is a geographical term, it is first and foremost a juridico-political concept, in that it defines the area controlled by certain power (Foucault, 2007, p. 176).

So, the modern world is envisioned as a world territorially and exclusively divided into sovereign states. The state system is self-sustaining and self-referential; it exists through the mutual recognition of its subjects. The territoriality of statehood is a fundamental feature of statehood, so the identity of the state is inevitably territorial, and thus sets limits as lines drawn between the state and the other to describe its place in the world. When analysing territorial subjects that want to be recognised as states but lack statehood recognition, this perceived simplicity by which territory is defined serves as a starting point for defining their subjectivity.

John Agnew has famously discussed the territorial trap—the condition of the modern international system (Agnew, 1994). The metaphor of the territorial trap emphasises the concentration of political power in sovereign territorial units and the automatism of experts when they talk about problems in international relations. According to Agnew, the territorial trap relies on three assumptions: 1) The sovereign has an exclusive right to certain territory, which is embodied in a state; 2) The state has absolute sovereignty of its territory; and 3) The state's survival depends on its ability to survive and control its territory.

The second assumption states that two separate, distinct spaces—internal and external—exist. There are two different games played in two spaces, and they are clearly delineated. Agnew asserts that this assumption focuses mostly on the horizontal dimension of power and ignores the verticality of the territory. The third assumption states that the borders of the state (should) coincide with the borders of the society; this means the state is a “container” for the society to live within.

Agnew criticises these assumptions, his goal is to open the discipline of human geography. However, in this article, I propose treating these assumptions as recommendations, as devices that indicate what a self-containing sovereign state in modern international relations should seek and what strategies it should carry out. *De facto* states need to be trapped by territoriality

to designate distinctions between “inside” and “outside” and to persuade others that their containers are the best for their societies. The normative ideal of the sovereign state is clear, and so are the goals for achieving sovereignty.

The distinguishing feature of *de facto* states is their lack of international recognition. To compensate for this deficiency, they need to fulfil as many other criteria of statehood as possible. Thus, this also means they have to create a political territoriality that becomes indistinguishable from that of the so-called true states. They have not only to use the discourses of the state, they have to practice territoriality and bordering.

Borders could also be perceived as clear and stable lines on delimiting the start of a state's territories. Accepting Agnew's proposition about traps and not seeing the territory of the state as an obvious and secured container, the border analysis is no longer self-evident. We must analyse borders not in relation to something or someone (Green, 2013), but with a focus on the border itself, by asking what it *does* in becoming and being a border.

A border is not simply an object or an entity, but a process. And it is a continuous process at that, a border has to be constantly enacted in order to stay viable and create entities, events, and objects. For example, the border-crossing practice does not have meaning without the concept of borders. Changes in border regimes also reclassify the spaces they separate (Parker and Adler-Nissen, 2012, p. 778). So, borders also become knowledge practices. Borders define and explain the world; and as Foucault has asserted, they are inseparable from the execution of power.

How do political borders contribute to and make possible the specific conceptualisation of a space? This question is about border regimes, which are the system of various practices that sustain the idea of a border and support the territoriality of the state. The answer to this question can be found by examining particular empirical practices at and around borders and border technologies—the constitutive process of building a border, or bordering. First among these empirical practices is the actual creation of a border (by either demarcating it with signs, or by physically building something material, such as a wall, to indicate the border). Bordering practices can also be, and often are, indirect (e.g., erasing a border with a union treaty, building signposts and placing them in border zones, monitoring a border with surveillance technologies, or controlling movement across a border with visa regimes, citizenship regimes and so forth). Stuart Elden discusses the technologies of the territory and broadens the concept of the regime by including such governance techniques as juridical justifications, political debates and theories, colonial processes and conquests, and historical narratives and myths. He also includes, in a narrow sense, technologies such as statistical handbooks, maps, land-measuring tools, and population control measures (Elden, 2013, p. 322).

Such practices create, sustain, and change borders; borders are created through these practices and these practices become meaningful because of the borders they create. Thus, the repertoire of bordering and territoriality is wide. The matter particular to this empirical analysis is to determine which practices and technologies are chosen, and analyse how they are chosen, and how they function.

## 2. INTERNATIONAL RECOGNITION OF STATEHOOD

International recognition is crucial in the fight for statehood. Without international recognition, it is impossible for a territorial entity to participate in contemporary international political processes. Only after achieving this recognition can states have diplomatic and economic relations with other states, become members in international organisations, and sign treaties.

The main features of statehood in international relations are defined in the Montevideo Convention on Rights and Duties of States of 1933 and have become part of the customary international law. The first article of the Montevideo Convention declares that a state should have: “a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states” (Convention on Rights and Duties of States, 1933). Some authors interpret the last characteristic – a capacity to form relations – as related to international recognition despite the fact that this is far from obvious or necessary, and usually entails the legal capacity to have relations (Warbrick, 2006, p. 229). Furthermore, the third article of the Montevideo Convention states that “[the] political existence of the state is independent of recognition by the other states” (Convention on Rights and Duties of States, 1933). This means, that formally, according to this international treaty, the existence of a state does not depend on its capacity to enter into relationships with other states.

Theoretical discussions in international law also reflect this inconclusiveness. They focus on the question of whether, when a new state appears, it should be recognised because it has all of the necessary substantive features of statehood or whether the new state’s decision to recognise itself defines the creation of a new state (Agné et al., 2013, p. 95). The first situation is referred to as declaratory, and the second constitutive. According to the declarative theory, recognition in and of itself does not have any imperative on the statehood of a particular state. A state is recognised when it has everything it needs to be treated as such (Warbrick, 2006, p. 249). According to the constitutive theory, recognition is a procedure through which the state becomes a state. Without recognition, the state does not exist as the rights and obligations of states belong to the internationally recognised entities (Agné et al., 2013, p. 97). At first glance, this criterion appears simple and clear, but upon closer examination, it becomes far from clear. Theorists and analysts can always ask, how much recognition is enough? For example, Scott Pegg defines the following criteria for statehood recognition and has ranked them by importance. He specifies the necessity for a state to be recognized by: 1) great powers; 2) a patron state; 3) neighbouring states; and 4) a majority of UN members; and 5) international organizations as indicated by acceptance of the state’s participation in international organisations (Francis, 2011, p. 38). Thus, the recognition of a new state is usually partial and gradual.

Attempting to choose between two theories of international recognition is futile. The problem is not in determining which theory is correct and should be applied or combined with another theory. The problem lies in the fact that in the practice of international relations, recognition is granted for a variety of different reasons, and most of the time, these reasons are not legal, but political.

Contemporary practices of international recognition during the last two hundred years have been developing within the context of the principle of national self-determination.

Initially, (from 1815 to 1945), this principle was formulated as a negative right: it was enough to acknowledge the *de facto* statehood of certain group of people who effectively control an entity. States were recognised according to this rule in Central and South America, Western Europe, and the Balkans in the nineteenth century, and in Central and Eastern Europe after the First World War (Fabry, 2012, p. 663).

In the mid-twentieth century international recognition practices changed; and ever since, internal sovereignty is no longer enough. Since the 1950s, the decisive factor in state recognition evolved from determining *de facto* independence, to determining whether an entity has the right to declare statehood (Fabry, 2010, p. 12). The reason for this change was the universal condemnation of colonialism and the decolonization process. The Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted in 1960, states that “all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development” (United Nations, 1960). The resolution also indicated which peoples have a right to declare statehood: non-self-governing and trust territories held this right, regardless of whether they had a nominal government (Fabry, 2013, p. 167).

However, recognition in non-colonial contexts can occur only with the agreement of the state from which it is separating. Otherwise, the principle of the territorial integrity of the state should be respected. Thus, in a non-colonial situation, a new state can emerge only with agreement from the state from which it is separating; a condition that is very difficult to satisfy. Malaysia allowed Singapore to leave in 1965. Bangladesh managed to separate in 1971, and in 1993—after three decades of civil war—Ethiopia let Eritrea organise an independence referendum. South Sudan, which appeared on the political map in 2011, also emerged as a state only after reaching an agreement with the central government in Sudan. In other cases, would-be states seeking independence managed to live separately but found themselves in ambiguous situations.

The end of the cold war did not change these norms. Only after the obvious collapse of the Soviet Union in 1991 did the absolute majority of world states start to recognise former Soviet republics as sovereign states. The collapse of Yugoslavia developed according to this norm as well.

Erika Leonaitė and Dainius Žalimas claim that international law is silent on the right to separate, because “there is no sufficient ground for admitting the existence of the right to secession in international law; on the other hand, international law does not, in principle, prohibit the unilateral declaration of independence, either” (2016, p. 25). Leonaitė and Žalimas also note that international law “stands clearly on the side of central governments, which enjoy the right to take any legal measures to defend the territorial integrity of their state” (2016, p. 25). Thus territorial integrity remains a main principle. Without the agreement of the existing state from which the separation should take place, it is (almost) impossible to be recognised as a subject of international politics.

### 3. BORDERISATION IN GEORGIA

Upon declared its independence on April 9, 1991, Georgia controlled two autonomous regions—Abkhazia (an autonomous republic) and South Ossetia (an autonomous region)—but only for a very short time. Separatist movements and interethnic tensions in these regions had already emerged before the fall of the Soviet Union. Very after the former USSR's collapse, these tensions evolved into civil, ethnic, and separatist wars (Zürcher, 2007). Since the Georgian-Russian war of August 2008, Georgia has decisively lost control of Abkhazia and South Ossetia. Both have been recognised by Russia and by several small states. Both signed agreements with Russia in 2009 to cooperatively guard their borders.

Since 2009, both separatist entities began to limit and control the movement of people in and out of their territories, issue their own internal travel documents, and implement their own rules and regulations (Artman, 2013). However, it was not until 2013 that the process of establishing stricter territorial control began to take shape—in that year, the process of borderisation started in South Ossetia. Abkhazia followed with its own borderisation process a bit later. This also marked a new stage in Georgia's relations with Abkhazia and South Ossetia.

In presenting the borderisation process in Georgia, which took place in 2013-2015, and its effects, I want to demonstrate how border building moves Abkhazia and South Ossetia towards the "territorial trap" and how the actions of Georgia support and amplify this process. To do so, it is important to focus on the border technologies described above by noting which border technologies are used and by interpreting and evaluating them in light of traditional political territoriality.

The empirical data for this research was gathered in the spring and summer of 2015 in Georgia. The research was based on: 1) expert interviews; 2) interviews with Georgian policy makers; 3) interviews with the staff of the EU Monitoring Mission in Georgia (EUMM); and 4) two trips to Abkhazia and South Ossetia's respective ABLs (administrative boundary lines).

The word *borderisation* is used to describe the building of a border in the territories of South Ossetia and Abkhazia to clearly and absolutely separate from Georgia. This process encompasses the control of the movement of people and commodities by creating a physical barrier, placing demarcation signs, installing surveillance equipment, and patrolling and strictly controlling border-crossing points. This border building started in August of 2013 in South Ossetia and in early 2014 in Abkhazia; and both continued their border construction processes until mid-2015. The visual result of this process is an approximately fifty-kilometre long physical border in South Ossetia and approximately twenty kilometres of a similar border in Abkhazia.

Later, other borderisation activities were pursued: bases for border guards were refurbished or newly built. Mostly Russian border guards work in these bases and observation posts. Visually, one can see more and more border signs with the phrases such as, "You are entering the territory of the Republic of South Ossetia" (written in Russian and Ossetian) or "Republic of Abkhazia." EUMM (European Union Monitoring Mission) staff calculated that some 200 signs have been posted along a perimeter of South Ossetia spanning not longer than seventy to eighty kilometres.

Together, these actions and facts clearly indicate that both separatist territories are establishing all the necessary signs of their independence. Of course, one could question the presence of the Russian military and Russian border guards there, but legally Russians are only providing “help” until the territories gain sufficient resources to secure their borders independently (e.g. “Соглашение между Российской Федерацией и Республикой Абхазия о совместных усилиях в охране государственной границы Республики Абхазия,” 2009). It should be noted and emphasised however, that the Russian border guards serve as the main security actors on the grounds bordering Georgian-controlled territory. There are at least nineteen border guard bases in each territory; some of these bases are equipped to provide shelter and safety in the event of a military ambush.

Another important tried-and-tested territorial technique is mapping. Maps are an important tool for imposing a particular order and vision on a territory, mapping also creates distance from a territory and makes a territory an abstraction while also presenting the territory, as a whole, as an existing entity (Crampton, 2009). Maps also have an objectifying effect. As maps are based on calculations and previously drawn lines, they can be considered truth—“maps don’t lie.”

For Abkhazia and South Ossetia, deciding where to draw a border line was not self-evident. After the 2008 war, the EUMM in Georgia was established and had to determine the territory of its mission, they were not allowed to go into Abkhazia or South Ossetia. Thus, they needed some direction, they needed a map. The EUMM uses a 1984 Soviet military map (1:50 000) and administrative Georgian maps based on this 1984 Soviet military map. This map also proved useful when borderisation processes started as Abkhazia, South Ossetia, and Russia also rely on the lines from this map (IDFI, 2015; PEC, 2013). Thus, in some sense, it is possible to say that two separatist entities were “on the map” much earlier than they began to exist as such.

EUMM and Georgian officials are very careful not to use the term *border* when referring to the emerging borders between Georgia, Abkhazia, and South Ossetia in their communications and depictions of the situation. EUMM calls the line dividing the Georgian-controlled territory (which it also sometimes refers to as Tbilisi-controlled territory) from the territories Georgia does not control an *administrative boundary line* (ABL). Georgians have their own term: *the dividing line*, which is used in official documents (Parliament of Georgia, 2008), and the term *occupation line* is used in political statements and media (Agenda.ge, 2017a). This last term reveals how Georgia is trying to redefine the domestic conflict as a conflict between Georgia and Russia (Jakniūnaitė, 2017, pp. 153–157). Although the EUMM and Georgia are demonstrating an effort to avoid declaring the separation and distinctiveness of the two separatist regions, on a practical level, Georgia, together with the EUMM, is actually contributing to the growing separation between the Russian-backed territories and Georgia.

The on-going borderisation also affects the movement of the populations in these territories, it particularly impacts the daily habits, and practices of these populations. Affected populations have had to adjust to new border-crossing rules, due to the fact that the emerging border has separated some villages into two. For these people, the concept of “illegal border crossing” has become meaningful. There are a few border-crossing points, but the authorities are trying to diminish their number (Agenda.ge, 2017b).



The Georgian-controlled sides of these borders do not have any border-crossing posts as Georgia does not consider the border to be legitimate and still regards the territories of Abkhazia and South Ossetia as integral parts of Georgia. So, in Georgia's conception of its territory, acknowledging border-crossing points in the middle of its sovereign territory would be akin to surrendering to the separatist entities. Nevertheless, it is difficult not to notice that the hindrances exist. The goal of authorities is simple: to control, to the greatest degree possible, who gets in and gets out. But crossing checkpoints also have a signalling function—they announce entrance into a territory with clearly defined boundaries. Border-crossing checkpoints signal the presence of the state and make the state tangible, material, and felt.

Thus, the building of a "state border" is a clear sign of and a loud message regarding sovereignty. Abkhazia and South Ossetia successfully employ the techniques of limiting residents' contact with the Georgian population and forcing their populations—especially ethnic Georgians—living in the separatist territories, to choose sides. Abkhazia and South Ossetia are both trying to build and strengthen obvious signs of being a sovereign state. Though they are not able to gain international recognition, they are playing an imitation game, the goal of which is to create the habits and practices of living within their desired borders and they are making their practices a familiarity.

"Traditional" state borders separating Abkhazia and South Ossetia from Georgia appeared only in the last few years, however, divisions and different forms of borders have been present in these regions for a long time. This last stage of bordering has symbolic power: it physically confirms a separation that has been widening since the start of the conflict. The separation of the two territories from Georgia has occurred gradually, and the emerging physicality of the borders has served as a visual confirmation of an on-going process. Physical borders help to erase the relativity of some spaces and provide the territories with a clear form—a wire fence, it appears, was the best way to loudly declare this form. The separation, however, was not and is not a one-way process. The ongoing conflict is occurring in Georgia, and Georgia—whether it wants to or not—must participate in this situation. In the next part of this article, I analyse Georgia's decisions and actions regarding the borderisation in Abkhazia and South Ossetia and the ensuing consequences of these decisions and actions.

#### 4. NON-RECOGNITION AND ITS CONSEQUENCES

Although Georgia gained independence in 1991, the country has still not finished defining its territorial structure. Above, I explored how Abkhazia and South Ossetia are creating their territorial separation. Here, I focus on Georgia's reaction to the aforementioned process and its effects.

The main thesis Georgian politicians emphasise is the principle of international law regarding the territorial integrity of a state. As previously stated, separatism in modern international relations, and in the non-colonial context, is possible only with the agreement of the main state. Thus, for Georgia, any status negotiations with the two separatist territories have to be about their status within the state of Georgia. Any other option is inconceivable in Georgia's political discourse. So, the government of Georgia is not directly involved in any of the bordering

processes happening in its territory, nor does it acknowledge them as border practices. On the “Georgian” side of the ABLs between the two separatist territories there are no signs of border control. The Special Tasks Department of Ministry of Internal Affairs of Georgia—a special police unit—observes the situation, but does not stop people from moving in or out of Abkhazia or South Ossetia’s claimed territories. In some sense, Georgia does not (want to) see the line that has evolved into a border.

During the early stages of its rhetorical fights with separatist territories, one strategy Georgia employed was the attempt to create divisions within Abkhazia and South Ossetia’s populations. The populations in these regions, supposedly, did not actually want to be separated from Georgia, but were being manipulated by criminal and profit-seeking political elites within the two regions. Georgia’s president at the time, Mikheil Saakashvili, stated in his 2004 speech to the UN General Assembly, “the lawless territories of Abkhazia and South Ossetia are safe havens for mini-dictatorships, [and] tightly controlled by elite groups that seek to profit from the criminal status quo.” These groups, said Saakashvili, created “black holes and smugglers’ safe havens,” despite the people wanting to live peacefully and well (Saakashvili, 2004, pp. 13–15). The hope was that Georgia’s economic success would seduce the populations of Abkhazia and South Ossetia, attracting them to Georgia. This strategy of Saakashvili’s government, implemented from 2004 to 2008, was unsuccessful. In fact the Saakashvili government had to quiet its critique of the local elites, as these entities were too small, too cohesive, and too interconnected for Georgia’s strategy to have any effect.

Given that the physical border indisputably exists leaves Georgia’s government with little more than rhetorical devices to protest the bordering process and condemn it as immoral, illegal, and unjust. However, it would be unfair to say that Georgia has not developed policies regarding the separatist territories and their on-going borderisation practices. But, as I will demonstrate next, Georgia’s policy of non-recognition, notwithstanding Georgia’s actions, contributes to the normalization of the borders or boundary lines between Georgia and South Ossetia and Georgia and Abkhazia.

Georgia’s institutional conflict resolution policies clearly illustrate both a non-recognition principle and a refusal to give any subjectivity to the separatist entities. Until 2008, Georgia had a State Ministry for Conflict Resolution Issues, but in 2008 the institution was renamed and became the State Ministry for Reintegration (Civil Georgia, 2013). This decision to rename was consistent with Saakashvili’s declarations and promises to unite the country and was greeted favourably in neither Abkhazia, nor South Ossetia; the underlying ambition was too obvious and too alienating. The renaming did send a message about Georgia’s territorial integrity and its perception of how to solve the conflict. Six years later, in 2014, the ministry was renamed again, becoming the State Ministry for Reconciliation and Civic Equality (Civil Georgia, 2014). This time, the renaming sent a new message: Georgia was willing to talk and wanted to prove that its engagement policy was not just a rhetorical device. This last decision, it seemed, did not influence the political elites of either Abkhazia or South Ossetia, it was made too late to have even some symbolic meaning.

So, the first feature of Georgia's official stance regarding Abkhazia and South Ossetia is its reliance on the principle of territorial integrity. Therefore Georgia pursues absolutely not to recognize the territories. The second feature of this policy is Georgia's position that these territories are occupied by Russia. For Georgia, Russia's recognition of these entities is driving their borderisation processes (and there is unsupported data that Russia has financed much of the borderisation processes in Abkhazia and South Ossetia). Georgia holds that Russia has made Abkhazia and South Ossetia its puppet states. Georgia's stance regarding Russia's relationship with the separatist territories and Georgia's approach towards Russia reveals itself in Georgia's Law on Occupied Territories (Parliament of Georgia, 2008), adopted after the 2008 Georgian-Russian war.

There are three relevant aspects of this law. First, it reiterates Georgia's main goal—reintegration. Second, the law unequivocally defines the situation as a Russian occupation. Third, the law restricts movement into and within the territories of Abkhazia and South Ossetia. The main restriction is a prohibition against economic activities in either region without written agreement from the government of Georgia. Furthermore, visitors may enter the territories only from the Georgian side; those who do not comply are subject to fines or imprisonment. The first version of the law even forbade representatives of the international humanitarian organisations and conflict resolution activities from entering the two regions from points that were not on the Georgian side. These restrictions, due to outside pressure were abrogated. Nevertheless, international humanitarian organisations must coordinate their activities within Abkhazia and South Ossetia with the government of Georgia.

A difference between the territories and their inhabitants is inscribed into the law. According to Georgia, this conflict is an international conflict between Russia and Georgia. Thus, the people living in these two territories are victims, they are suffering Georgian citizens whom Georgia proposes to help. This reframing provides an explanation as to why Georgia does not speak with the political elites of the de facto states. Georgia is using this legal instrument to formally vocalise its protest against what it perceives as Russia's illegitimate actions.

The goal of these restrictions is to limit the functioning of the de facto states, and to prevent them from developing a capacity to rule that could lead to the de facto sovereignty and eventually increase or even justify the regions' claims for international recognition. So, the solution Georgia chose was to pursue additional measures of territorial control, to define the special status of these territories, to underline their estrangement, and to limit the mobility of people residing in the two territories. The implementation of the law also makes the separateness and distinctiveness of these territories much greater and more tangible.

Georgia's rhetorical strategy of blaming Russia allows Georgia to reclassify the loss of the territories by blaming an external enemy. Now, the territorial conflicts are not about populations wanting to live separately, but about the self-determination of nations. The problem is presented as a problem caused by Russia, and with Russia tearing away parts of Georgia's territory, Georgia is also a victim.

Finally, Georgia pursued an engagement strategy that complemented its policy of non-recognition, a strategy that was very difficult to realize. Engagement requires effort and goodwill

from all sides, yet neither Abkhazia nor South Ossetia's authorities were willing to demonstrate any desire to engage. Georgia's official discourse also frequently mixed reintegration rhetoric with ideas of confidence building, a strategy that was strong on paper, but was never demonstrated in practice (see Government of Georgia, 2010).

Thus these separatist and de facto state territories become more closed and more isolated. As a result, they have been forced to seek their viability from within and from anyone who wishes to support them. Thus Georgia has solved one problem, it is limiting the two territories' possibilities for gaining international recognition; but in doing so Georgia is also supporting the estrangement and detachment of Abkhazia and South Ossetia by enacting its own territorial and bordering practices.

As a side note, similar practice can be noticed in the actions of the EUMM, which tries as hard as it can, not to indicate any recognition of the separatist territories. The EUMM, as mentioned, uses the term ABL and the 1984 Soviet military maps. It also instructs staff to comply with the same, or sometimes even stricter, recommendations regarding the behaviour at the line: not to come too close to it. Thus, even this simple fact demonstrates how it is difficult to act with regard to the line without recognising its subjectivity or acknowledging on-going border practices. Thus, it seems bordering is like dancing: it takes two, and even when one partner is unwilling, the dance is performed nevertheless.

This paradoxical situation is possible because of the established broader practices mentioned previously—international politics is based on a territorial division of the world and on state bordering practices. So, Abkhazia and South Ossetia demonstrate their willingness both to be trapped by the modern territoriality and to be compliant subjects of this territorial world. All of the other players in this situation are already “trapped,” that is, they are participating in the sovereignty game and know the rules and practices through which either statehood or international agency (in the case of the EU) is supported and performed. Thus, for the contested territories in Georgia, performing the correct actions regularly—controlling the space and practicing borderisation—may lead to state formation, and in Georgia's case, to a “smaller” state. But at the same time, everyone remains in the same ideological construction: a territorially-bounded stable nation-state idea. This is the answer Georgia has found. From Georgia's perspective, the solution to the territorial conflict is to learn to live with a smaller territory. Indeed Georgia's own actions strengthen its separation from Abkhazia and South Ossetia. Effectively, patience and the time have stabilised the territorial changes, without the need to officially recognise them.

## 5. CONCLUSION

In analysing the creation of borders between Georgia and the de facto states of Abkhazia and South Ossetia, I demonstrated how Georgia, even though it did not support the aims of the separatists of the two territories, was forced to participate in their on-going borderisation processes, processes that strengthened both the physical and mental separation of the territories from Georgia. Georgia incrementally adapted to losing these territories and to

perceiving itself as a smaller entity. Thus, we see at least one way in which territorial changes occurred in an already politically and territorially divided world.

Of course territorial changes are not impossible, but this analysis demonstrates how it is possible to establish subjectivity from below, even without international recognition. Abkhazia and South Ossetia are both using established and tested state-bordering mechanisms and techniques, and the bureaucratic and administrative procedures of territorial control. In order to survive and subsist, people living on both sides of the ABL have to adjust to and find ways to negotiate the border. The border is now a daily fact with which they live, an entity that orders their lives.

The effectiveness of Abkhazian and South Ossetia's strategies lies in their ultimate goal: to become legitimate subjects of international politics. Through their shared strategy of normalisation, they seek to prove that they are traditional states with all the practices and institutions this status entails. The only significant aspect of statehood that they lack is international recognition, without international recognition the second best path to statehood is for them to trap themselves into state territorial practices. This involves not only controlling one's own territory (in cases of separatism this happens first), but also includes the practice of establishing borders with strict border control to demonstrate their objective difference from the outside world. In the case of Abkhazia and South Ossetia the foremost difference to be established is their difference from Georgia. To this also they add "container" thinking in that they assert an ideal overlapping of the territorial state and the society inhabiting their territory. Thus, for example, the state of Abkhazia must be created in order for Abkhaz society to have a vessel to live within. Now, there is no other way left to conceive territoriality—the container secures a collective group from threatening others and to be bound within another state is unimaginable.

Thus a stable situation without stability emerges. The bordering and territorial practices are recognisable and familiar; it is not difficult, with enough power and resources, to execute them properly. Therefore, it is not difficult to stabilise the situation, to make it sustainable and obvious. The analysed practices are so recognisable they do not need justification, which is exactly why they have been chosen. It is widely known that states (or "wanna-be" states) control their territories through border institutions, and this knowledge makes the process so efficient.

On the discursive level, Georgia's government relies on politics of non-recognition, yet on the practical level, it normalizes the bordering practices of Abkhazia and South Ossetia by legislating separation in punishing engagement with them and treating them as different. The border-crossing practices around the border or ABL are complex, they demand special knowledge. The signs of power are visible on both sides, so the categorization of people and territories also takes place. Georgia emphasises the spatial particularity and distinctiveness of Abkhazia and South Ossetia, much more than Georgians would like to acknowledge.

Without being able to change the situation, Georgia must go along with it and accept the fact that it cannot destroy or erase the borders without creating another violent conflict, even though (rhetorically) Georgia's politicians would never acknowledge this. So, Georgia accepts the existence of these borders by isolating the territories and not accepting that they are "state" borders, yet behaving as if they are state borders.

Thus, Georgia is learning to live without these territories. In the meantime, Abkhazia and South Ossetia are performing their “statehood” in perpetual limbo. These stabilised but unstable situations demonstrate the tensions between practice and discourse. Thus, through spatial control and bordering practices it is possible both to practically live with the “smaller” state and remain in the fixed ideological framework of the territorial bound and unchanging nation state.

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