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## **State responsibility in international law: analyzing Russia's Actions in the war in Abkhazia (1992-1993)**

### **Introduction**

The Abkhazian conflict (1992-1993) forms one of the most illustrative case studies relating to the application of international law, most importantly to state responsibility and criteria of effective and overall control. Drawing from this setting, the article tries to trace a chain of causality underlying Russia's involvement in the conflict using a qualitative research design that combines methods of content analysis of primary sources with discourse analysis of secondary literature. The duality of applying both standards on effective control, considering specific instances of Russian command over separatist forces, and on overall control, considering broader patterns of support permits a nuanced understanding of Russia's multifaceted role. Drawing on examples of documented Russian air raids and strategic supplies of military support for separatist forces, the following research makes a line between the direct and indirect impact that Russia had on the course of the conflict. The article will explain how these actions are a violation of international legal norms before outlining the role played by legal frameworks in sustaining global stability and trying to state accountability for contemporary conflicts. Such an analysis adds a little more to the general debate on the role of international law in conflict resolution, focusing on key issues in complex dynamics of state involvement in ethnic separatism and problems encountered in attributing responsibility under conditions of hybrid warfare.

### **Methods**

From a methodological perspective, this study falls within the realm of qualitative research. The content analysis method was used to review primary sources such as press articles and documents, while discourse analysis was applied to secondary sources consisting of

academic literature related to the research topic. Additionally, the process tracing method was employed to elucidate the cause-and-effect relationships of historical events.

The study applies both standards of effective and overall control while assessing the degree of responsibility of Russia for its actions during the conflict. The so-called standard of effective control, enshrined by international law, approaches this question from the viewpoint of those specific operations in which Russian military officers can be documented to have directly commanded or directed separatist and mercenary forces, issuing orders or participating in processes of decision-making, that had a direct impact on the development of the conflict. For example, since the autumn of 1992, several air raids were conducted against Georgian positions, during this period, Russian forces managed to shoot down two Georgian SU-25 airplanes. Moreover, Russian paratroopers actively participated in different military operations aimed at destroying Georgian military positions in the region.

On the other hand, the overall control standard provides a broader framework under which to evaluate circumstances where the Russians supplied the separatists with considerable support, such as military hardware, training, and logistical support. For example, Russians actively supplied separatists in Tkhvarcheli, which was under blockade by Georgian military units. There was also a propaganda war waged by the Russian media. From March 1992 to September 1993, Alexander Lyubimov hosted the Red Square television program; during his show, he hosted his guest Anri Jergenia, the future prime minister of Abkhazia, who clearly expressed that the fighters who enlisted as volunteers in Abkhazia would be duly awarded. This standard helps in understanding the overall effect and strategic guidance of Russia, contributing to the overall capability and activities of the separatist forces. This dual approach enables a more precise attribution of responsibility in light of the complex contemporary realities of international conflicts and state involvement.

## **Discussion and results**

International law is the centerpiece of stability and consistency in global interactions. It provides a framework of legality to back up the peaceful resolution of disputes. Some of the basic principles of peaceful coexistence in international law include the self-determination of nations, peaceful resolution of disputes, disarmament, respect for human rights, prohibition of war propaganda, and adherence to international treaties. International law serves as the critical framework for determining state responsibility in the war in Abkhazia. It provides the legal standards by which the actions of states, including Russia's involvement, are assessed and judged for legality.

Following the collapse of the Soviet Union, a strong struggle for power appeared in Russia between the radical conservative wing expressed by the union "Soyuz" and Boris Yeltsin's alliance of "Reformers". Ruslan Khasbulatov and the main leaders of "Soyuz" supported the strengthening of the legal status of autonomous republics and openly supported the separatist movements in the former Soviet republics. Before the Abkhazian war, during war activities in the Tskhinvali region, Khasbulatov threatened the Georgian side with direct Russian military intervention.<sup>1</sup> It was crucial for Russia that Georgia joined the CIS and made sure that the functioning of Russian military bases in Georgia was safe and not under any threats. The struggle to attain these two goals put a heavy load on the North Caucasus factor. If Russia failed to succeed in its aims in the South Caucasus, it would face serious difficulties in keeping the North Caucasus under control. This difficulty would be exacerbated by the fact that the North Caucasus Confederates enthusiastically supported the Abkhazians. The potential neutrality of Russia in this conflict would have had a significant impact on its standing among the North Caucasian republics.<sup>2</sup> As Defense Minister Pavel Grachev himself pointed out, having military bases in Georgia was of paramount importance to official Moscow, as it was crucial for maintaining control over the eastern part of the Black Sea.<sup>3</sup>

During the conflict, the first significant document aimed at regulating the relationship between the opposing parties was signed on September 3, 1993. It secured the integrity of the Georgian territory and the end of hostilities from all parties that had participated in the conflict. It also provided for the withdrawal of all fighters from the North Caucasus from Abkhazia and required that Russian forces maintain neutrality. It also considered economic interests, providing for the creation of a joint mechanism of security for the Transcaucasian Railway. Significantly, the agreement was constituted as an official signature between two parties only, Georgia and Russia, with Abkhaz representation only signing and agreeing to the text. This agreement received official recognition from the United Nations Security Council as a constituted document.

Given these circumstances, the recognition of Georgia's territorial integrity and sovereignty in the September 3, 1993 agreement was undoubtedly a political victory for the Georgian side. This, however, also raises questions about the motives behind Russia's

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<sup>1</sup> M. Duffy Toft, *Geography of Ethnic Violence, Identity, Interests and the Indivisibility of Territory*, Princeton University Press, 2003, p. 194.

<sup>2</sup> L. Chantladze, *Internal Political Conflict in Russia and the War in Abkhazia*, "History, Archeology, Ethnology", No XI, 2024, p. 142.

<sup>3</sup> D. Lunch, *Russian Peacekeeping Strategies in the CIS: The Case of Moldova, Georgia and Tajikistan*, Macmillan, London 2000, p. 137.

agreement to this provision. It could be looked upon as a kind of concession with the expectation that Georgia would join the Commonwealth of Independent States and operation of the Russian military bases would not be threatened. However, not seeing any real steps in the fulfillment of these demands, Boris Yeltsin concocted a new synchronized plan for punishing the Georgian side, which immediately followed with the attack on Gagra.<sup>4</sup>

Abkhazian forces gathered near the Bzifi River, numbering approximately 3,000-4,000 warriors. In an interview with “*Nezavisimaya Gazeta*”,<sup>5</sup> Musa Shanibov stated that since the beginning of the conflict in Abkhazia, about 5,000 Caucasian volunteers had participated in combat operations, and their numbers could be increased if necessary to halt the advance of the Georgian army. Alongside the North Caucasian warriors, units of the Russian regular army, led by General Staff Commander Mikhail Kolesnikov, were also involved in the military operation.<sup>6</sup> Gia Karkarashvili, the commander of the Georgian military units in Abkhazia, recalled that during the attack on Gagra, military boats blockaded part of the coast, making it impossible for the Georgians to send reinforcements to strengthen the Gagra garrison. Additionally, the opposing forces used modern radio-electronic suppression mechanisms. Most importantly, the northern border was opened to facilitate the transport of the Caucasian Confederates.<sup>7</sup> During the mentioned military operation, the Abkhazians, who had previously complained about a shortage of weapons (for example, during the battles in Sukhumi), were now well-armed with both light and heavy artillery, including T-72 tanks.<sup>8</sup> This transfer of arsenal to the Abkhazians could only have been facilitated by the Russians. Capturing Gagra allowed them to complete a crucial logistical task, ensuring a communication line to Gudauta (a Russian military base). This included protecting the route, opening the border at Psou, and playing a decisive role in sending military or “humanitarian” cargoes to the Abkhazians. From the Georgian perspective, these actions were viewed as open aggression against the Georgian state and a gross violation of the obligations undertaken on September 3.<sup>9</sup>

On December 17, 1992, the Parliament of Georgia adopted an official resolution that once more emphasized the need for a peaceful solution to the conflict and outlined all the

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<sup>4</sup> L. Chantladze, *Internal Political Conflict...*, p. 144.

<sup>5</sup> I. Terekhov, *Interview with Musa Shanibov*, “*Nezavisimaya Gazeta*”, September 1992. It is indicated in the newspaper “*Republic of Georgia*”, September 4, 1992, p. 3.

<sup>6</sup> Z. Papaskiri, *Essays from the historical past of modern Abkhazia Plot II, 1917-1993*, Sukhumi branch named after Ivane Javakishvili Publishing House, Tbilisi 2007, p. 384.

<sup>7</sup> J. Gamakharia, *Assays From the History of Georgia, Abkhazia-From Ancient Times till the Present Days*, Institute of history and ethnology of Iv. Javakishvili, Tbilisi 2011, p. 472-473.

<sup>8</sup> K. Anderson, L. Hammond, *Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict*, Human Rights Watch, Helsinki 1995, p. 26.

<sup>9</sup> *Because of Boris Yeltsin's statement*, “*Republic of Georgia*”, October 8, 1992. p. 1.

violations that prevented the normalization of the situation. Russia was directly accused of interference in Georgia's internal affairs and held responsible for the events unfolding in Gagra. A detailed chronology was presented covering events from October 5 to December 10, 1992, bringing out incontrovertible evidence of incidents of interference by the Russian military.<sup>10</sup> Besides direct military involvement, incidents of arms and ammunition smuggling were also reported in support of separatists. In response to this development, on 25 December, the Russian legislature made a statement to place the blame for the contract violation on the Georgian side. It also called for the implementation of sanctions against Georgia to set things right.<sup>11</sup>

A report prepared by Human Rights Watch clearly stated that Russian "neutrality" had shifted in favor of the Abkhazians, who were actively acquiring heavy artillery and equipment. Although Pavel Grachev denied any involvement in this specific context, United Nations observers confirmed that air raids were conducted by the Russian side. This was evidenced by the downing of an SU-27 aircraft piloted by Major Vaclav Shipko on March 19, 1993, by the Georgian forces.<sup>12</sup> The March 17 issue of the "Republic of Georgia" newspaper reported that during the hostilities in March for the capture of Sukhumi, a special unit named "Tapir,"<sup>13</sup> staffed by Russian officers, fought on the Abkhazian side. On the same day, the Parliament of Georgia issued an appeal to international organizations and the Supreme Council of the Russian Federation, assessing Russia's actions as clear intervention and a violation of the sovereignty of an independent country.<sup>14</sup> To settle the conflict, another diplomatic agreement was signed on May 14, 1993. Before this agreement, a Georgian-Russian meeting was held in Sochi from April 6-9. The Georgian side openly demanded the secure closure of Georgia's border with Russia to prevent the involvement of North Caucasian mercenaries in the conflict, as well as the withdrawal of part of the Russian military forces from Abkhazia.<sup>15</sup> Pavel Grachev positively assessed the diplomatic negotiations but noted that some aspects of the proposed solutions did not align with the goals of the Russian government. Despite the stubborn resistance of Grachev and Pastukhov, they eventually agreed to Tengiz Sigua's initiative to withdraw Russian combat forces from Esher.

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<sup>10</sup> *Statement of the Parliament of Georgia*, "Republic of Georgia", December 18, 1992, p. 1.

<sup>11</sup> Z. Papaskiri Zurab, *Essays from the Historical Past...*, p. 390.

<sup>12</sup> K. Anderson, L. Hammond, *Georgia/Abkhazia...*, p. 38.

<sup>13</sup> *Reports from Abkhazia*, "Republic of Georgia", March 17, 1993, p. 1.

<sup>14</sup> Address of the Parliament of Georgia to the United Nations, the European Parliament, The parliaments of the countries of the world, the Supreme Council of the Russian Federation, the newspaper "Georgia Republic", March 19, 1993, p. 1.

<sup>15</sup> *Georgia-Russia Negotiations*, "Republic of Georgia", April 8, 1993, p. 1.

Regardless of positive changes attained through direct negotiations with the Russian Federation, actual hostilities did not stop; therefore, on April 27, a special statement of the Georgian Parliament was issued. In the resolution, it is acknowledged that the active involvement of military units of the Russian Federation against Georgian forces took place, and this has been estimated as an attempt to annex the sovereign country. In the aftermath, another round of Georgian-Russian negotiations took place on 14 May. Boris Yeltsin promised that all Russian heavy equipment would leave Abkhazia by mid-June and air strikes would cease. Most significantly, the President of Russia reaffirmed respect and support for Georgia's territorial integrity.<sup>16</sup> Eduard Shevardnadze believed that this meeting offered the most realistic prospects for conflict resolution, proving to be more effective than the agreement of September 3.<sup>17</sup>

The May 14 agreement became even more precarious in mid-June when the Russians began actively supplying the Abkhazians with both combat ammunition and manpower. These were the first actions in a general plan that included occupying Sokhumi. This operation was planned by the Russian officers and received crucial support from the landing of fighters from the warships at Tamish. It was obvious, that the battle also involved Russian soldiers with all advanced technological resources. Suppressing radio communications between Georgian forces was confirmed by a direct participant in the battles – Brigadier General Ramaz Tsartsidze. In addition, the Deputy Commander of Western Operation Zviad Chaduneli reported that all positions of the Georgian forces were already known to the opposing side. Despite the fierce resistance, Georgian military units managed to repel the landing forces in Tamish. however, it became clear that this attack was not the separatist's main offensive. The most intense assault occurred on the Gumista front. The Abkhazians succeeded in occupying commanding heights superior to Sukhumi. Eventually, the Ochamchire-Sukhumi highway came under their control.<sup>18</sup>

Following the successful operations of Abkhazian separatists in early July, the fall of Sukhumi became only a matter of time. The critical military situation necessitated the proposal of a new peace treaty. At the initiative of Russia, on July 27, 1993, a ceasefire agreement was signed between the Georgian and Abkhaz sides in Sochi. As had been agreed, at noon on July

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<sup>16</sup> E. Ediberidze, *Conversation between Eduard Shevardnadze and Boris Yeltsin*, "Georgia Republic", May 15, 1993, p. 1.

<sup>17</sup> Parliament of Georgia Press Center, *Resolving the conflict in Abkhazia is more realistic now It seems to me, than after September 3, 1992*, "Republic of Georgia", May 18, 1993, p. 1.

<sup>18</sup> S.E. Cornell, *Small Nations, And Great Powers, A Study of Ethnopolitical Conflict in the Caucasus*, Routledge Curzon, 2001, p. 160.

28, the use of aviation, artillery, and other combat-technical weapons should have stopped, while heavy equipment from both sides was to be withdrawn from the conflict area. All of this would need to be monitored by international observation missions, mainly located at Gumismta, Psou, and Enguri, carried out under UN supervision. However, in breach of the signed agreement, the separatists again began military activities. On September 17, a Georgian delegation had a meeting in the town of Adler with Pavel Grachev. The Russian Minister of Defense agreed that by deploying two Russian divisions in Abkhazia, Sukhumi could be saved. However, the Georgian military leadership and, more precisely, the Ministry of Defence Karkarashvili, showed negative responses to this initiative. Karkarashvili believed that it was strategically unjustified to accept the proposal of Grachev as the plan involved the occupation of Georgian positions by the Russian military forces and the stationing divisions there. Eduard Shevardnadze remarks in his memoirs that he was more than aware of the chief idea of Grachev. The purpose was that the Russian military contingent should detain the western part of Georgia and keep it under blockade, which would give Yeltsin significant leverage in future negotiations.<sup>19</sup> Meanwhile, a critical situation developed near the approaches to Sukhumi, where the Georgian garrison urgently needed help to defend the city. Ongoing combat operations involved units of the Russian regular army and volunteers from the Caucasus Confederation, with significant assistance from the Russian Black Sea Fleet, which had blockaded Sukhumi. Despite the defenders' resistance, the last bastion, the building of the Council of Ministers of Sukhumi, fell at 1 p.m. on September 27. Following this, the Abkhazians took advantage of the complete demoralization of the Georgian military units and, by September 30, occupied the Gali region and crossed the Enguri River.<sup>20</sup>

## **Conclusion**

In the war of Abkhazia (1992-1993), the principles of international law were grossly violated using the direct military involvement of Russia and the large-scale support of the Abkhaz separatists. The violations committed by Russia led to severe humanitarian consequences, including massive civilian casualties, widespread displacement of people, and instances of ethnic cleansing. These actions constitute breaches of international humanitarian law, particularly the Geneva Conventions. Targeting of civilian areas and forced displacement of ethnic Georgians were among many other examples of serious violations of the legal norms. Agreements at the international level, such as the resolution dated September 3, 1993, which

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<sup>19</sup> E. Shevardnadze, *Thoughts on the Past and the Future*, Palitra Publishing, Tbilisi 2006, p. 426.

<sup>20</sup> J. Gamakharia, *Assays From the History of Georgia...*, p. 478.

addressed the conflict, were regularly undermined by continued acts of aggression and violations by separatist forces, with the backing of Russia. The involvement of Russia itself underscores significant legal violations and highlights the urgent need for stringent enforcement of international norms as a prerequisite for global peace and security. The principles upheld in this context will be instrumental in preventing future conflicts and strengthening a rules-based international order. State accountability is a crucial component of the integrity of international law and is essential for promoting justice and stability worldwide.

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### **Summary**

This research examines the events of the 1992-1993 war in Abkhazia in the light of international law, with a particular focus on the principle of state responsibility. Specifically, the article evaluates the activities of Russia at each stage of the conflict and assesses where they violated international law. The research highlights Russia's role in the significant escalation of hostilities, where it was directly involved in military engagements and provided substantial support to the separatist forces during the conflict in Abkhazia. Essentially, such engagements have expressed effective overall control, grounding grave violations of international law to undermine Georgia's sovereignty and territorial integrity. It will be able to measure the legality of Russian involvement by taking a broader look at international legal norms within the role they play in upholding world order and their accountability.

**Key words:** state responsibility, international law, Russia’s involvement, War in Abkhazia