



# THE POLITICS OF NON-RECOGNITION IN THE CONTEXT OF THE GEORGIAN-ABKHAZ CONFLICT

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## Acronyms

<b>CIS</b>	Commonwealth of Independent States
<b>CST</b>	Collective Security Treaty
<b>EU</b>	European Union
<b>EUMM</b>	EU Monitoring Mission
<b>FRG</b>	Federal Republic of Germany
<b>FSU</b>	Former Soviet Union
<b>GDR</b>	German Democratic Republic
<b>ICJ</b>	International Court of Justice
<b>IDP</b>	Internally displaced person
<b>IIFMCG</b>	International Independent Fact-Finding Mission on the Conflict in Georgia
<b>IPRM</b>	Incident Prevention and Response Mechanism
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGO</b>	Non-governmental organisation
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>SSR</b>	Socialist Soviet Republic
<b>UN</b>	United Nations
<b>UNOMIG</b>	United Nations Observer Mission in Georgia
<b>US</b>	United States
<b>WTO</b>	World Trade Organization

## Introduction from International Alert

This publication is the third in a series of 'Dialogue through Research' reports produced by Georgian and Abkhaz experts<sup>1</sup>. The reports seek to shed new light on the conflict and to stimulate a different way of thinking about conflict-related issues. As the conflict dynamic changes, whether on a political or social level, so too does the discourse on the conflict, with new topical issues coming to the surface at dialogue meetings. International Alert provides a platform for researchers – representatives of civil society – to voice these issues, analyse them, exchange opinions with the other side, and stimulate public debate within their own societies on alternative approaches to conflict transformation. For its part, Alert does not take a position on the issues – by maintaining strict impartiality towards the ideas voiced and the various proposals and recommendations made, this allows the space for a much broader spectrum of opinions to be aired. The collegial process by which the dialogue participants develop the research questions is an important part of the process of producing a shared product – a joint publication – which is considered to be a valuable component of this Georgian-Abkhaz dialogue, with a strong potential to influence.

The first publication in this series, released in September 2009, was entitled *Dialogue on Security Guarantees in the Context of the Georgian-Abkhaz Conflict*. This publication considered the separate analyses of both Georgian and Abkhaz civil society experts on the need for security guarantees, along with the reasons why the sides have been unable to agree on them, as well as barriers and opportunities for future agreements.

The second collection of papers on *International Engagement in the Georgian-Abkhaz Conflict Resolution Process*, published in May 2010, considered the consequences of the closure of the United Nations Observer Mission in Georgia (UNOMIG) and the potential for the EU Monitoring Mission in Georgia (EUMM) to assume their role. The papers also assessed the impact of non-governmental peacebuilding initiatives and the effectiveness of the 'Geneva discussions' co-facilitated by the UN, the EU and the Organization for Security and Co-operation in Europe (OSCE), as well as exploring prospects for Abkhaz engagement with the international community. Together, the papers present a powerful argument for continued international presence in Abkhazia and for direct and impartial engagement by both governmental and non-governmental organisations (NGOs). However, the papers also pointed to the fragility of the status quo for both sides. This prompted researchers to want to look more in-depth into the sustainability of the status quo, including the sustainability of that cornerstone of international policy – the policy of 'non-recognition'.

The issue of the 'recognition' or 'non-recognition' of Abkhazia was one of the first themes to be tabled at the beginning of this 'Dialogue through Research' process in May 2008 – even before the tragic war of August the same year and the subsequent unilateral recognition by Russia of both Abkhazia's and South Ossetia's independence. Until then, and indeed ever since, the policy of 'non-recognition' – based on the principle of territorial integrity – has remained the cornerstone of Georgian and Western policy towards the resolution of the two conflicts. Generally, civil dialogue processes tended to avoid the hot issue of political 'status' that had driven the official peace process into the ground, focusing mainly on 'human security' issues and areas of 'common interest'. However, after August 2008, the dialogue participants themselves felt they needed to reassess the 'new political realities'.

At first, the participants were very cautious about taking on this theme head on, as the sides tend to take a completely uncompromising approach to this issue. Any discussion of the possible recognition of Abkhazia within Georgian society, and any discussion of potential concessions that Abkhazia would have to make in return for recognition, were thought to be strictly taboo. It was likely that the purpose of such research would meet with misunderstanding not only from within the political elite, but also from the population. However, given that this is a research project designed to stimulate thinking on the conflict, participants agreed that no subject should remain outside the scope of the dialogue. After all, a peaceful resolution of

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<sup>1</sup> Geographic denominations are a contentious issue in the Georgian-Abkhaz context. In the articles, the author's preferred spelling is used.

the conflict is not possible without examining the underlying factors forming the sides' positions. Thus, the research topic was agreed, not in order to provide the sides with a platform to argue their positions for or against recognition, but rather to examine to what extent the policy of non-recognition is helping or hindering conflict 'transformation'.

By way of introduction to the topic, both groups of researchers studied the underlying legal and political basis of the policy of non-recognition. The researchers did not reach any conclusions that currently contradict the official positions of the sides on this matter. In support of their argument, the Abkhaz paper highlights inconsistencies in the international legal framework and practice regarding the recognition of new states. The Georgian paper provides arguments in support of the Georgian and international community's approach to this issue. However, the bulk of the research focused on human and security aspects of the non-recognition policy, rather than on 'the right to secede' or 'territorial integrity'.

The Georgian researchers questioned how sustainable the policy of non-recognition is, under what conditions the policy might fail and what Georgia would do in those circumstances. Put another way, 'under what circumstances might Georgia be compelled to recognise Abkhazia?' The answer to this question is not unequivocal. While some experts and officials interviewed for the research could not entertain the scenario of the failure of the non-recognition policy, others clearly thought that it required some maintenance and even some strengthening in order to avoid its failure in the medium term. Indeed, recently the Georgian government has put much effort into strengthening the non-recognition policy by: intensifying its diplomatic activity around the world; establishing diplomatic relations with 25 countries in the past year; and promoting adoption of the term 'occupied territories' by major powers and institutions.

The Georgian research also considered the impact of the non-recognition policy on local and regional security and on the fate of people displaced by the war of 1992–1993 in terms of the prospect for return. While some considered that the policy is clearly a major factor in the increasing alienation of the sides – thus inhibiting conflict resolution – nevertheless recognition of Abkhazia by Georgia would not automatically translate into the return of refugees and internally displaced persons (IDPs). Therefore, nothing would be gained in that respect.

The Abkhaz papers present material that appears to support this particular conclusion. The Abkhaz researchers asked what concessions Abkhazia could be willing to make in order to get full international recognition – or recognition by Georgia. They looked into their current status of 'partial' recognition, what opportunities that affords Abkhazia and to what extent it limits their sovereignty. A survey of respondents reveals some interesting attitudes – most notably, that not everyone surveyed believes that Abkhazia is ready for full international recognition and the responsibilities that would entail (return of refugees/IDPs, restitution of property, etc.). Having said that, the ambivalent attitudes towards recognition should in no way be misunderstood as an expression of weakened will to remain independent from Georgia, at least among the non-Georgian population. The current status quo, although not ideal, offers many opportunities, even as the goal of full international political recognition remains a distant one.

In discussing these issues, the dialogue participants grappled with balancing moral and ethical issues (the fate of refugees/IDPs, questions of justice, etc.) against pragmatic arguments regarding the political, economic and social gains and losses associated with the non-recognition policy. This dialogue demonstrated that, by tackling such an ideologically charged topic from a number of angles, one can gain deeper insights and increase mutual understanding of the sides' fundamental fears and concerns related to conflict resolution. While at the start of this research there were concerns that the prevailing rhetoric and fear of backlash in each society would inhibit an open discussion of such issues, the process of research and interviews with respondents demonstrated that society is capable of a sober assessment of the status quo and options for the future. Having started the discussion within a small group of experts, it is hoped that this publication can help to stimulate further discussion within wider circles. We believe that this publication should be of equal interest to international political actors, experts, government officials, students and the broader public within the respective societies. Alert remains committed to supporting partners to continue to open up this debate both internationally and at home.

# Part 1 – The Abkhaz Perspective

The prospects for international recognition  
of Abkhazia



## Introduction

Issues related to the political recognition of Abkhazia as an independent state have been a constant topic of public attention in Abkhazia throughout the whole post-war period<sup>1</sup>. International mediators in the Georgian-Abkhaz negotiation process have maintained a one-sided position from the start, supporting Georgia's "territorial integrity" and rejecting Abkhazia's right to self-determination as an independent state. One of the mediators' arguments was that the number of states in the world cannot go on increasing indefinitely. This argument was quickly debunked in the Balkans, when the international community decided that all avenues for negotiating a resolution on the status of Kosovo that would be acceptable to both sides had been exhausted and that reintegration within Serbia was not a viable option<sup>2</sup>.

The Russia-Georgia war of August 2008 brought serious adjustments to the situation in the South Caucasus. Russia recognised the independence of Abkhazia and South Ossetia, feeling entirely justified in citing Kosovo as a precedent. However, this recognition of the two new South Caucasian states encountered stiff opposition from the Western community. Since then, the European Union (EU) has relaxed its position slightly to one that might become more pragmatic, although the policy is still that of "non-recognition". EU representatives believe that non-recognition does not rule out interaction with Abkhazia. The latter's increasing dependence on Russia as a result of its partial recognition is clearly causing concern in international circles. For its part, Georgia is more likely to be concerned that Europe might establish direct contacts with Abkhazia and bypass its administration in Tbilisi altogether. Opinions vary within Abkhazia as to the urgency and prospect of wider recognition, as well as over the opportunities and challenges facing Abkhazia as a result of its partial recognition status.

This collection presents abridged articles by Abkhaz authors examining various aspects of the recognition/non-recognition of Abkhazia as an independent state. Some of the articles are based on the results of surveys of the expert and political community in Abkhazia. The first article deals with the international theory and practice of state recognition (Natella Akaba). The second article presents the results of a survey of experts on the prospects of Abkhazia being recognised by the Western countries (Nadezhda Venediktova). The authors of the subsequent two articles present their views on relations between Abkhazia and Russia, the opportunities for Abkhazia opened up by this initial recognition by Russia, as well as the new challenges that partial recognition brings for Abkhazia (Manana Gurguliya and Said Gezerdava). The concluding article presents an analysis of the results of an expert opinion survey on the prospects for recognition by Georgia and whether this would be a desirable or an undesirable step for Abkhazia (Arda Inal-Ipa and Asida Shakryl).

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<sup>1</sup> This refers to the period following the Georgian-Abkhaz war in 1992–1993.

<sup>2</sup> Report of the Special Envoy of the Secretary General on Kosovo's future status, S/2007/168, 26th March 2007. Available at <http://www.unhcr.org/refworld/pdfid/4a54bc380.pdf> [48Kb PDF].

# 1. International recognition of states and governments: theory and practice NATELLA AKABA

International recognition is defined in legal terms as a unilateral act by which a state expresses its readiness to enter into juridical relations with another state or entity under international law, and to conduct full diplomatic, consular or other relations with it. International recognition is viewed as a voluntary declaration of intent and does not impose any obligation on the recognising state. In modern international practice, recognition does not affect the state's legal personality, although it does have fully defined legal consequences for bilateral relations between the recognised and recognising states and its participation in international interstate organisations, conferences, etc. International recognition is thus viewed, both in theory and diplomatic practice, as a political declaration rather than one conferring legal status<sup>3</sup>.

It should be noted that recognition of states is based mainly on existing international practice, and there is no universal statute under international law governing this issue. By its very nature, the country's national interests will always be in the foreground when the issue of the recognition or non-recognition of a candidate entity arises. Other significant factors are the "corporate solidarity" between recognised states, shared interests, global or regional influence and joint membership of international organisations. Practice has shown that candidate states with influential patrons stand the best chance of international recognition. There is also evidence of situations where the existence of emerging states has been blocked by other, more powerful states and where statehood would only be possible if it was in the control of existing states. Moreover, there are situations where states that had lost all factual qualification as such were maintained as essentially legal fictions by the international community.

International law is dominated by two competing theories of state recognition: the 'constitutive' and the 'declaratory' views<sup>4</sup>. The first theory states that recognition of a new state is a constitutive act from which its international legal personality flows. Moreover, the new state only exists, at least in a legal sense, once it is recognised by other states and thus is dependent on the political will and interests of existing states. This approach often ignores existing international realities under which recognition or non-recognition by other states does not affect a state's ability to enact its own laws and fulfil its own obligations. In addition, under the constitutive approach, double standards and subjective approaches may arise and lead to a lack of precision in the international legal system. This raises the interesting legal question of how many states need to recognise an entity before it is internationally recognised as an independent state.

As opposed to the constitutive theory, the declaratory theory is based on the idea that recognition merely confirms the emergence of a new state as an entity under international law and is almost irrelevant in determining the legal personality of the recognised state. Thus, the declaratory theory of recognition suggests that an entity may have constituted a state and qualified as such some time before it is actually recognised. The Montevideo Convention of 1933 sets out four criteria for statehood: 1) a permanent population; 2) a defined territory; 3) a government; and 4) the capacity to enter into relations with the other states<sup>5</sup>.

The issue of the recognition of new states re-emerged in a particularly sensitive manner in relation to Kosovo. As readers will recall, on 22nd July 2010, the United Nations (UN) International

3 For a definition of Recognition under international law, see the Legal Dictionary slovari-online.ru [in Russian].

Available at <http://slovari-online.ru/word/юридический-словарь/международно-правовое-признание.htm>

4 W. Worster (2010). 'Sovereignty: Two competing theories of state recognition', Universities of The Hague and Missouri-Kansas City. Available at [http://www.exploringgeopolitics.org/Publication\\_Worster\\_William\\_Sovereignty\\_Constitutive\\_Declaratory\\_Statehood\\_Recognition\\_Legal\\_View\\_International\\_Law\\_Court\\_Justice\\_Montevideo\\_Genocide\\_Convention.html](http://www.exploringgeopolitics.org/Publication_Worster_William_Sovereignty_Constitutive_Declaratory_Statehood_Recognition_Legal_View_International_Law_Court_Justice_Montevideo_Genocide_Convention.html).

5 Montevideo Convention on Rights and Duties of States, Article 1, 26th December 1933. Available at [http://www.cosmopolitikos.com/Documents/Montevideo%20\(1933\).pdf](http://www.cosmopolitikos.com/Documents/Montevideo%20(1933).pdf) [35Kb PDF].

Court of Justice (ICJ) in The Hague issued the following verdict: 'The declaration of unilateral independence of Kosovo on 17th February 2008 did not violate international law.' It also restated that 'international law does not prohibit declarations of independence'<sup>6</sup>. This was, importantly, the first time in history that the ICJ had examined the legality of a unilateral declaration of independence of a territory which, under international law, was a constituent part of a UN member state, and moreover without the consent of that member state. This decision clearly supports the view that a legal precedent has been set by the case of Kosovo.

Recognition is not a prerequisite for the existence of states that come into being by implementing nations' right to self-determination or for de facto governments that come to power as a result of a free declaration of intent by their people. Nevertheless, it is clear that official recognition is of huge political significance for a new state. Recognition confers full rights under international law and allows a state to promote its rights more fully in its relations with other states.

While a number of international lawyers believe that recognition must comply with fundamental principles under international law, in practice it is difficult to identify the boundary between compliance and non-compliance with principles. Such principles include, on the one hand, equality of all people and their right to self-determination, and, on the other, non-intervention in a country's internal affairs. As a result, the same states may hold differing interpretations of recognition. A particularly glaring example of the extreme inconsistencies and contradictory stances adopted by certain Western states and their allies was exposed in the contrast between their recognition of Kosovo (which had never been an independent state) and their failure to recognise Abkhazia, which has traditions of statehood that go back many centuries (the Abkhaz kingdom existed as far back as the 8th century). The former president of Italy and lifelong senator Francesco Cossiga, who supported the recognition of the independence of Abkhazia and South Ossetia and the right of their people to self-determination, stated in this connection: 'I support Georgia's territorial integrity, but only within its natural historical and cultural borders, and consequently I support the independence of South Ossetia and Abkhazia or, at the very least, the recognition of their right to self-determination.' Mr Cossiga criticised the stance adopted by 'European countries, which oppose the independence and self-determination of South Ossetia and Abkhazia, but took Kosovo by military force, recognised it as an independent state and now guarantee this independence by military occupation ... If the right to the non-violability of borders really did exist, the Italian nation could not have created its own unified state'<sup>7</sup>.

In conclusion, it is important to note that no universal standards have, as yet, been developed under international law to provide a precise definition of the principles and criteria for recognition of the independence and sovereignty of new states. In practice, subjective and highly politicised assessments and criteria are used, some of which have little in common with categories under international law. This selective approach to the recognition of new state entities, in the absence of precise standards and norms under international law, far from facilitates the stabilisation of the situation or working towards the peaceful resolution of latent conflicts; in fact, it allows situations to arise where local ethnic and territorial disputes escalate into armed conflict. Clearly, recognition of states will continue to be hotly contested, with supporters and opponents of recognition each citing international law and a series of historical and political grounds for their positions. This may lead to situations that endanger stability and security. It is therefore essential for the international community and, primarily, the leading world powers to start to develop a basis for state recognition under international law that reflects modern realities. Otherwise, the recognition of the independence of states will continue to be used by major powers as a tool of political speculation, with millions of people continuing to suffer as a result.

6 D. Kabanov. 'UN Court dismembers Serbia. The secession of Kosovo is recognised as not in violation of international law', *Komsomol'skaya Pravda*, 22nd July 2010. Available in Russian at <http://www.kp.ru/daily/24527.4/673881>. A summary of the ICJ's Advisory Opinion of 22nd July 2010 is available at <http://www.icj-cij.org/docket/index.php?p1=3&p2=1&case=141&code=kos&p3=5>.

7 'The former president of Italy calls on Europe to recognise South Ossetia and Abkhazia', *Regnum*, 26th August 2008. Available in Russian at <http://www.regnum.ru/news/1046641.html>.

## 2. The West's policy of non-recognition of Abkhazia's independence: consequences and prospects

NADEZHDA VENEDIKTOVA

The precedent set by the recognition of Kosovo's independence seemed to half-open the door to international recognition of Abkhazia. However, in an act that smacks of double standards and understandably hardens Abkhaz attitudes to the West, the international community rejects the idea that any precedent has been set in Kosovo. This gives rise to questions such as whether Abkhazia actually needs recognition by Western countries; what Abkhazia would gain from such recognition; whether Abkhazia stands to lose if it does not gain recognition and, if so, what; why recognition of Abkhazia is currently ruled out as an option by the West; and what are the conditions under which it would be possible.

To find the answers to these questions, a survey was conducted of five state officials in Abkhazia, along with one parliamentarian, two representatives of NGOs, two lawyers and eight ordinary citizens. Four Western experts were also surveyed, of whom three were professional diplomats and one a researcher working for the EU, as well as an expert on the Caucasus region.

The Abkhaz respondents shared roughly the same view of the West. On the whole, Abkhaz citizens' view of the West is based on many years of resentment over the West's repeated calls for the full restoration of Georgia's territorial integrity. This call ignores the Abkhaz desire to have a state of their own, questions their rich historical past and devalues the sacrifices made by the people of Abkhazia during the war unleashed by Georgia. More detailed questions identified a more nuanced view that differed between groups of respondents. For example, pragmatism and the desire to further develop democratic institutions outweighed emotional responses for one group, which understood the need for Abkhazia to be recognised by the West. This group recognised the many ways in which Abkhazia could benefit from the international community's experience and assistance in achieving political modernisation in the foreseeable future.

Resentment over the West's failure to change its policy towards Abkhazia, or open it up for negotiation over 17 years since the war ended, is exacerbated by the West's opposition to attempts by the Russian Federation to widen the circle of countries recognising Abkhazia from within the post-Soviet space. A particular source of irritation is the pressure brought to bear on Belarus by the EU. For this reason – and not simply because they understand the importance of a strategic partnership with their powerful neighbour, the Russian Federation – many Abkhaz react with scepticism to the Abkhaz government's occasional and rather half-hearted arguments for a multi-vector foreign policy.

Resentment of the West is also fuelled by the generous financial and institutional assistance given to Georgia, compared with the modest help offered to Abkhazia. Similarly, the modernisation of the Georgian army by Western states is causing concerns, which are entirely justified, particularly in light of the August 2008 events.

Another factor causing a negative reaction is the international community's uncritical stance on processes within Georgia. In recent years, the Abkhaz have got the impression that, even if an openly despotic regime were to emerge in Georgia, the West would continue its support for Georgia and avoid publicly criticising the Georgian government.

Any analysis of overall Abkhaz public opinion on the West must also consider other factors that tend to have a negative impact on the Abkhaz. One of these is broadcasts that adopt an ironic and at times overtly antagonistic attitude to Western civilisation shown on Russian television. Such

broadcasts dominate the Abkhaz media and form much of public opinion. Another factor is the steady stream of cheap Western videos, on which many people base their view of Western culture. Moreover, restrictions imposed by the EU and the United States (US) on Abkhaz people entering their countries not only violates their right to freedom of movement, but also stops them from becoming acquainted with modern Western life. Abkhazia's attitude to the West is also, to some extent, indicative of the isolationist mentality that resulted from many years of embargoes – a factor which is further exacerbated by an unconscious fear of globalisation.

On the question of how much Abkhazia actually needs to be recognised by the wider international community, most Abkhaz officials of whatever rank expressed the view that international recognition is not absolutely necessary at this stage. Given the close strategic partnership with Russia, the country can interact with the outside world through the Russian state and private structures.

However, officials who have been engaged in Abkhazia's foreign policy for many years, and who are in constant contact with representatives of the international community, argue that Abkhazia should not turn its back on Europe, even if the European states currently decline to recognise it. Sergey Shamba, the former Abkhaz Minister of Foreign Affairs and current Prime Minister, stated that he believes talks on the formal recognition of Abkhaz independence by European states could be possible in 10 years' time, adding that Abkhazia should work doggedly and systematically towards that goal. This view is shared by Vyacheslav Chirikba, the head of the Abkhaz delegation at the Geneva talks and the head of the foreign policy department of the Abkhaz Republic's Presidential Administration. Mr Chirikba is convinced that normalisation of relations with Georgia and the reduction of tension within the region remain a matter of urgency<sup>8</sup>. In his view, direct dialogue with the EU, the UN, the Organization for Security and Co-operation in Europe (OSCE) and representatives of the US administration are crucial, since Abkhazia must find a way out of its international isolation.

Representatives of civil society believe that Abkhazia needs to work on presenting a positive image to replace the West's existing stereotypical view of Abkhazia as Russian-occupied territory with no burning desire for sovereignty. In their view, it will be difficult for Abkhazia to become a modern democratic state if the current situation continues. Although Russia provides economic assistance and secures Abkhazia's physical security, Western support would help the country's process of political modernisation.

A separate group of those surveyed is composed of lawyers in private practice who believe that Western recognition is an essential next step in Abkhazia's institutional maturity as a responsible entity recognised by all other legal entities. Today, with Abkhazia isolated from the West, it has no de facto international obligations. Abkhazia falls short of civilised economic relations, particularly with regard to questions of private ownership. Archaic concepts still prevail in a society where personal contacts are more important and significant than the law. In the past, this may in fact have been a benefit, enabling society to survive during the difficult post-war years. Today, however, it is holding Abkhazia back.

Most of the eight ordinary people surveyed felt that Abkhazia needs to gain recognition by the West, but not develop close ties with it. This group found it difficult to answer more probing questions.

On the question of the prospects of Abkhazia's recognition, all four Western experts surveyed stated unanimously that there is no prospect of recognition in the foreseeable future. To explain the context in which Western policy towards Abkhazia is formed, the experts noted the following:

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8 'Diplomatia dolzhna byt terpelivoi' [Diplomacy must be patient], interview with Vyacheslav Chirikba, *Nuzhnaya Gazeta*, 13th April 2010.

- Georgia's incursion into South Ossetia in August 2008, followed by the war with Russia and Russia's unilateral recognition of the independence of Abkhazia and South Ossetia, undoubtedly changed the situation. However, the demands formulated within the West's policy remain the same: that is, the peaceful resolution of the Georgian-Abkhaz conflict within the framework of the territorial integrity of Georgia, and the safe return of all displaced persons. Moreover, the wholesale loss by Georgian refugees of their houses and apartments presents Abkhazia with the problem of compensation for damages. Even if one were to concede that the issue of international recognition of Abkhazia might be considered at some point in the distant future, no settlement would be possible unless problems over refugees' private property are resolved.
- The fact that no country from the Commonwealth of Independent States (CIS) has recognised Abkhaz independence confirms that this is the position of the international community, and not just the West.
- The West is usually a loose grouping of countries with disparate positions, particularly as regards relations with post-Soviet countries; nonetheless, in the case of Abkhazia and South Ossetia, there is clearly consensus between them on the non-recognition of these entities. At the same time, the West consistently refuses to accept that any precedent has been set by Kosovo.

The Western experts believe that, if Abkhazia wants to increase its chances of gaining recognition by the EU or by individual EU member states, it has to be interested in developing contacts with the EU. Both Europe and Abkhazia should make every effort to find flexible solutions to achieve some form of cooperation. These solutions could involve, for example, cooperation on restoring the post-conflict economy, as well as addressing questions of freedom of movement and the associated problem of issuing visas to Abkhaz citizens. Abkhazia should be proactive and demonstrate more actively that it desires a peaceful settlement with Georgia; it should also take independent decisions. However, the experts concede that the lack of trust in the present government of Georgia is a serious obstacle to the resumption of fruitful talks between the two sides.

As one of the Western experts remarked, Abkhazia should not ask the question: 'Why do the Western countries refuse to recognise us?' It would be more useful, in his view, if Abkhaz society posed the question: 'What can we do to encourage the international community to change its attitude towards us?' The expert believed that this would give an important signal, marking the start of an open discussion within Abkhaz society on issues such as the problem of Georgian refugees, or the reintegration of the Georgian population of the Gal district into Abkhaz society. Although this is a highly sensitive and emotionally and politically charged topic, the expert believes that the Abkhaz authorities cannot avoid it for much longer if they really want to appear to be a responsible and respected partner.

The expert from the Caucasus taking part in the survey believes that Western recognition of Abkhazia will be accompanied by demands for the democratisation of legal norms and practice in Abkhazia. He believes that, provided that the process of democratisation develops at a reasonable pace and conforms to international standards, the West will be forced to recognise this process and participate in it in some way, although taking Georgia's views into account.

For the foreseeable future, it appears likely that Abkhaz independence will continue to be recognised under Russia's aegis by countries that are either: allies of Moscow, with no territorial problems of their own; or small countries with no close ties to the post-Soviet space that have an interest in various types of Russian aid and support.

As far as the West is concerned, the situation is likely to develop in one of two ways over the next 10 to 15 years.

1. Unless President Medvedev of Russia is able to insist on a more liberal way of development in Russia, the civilisational differences between the West and Abkhazia will only grow. Abkhazia will continue to navigate channels laid down by Russian policy and full international recognition will be postponed for many years.
2. If real modernisation is initiated in Russia, this will lead to a more open foreign policy. This will undoubtedly have a positive effect on the development of Abkhazia. The latter will have a chance to accelerate the process of international recognition by developing democratic institutions.

Over time, the split between the West and Russia may ease, and relations with the EU may become closer and mutually beneficial. The Georgian-Abkhaz conflict may also ease – not only as a new generation will determine Georgian public opinion on the issue, but also because awareness will slowly grow across the Caucasus that a country's prospects are not determined by rule over territory but through scientific and technological achievements.

Even today, most Western politicians in fact understand that there is no prospect of Abkhazia returning to Georgia, although they continue to insist on this out of inertia. A number of statements by Western politicians show that they realise that Russia's recognition of Abkhaz independence has made the process of Abkhazia's alienation from Georgia irreversible<sup>9</sup>.

In conclusion, this article emphasises the importance of Abkhazia avoiding a merely passive role in international relations. Abkhazia will only become truly independent if the country undergoes real democratisation, backed by economic success and a sophisticated foreign policy. The Abkhaz authorities should recognise the close connection between the two. While developing further relations with the Russian Federation as its strategic partner, Abkhazia can pursue a more active regional policy among the countries of the Black Sea basin. As it continues its attempts to bring about a change in the West's attitude, Abkhazia must bring its legal institutions up to international standards and insist on the development of cultural links with Europe, particularly in the education sector.

For the West as a whole, and the EU in particular, it is sensible to move away from the bloc mentality. As a first step, they could develop relations with states they do not recognise, including Abkhazia, on the basis of mutually advantageous collaboration in areas such as economics, legislation, education and culture, without regard to Georgia. This in fact must be the approach at the heart of the EU's policy of 'engagement without recognition'. The EU could develop a temporary status for partially recognised states within the framework of the European Neighbourhood Policy – this would allow it to support and develop formal relations with such entities, guarding against uneven development.

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<sup>9</sup> At a press conference held in Estonia's capital Tallinn in January 2010 following a meeting with Mikheil Saakashvili, the President of Estonia, Toomas Hendrik Ilves, stated that Georgia should not waste its energies on the return of Abkhazia and South Ossetia, since this would not yield any results. See 'Saakashvili, Ilves discuss regional ties', *New Europe*, 31st January 2010. Available at <http://www.neurope.eu/articles/98920.php>.

### 3. Partial recognition of Abkhazia as an independent state: opportunities and challenges MANANA GURGULIYA

When talking about opportunities afforded Abkhazia by Russian recognition, it is important to firstly mention the guarantee of military security. People in Abkhazia associate military security with the guarantee of the physical preservation of its people, the sovereignty of the republic, and the stability of the socio-political and constitutional order. Given the absence of an agreement on the non-resumption of hostilities between Abkhazia and Georgia<sup>10</sup> backed by international guarantees, the Abkhaz side sees no alternative to a Russian military presence in the region. Moreover, since the West continues to support the ‘territorial integrity’ of Georgia within the frontiers of the former Georgian Socialist Soviet Republic (SSR), whereas Russia was the first to recognise Abkhazia’s independence and is its main strategic partner, Abkhazia would insist in any negotiations on a Russian military presence as an important part of any agreement on the non-use of force.

The current legal basis for the presence of Russian troops on Abkhaz soil is the Agreement on Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Republic of Abkhazia, along with the agreements on military cooperation and a joint Russian military base on the territory of the Republic of Abkhazia. A key aspect of Abkhazia’s military security is safeguarding its borders. It is important to note that the presence of Russian border guards has noticeably stabilised the situation in the Gal district, as acknowledged by the residents themselves as well as by the participants in the five-sided meetings under the Incident Prevention and Response Mechanism (IPRM)<sup>11</sup>. An important element in this cooperation is the joint efforts to combat crime, illegal trade in drugs and terrorism.

Military security allows much more attention to be paid to domestic problems such as developing the economy, resolving social issues, improving the quality of life of its citizens, education, science and culture. Today, Russia and Abkhazia are developing cooperation on trade and the economy, as well as taking steps to unify their power and transport systems, along with their communications and telecommunications systems. Total trade turnover between the two countries is US\$130 million. Between 2010 and 2012 Russia is granting Abkhazia aid of 10.8 billion roubles (approximately US\$362.5 million as at January 2011), equivalent to just under three times the Republic of Abkhazia’s budget for 2010. Funds have been allocated to areas such as repair of road infrastructure, housing, development of the agricultural and food industry, health, and school repair and equipment. In 2010 Russia also gave Abkhazia a 10-year preferential loan of 700 million roubles (US\$23.5 million) to recapitalise the National Bank of the Republic of Abkhazia.

Despite the clear opportunities for Abkhazia following its recognition by Russia, the lack of wider recognition colours relations between Abkhazia and Russia, and the prospects for further development of Abkhaz statehood. The assistance provided by Moscow is certainly well understood and valued in Abkhazia, which sees Russia as an ally, a strategic partner and a guarantor of its security. However, there are differing views within the Abkhaz political community on certain aspects of the Russian-Abkhaz cooperation. For example, the Agreement to Safeguard the State Borders of the Republic of Abkhazia provides for ‘joint efforts’ by Russian and Abkhaz border guards, although Abkhazia’s involvement only amounts in practice to joint border controls at

<sup>10</sup> Georgia insists on signing such an agreement not with Abkhazia, but with Russia, which it considers to be the party in the conflict.

<sup>11</sup> This mechanism provides for the participation of representatives of structures with responsibility for security and public order in border districts (Zugdidi and Gal), as well as representatives of international organisations, within their mandates at meetings – they can exchange information and discuss specific measures to prevent incidents and provocations. The Gal district meetings under the IPRM are held every two to three weeks.



crossing points on the Georgian-Abkhaz border. There are at present over 1,300 Russian border guards safeguarding the border. The border guard detachment of the Abkhaz Republic's State Security Service has just 300 soldiers.

There is also concern among a section of the population, mainly the political opposition, over the Abkhaz executive's plan to grant citizens of both states equal rights to purchase housing in Abkhazia. Amendments have been proposed to national legislation under which currently only citizens of Abkhazia are entitled to own property. Local residents are worried that Russians (including Georgians who have obtained Russian citizenship) with more financial clout than Abkhaz citizens may "buy up" all the housing in Abkhazia at relatively cheap prices. This, in the opinion of a section of society, would result in most of the properties ending up in the hands of non-Abkhaz citizens. Nevertheless, supporters of the amendments, mainly the authorities, believe that purchasing property in Abkhazia should not be restricted to Abkhaz citizens, since this would act as an artificial incentive for citizens of other countries to obtain Abkhaz citizenship simply to acquire property. This policy could, among other things, lead to demographic changes, with all the political consequences that this would involve. It should be mentioned here that, despite the concerns voiced about the transfer of property to citizens of other states, a "shadow economy" is flourishing in the republic, whereby housing is purchased and documented by nominees in "deals" from which the state does not derive any benefit. Abkhazia would perhaps be well advised to study the experience of other countries and take decisions that in particular do not hamper Abkhazia's interests.

There are also disputes over plans for the long-term transfer of the management of strategic facilities – such as the Abkhaz railways and Sukhum Airport – to Russian commercial entities. Disputes have also arisen over plans by the oil company Rosneft to develop an oil deposit on the Abkhaz section of the Black Sea shelf. While not denying the need for collaboration between Abkhazia and Russia in sectors such as energy and transport communications, the political opposition in Abkhazia believes that it 'must develop on the basis of close cooperation and mutual assistance, but with our state maintaining control over this strategic infrastructure'<sup>12</sup>.

Abkhazia owes much to Russia but, as Nikolai Zlobin, Director of the Russia and Eurasia Project at the US World Security Institute, has pointed out: 'we must not forget that Russia also owes much to Abkhazia. ... Abkhazia must remember that it has given Russia a great deal and has helped the stabilisation of the Caucasus region as a whole. Abkhazia is the only country in the region that has not provoked anyone or provided any incitement to military action'<sup>13</sup>. It is impossible to disagree with his statement that 'Abkhazia should, on the one hand, recognise the enormous role of Russia and, on the other hand, go out into the world'<sup>14</sup> and talk directly to the international community.

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12 'Open letter from the Abkhaz opposition to President Medvedev', 23rd May 2009. Available in Russian at <http://volgainform.ru/allnews/1167147/>.

13 N. Zlobin. 'Abkhazia ochen silno pomogla rossii, i stabilizatsii kavkazskogo regiona v tselom' [Abkhazia has given Russia a great deal and has helped the stabilisation of the Caucasus region as a whole], *Apsnypress*, 2nd October 2008. Available in Russian at <http://www.apsny.ru/apsnynews/apsnynews.php?mode=more&more=12314>.

14 *Ibid.*

## 4. Abkhaz sovereignty and relations with Russia

### SAID GEZERDAVA

Recognition of Abkhazia's independence has unquestionably placed it on a new trajectory and accelerated the process by which it will gain the status of a legal entity in international relations. Despite continuing uncertainty over how the problem of Abkhazia's status under international law will ultimately be resolved, Abkhazia now has a greater opportunity to develop its statehood than ever before, albeit within a relatively limited geopolitical area. In another important move, Abkhazia has now achieved internal stabilisation, which would have been much more difficult without Russia's security guarantees. This has created an environment in which the state can develop further and strengthen itself. At the same time, however, Abkhazia also faces a new systemic challenge: it must consolidate its strengths and resources much more if it is to maintain sovereignty in domestic and foreign policy.

Despite the changed situation, the state faces the same issues that applied before recognition, with factors such as the failure to resolve the conflict, the difficulties of internal reform processes and dependence on the Russian economy all taking on a new significance and colouring Abkhazia's image abroad.

Abkhazia's vulnerability unavoidably gives rise to domestic fears, some arising as a result of its relative isolation in past years. Whereas Abkhazia was relatively free to run its own affairs prior to recognition, its intensified bilateral relations with Russia might test the resilience of Abkhazia's hard-won sovereignty. It is possible to distinguish between two forms of interaction between states: on the one hand, relations may be on an equal footing (a partnership), striking a balance between the national interests and the partner's strategic interests; on the other hand, there is the dependent state with its sovereignty significantly restricted and revolving in the orbit of a powerful neighbour – the position in which Abkhazia finds itself.

Public concerns relate mainly to the possible consequences for Abkhaz state sovereignty following the transfer of a number of the state's functions to Russia. The contents of a number of agreements at state, government and local authority level relating to Russia's presence in sectors of strategic significance for Abkhazia clearly demonstrate the asymmetrical nature of the relations between the states. Abkhazia has now transferred to Russia functions such as: ensuring security against military and terrorist threats; the provision of inter-budgetary transfers; and the fulfilment of a series of social policy obligations (pension provision) in relation to citizens of Abkhazia holding Russian citizenship.

For a state to be truly independent, it must have in place not only formal legal barriers that prevent foreign interference, but also real and effective mechanisms to achieve this. In terms of international law, over the coming years Abkhazia's ability to increase and maintain its sovereignty in the eyes of the world will depend to a significant extent on Russia. The latter takes priority in and responsibility for implementing a number of aspects of Abkhazia's foreign policy, replacing Abkhazia's state bodies. In terms of strengthening the foreign policy component of its sovereignty, Abkhazia must first move on from the post-war "survival" mode and set about developing its own domestic and external policies, including a coherent military, foreign and economic policy.

Despite the current asymmetrical nature of Russian-Abkhaz relations, there are, importantly, a number of agreements that contain clauses providing for mechanisms to ensure Abkhazia's sovereignty in the relevant sector. In particular, the Agreement to Safeguard the State Borders of the Republic of Abkhazia in the short term provides for some slight involvement by the Abkhaz side in this respect. However, it also stipulates that the Russian side will safeguard the state

borders until the formation of a state border guard service by the Republic of Abkhazia, which in formal terms acts as a guarantee for the full participation of the Abkhaz side in the future.

A number of ambiguous clauses relating to the exemption of Russian border guards from Abkhaz jurisdiction have been subject to criticism by the Abkhaz public. Following discussions on this topic, a number of parliamentary hearings were held before the agreement was ratified.

Another important area is that of military cooperation. A key component of the military accords is the creation of a significant Russian military infrastructure on Abkhaz territory. Under the Russian-Abkhaz Agreement on a Unified Russian Military Base on the Territory of the Republic of Abkhazia, a military contingent of Russian armed forces numbering 1,700 servicepersons is to be deployed for a period of 49 years. The agreement may be extended automatically for 15-year periods. Collaboration in the field of security is providing Abkhazia with a significantly more powerful and effective security system capable of restraining the hugely increased potential of Georgia's military. Abkhazia would be unable to complete this task using its own forces, not least because of the outdated nature of Abkhazia's armed forces and the border guard division of the Abkhaz Republic's State Security Service. A comprehensive security system is thus being created outside the jurisdiction of the Abkhaz state. At this stage, the Abkhaz side has a secondary role in defence, providing sites for deployment of the Russian armed forces and border guard forces, and transferring rights to use certain facilities, real estate and communications of various types, etc. Clearly, this type of collaboration in the military sector cannot, objectively, be symmetrical. As with the agreement on joint efforts to safeguard the state borders, the military agreement also contained provisions that ran counter to Abkhazia's national laws<sup>15</sup>.

The contractual basis for Russian-Abkhaz relations, as mentioned earlier, does not only cover the military sector, although this is where relations are the most intense. The Russian Federation is also providing significant assistance for socio-economic development. Relations between Russia and Abkhazia are developing into financial support on a "donor state" and "recipient state" basis – this cannot continue indefinitely without damaging the Abkhaz state's sovereignty. In any case, it will become necessary at some point to create domestic sources for economic growth, along with a complete modernisation of Abkhazia's socio-economic system.

A bilateral partnership with one of the world's superpowers, in circumstances where most international players do not recognise it as a state, will clearly make it difficult for Abkhazia to adopt a completely independent stance. However, Abkhazia can at least try to avoid intensifying this asymmetry by maintaining an appropriate and effective domestic policy. Abkhazia is unlikely to find any other state with which it could achieve relations at this level and significance at any time in the near future. Under these agreements, Russia receives significant preferences that would be impossible without equivalent major concessions being made, as would normally be expected under agreements between entities of equal standing in international relations. Given the asymmetrical nature of the relationship between Russia and Abkhazia, the stronger party takes priority and can exert a disproportionate influence over Abkhazia. This unilateral dependence reduces the recipient country's initiative as a state, and there is a danger of it losing elements of political and economic sovereignty. In this context, it is crucial for Abkhazia to pool its resources and build an effective modern state by strengthening its domestic potential. It is also vital that it widens its foreign contacts to create a favourable external environment for a more independent development.

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<sup>15</sup> One example of such a contradiction is the position referred to in the preceding article on the possibility of Russian border guards appropriating real estate in Abkhazia.

## 5. Expert opinion on the prospects of international recognition of Abkhazia and the role of Georgia

Arda Inal-Ipa and Asida Shakryl

Throughout the long Georgian-Abkhaz negotiation process, international representatives fairly often put forward the proposition that the conflicting parties themselves held the key to the resolution of the conflict. This implied that the consent of both sides would be needed for any potential settlement option – from the creation of a federal state to the recognition of Abkhaz independence. Today, in response to Abkhazia's claim for international recognition, Western officials are again saying that wider international recognition of Abkhazia could only take place following its recognition by Georgia.

In Abkhazia, the topic of Georgia only arises when discussing the consequences of the war or flare-ups in the conflict; there is no public discussion on any other aspects of relations with Georgia. This includes even such an important issue as the possibility of Abkhazia's recognition by Georgia. As a result, there is little information available on how Abkhazia sees the prospects for its recognition by Georgia, or on what the public thinks is Tbilisi's current political agenda, or even on how salient the Abkhaz issue is in modern Georgian politics. The all too short list of countries that have decided to follow Russia's example and recognise Abkhazia's independence poses a number of serious questions to Abkhaz society. Should Abkhazia simply give up on its aspirations for wider recognition, since recognition by Russia is sufficient for it to survive and develop economically? Or does it need wider recognition to strengthen its independence as a state? Does Abkhazia have any means by which it can encourage other countries to recognise the republic? What impact is the failure to resolve the Georgian-Abkhaz conflict having on the recognition process? Is it possible or indeed necessary to move forward on recognition by Georgia? There are no obvious categorical answers to these questions. However, the survey of Abkhaz public opinion on these problems is extremely interesting, since it gives a snapshot of Abkhaz society's views on the possible development of events and changes in the political situation around Abkhazia, along with related expectations and fears.

At the information-gathering stage, the study included a qualitative survey based on interviews with respondents. Fourteen individual interviews were conducted and there was one focus group discussion. The respondents represented the following: the expert community; retired and serving politicians – including members of Parliament, representatives of opposition parties and staff from the Ministry of Foreign Affairs of the Republic of Abkhazia; public figures such as veterans of the Georgian-Abkhaz war; university lecturers, journalists and NGO staff. The study also considered some material from questionnaires (five individual interviews) carried out during other surveys<sup>16</sup>.

As in many other surveys dealing with the current situation in Abkhazia, virtually all respondents commented that Russia's recognition of Abkhazia and the long-term presence of Russian armed forces in Abkhazia ensured Abkhazia's security and protected it from potential external aggression. Virtually all the respondents also referred to the huge levels of economic aid provided by Russia. At the same time, many of those questioned were aware of the "price" paid for current levels of security. A number of respondents stated that there is in fact no realistic alternative to the current means of guaranteeing peace and stability in Abkhazia, given that the country is only partially recognised.

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<sup>16</sup> In particular, the assessments and statements of some experts were recorded by Liana Kvarchelia in preparation for her article in the collection: 'International Engagement in the Georgian-Abkhaz Conflict Resolution Process', International Alert, May 2010. Available at <http://www.international-alert.org/publications/pub.php?p=1147>.

Respondents were split over the question of the current Georgian-Abkhaz standoff. Some believe that the conflict is not currently a matter of urgency and that, even under these conditions, it is possible to deal with the economy and domestic problems, and to improve people's quality of life; they believe that another time will be more favourable for the resolution process. Proponents of this view are convinced that Georgia will not make any concession at the present time and thus there is no point in conducting bilateral talks. A similar view was held by those who categorically deny that Abkhaz-Georgian relations differ in any way from Abkhazia's relations with any other states, with which Abkhazia has no conflict. Even though the proponents of this view admit that the conflict is not resolved, this position demonstrates that they do not see any urgent need for it to be resolved or that the conflict has any significant impact on the current situation.

The proponents of another view emphasise that the conflict is not yet exhausted. They believe that the issues associated with the conflict – for example, 'transport corridors are still blocked' – are creating problems that are holding up Abkhazia's development. Therefore, efforts towards resolution must be continued.

Opinions varied on whether Abkhaz society should be content with Abkhazia's current political status. A number of experts view the current state of affairs as entirely acceptable and believe that it is sufficient at this stage that Abkhazia is recognised by Russia. Others emphasise that partial recognition is a temporary phenomenon, an intermediate step towards wider legal recognition. In their opinion, this stage should be used to improve the situation in many areas within the country – ranging from the resolution of legal forms of property ownership to addressing the demographic situation. This would ensure that Abkhazia is better prepared when it is eventually recognised by other countries.

Representatives of a third group of respondents concentrated more on the negative consequences that they felt would result from a prolonged period of partial recognition. They noted that Russia itself needs to improve its system of government and democratic institutions. A number of those taking part in the survey expressed concern that, in such a situation, there will be no conditions to carry out effective modernisation measures in Abkhazia. Interestingly, some of those taking part in the survey felt that in the circumstances even economic assistance, for all its importance for Abkhazia, might have undesirable side effects, such as increasing Abkhazia's dependence on Russia and reducing its incentives for autonomous growth: 'When a real improvement in the situation depends on the amount of funding rather than on reforms, there won't be any incentive to modernise,' one respondent remarked. One particular problem mentioned was that the public and private sectors, and even ordinary citizens, might engage in economic activity that is only oriented towards Russia. If Abkhaz citizens were to act entirely in accordance with their own economic advantage, this might lead to a situation where the proportion of foreign citizens who own Abkhaz property is too high.

However, despite these serious concerns related to the increased dependence on Russia, not one of the respondents raised the possibility of a realignment with Georgia. In other words, those taking part in the survey viewed Abkhazia's relations with Russia and its relations with Georgia as two separate issues. The level of trust in Georgia continues to be extremely low: 'Georgia will never be an alternative to Russia,' it was concluded.

The majority of the respondents, although with qualifications of one kind or another, were united in their understanding of the need for international recognition of Abkhazia's independence at some stage. This was clearly shown in one statement on the consequences of international recognition: '... for Abkhazia itself these consequences would be fairly painful, because it would have to comply with a number of international standards. This is a painful process but nevertheless it has to be gone through, there is no alternative.' The view was also expressed that Western recognition of Abkhazia's independence is also the only way to resolve the conflict: 'Practically the only chance of achieving a peace where Tbilisi respects Abkhazia's independence is if it is recognised

by the Western community.’ An opposing view was that Georgia does have an important role: ‘if Georgia were to recognise us today, all other countries would automatically follow its example.’

Georgia’s intentions regarding recognition of Abkhazia were of some interest to those taking part in the survey: according to a widely held opinion in Abkhazia, the principal obstacle to political recognition of Abkhazia’s independence by most foreign countries is Georgia’s refusal to accept the results of the wars unleashed by itself in 1992–1993 and 2008. At the same time, a significant number of respondents are convinced that Georgia is so far from recognising Abkhazia’s independence that it is not worthwhile discussing this in the foreseeable future. Those who were willing to discuss this topic can be divided into three categories. Representatives of the first, larger group doubt whether Georgia’s recognition of Abkhaz independence would be at all in Abkhazia’s interest. They are concerned that, however paradoxically, Georgia’s recognition of Abkhaz independence might mark a return to the pre-war situation. In particular, these respondents envisaged problems relating to refugees, the resumption of contacts, which would involve one more demographic upheaval, and Georgian investment, which might change the economic landscape in Abkhazia, etc.

Another group could see both positive and negative consequences of potential recognition by Georgia. Although they believe that the time has not yet come for such recognition and that it is impossible to force this process, they nevertheless commented on positive aspects of potential future recognition. For example, future recognition would strengthen Abkhazia’s sovereignty as an independent entity under international law, widen its contacts with the outside world, and increase the country’s attractiveness as an investment location. Some respondents mentioned the importance of signing an agreement with Georgia on the non-use of military force, believing that this could ease tension.

A third group were convinced that it is in Abkhazia’s interests for Georgia to recognise its independence, since this will open the path to widespread international recognition and will help it to avoid uneven development. Moreover, in the event of recognition by Georgia and the wider international community, Abkhazia would become less dependent in terms of security and have the prospect of becoming a neutral country.

Although the problems of regional South Caucasian integration and cooperation were not specifically raised with the respondents, these ideas were mentioned by those questioned. The recognition of Abkhazia and building up of a new level of relations with it, some respondents felt, could stimulate the development of integration processes within the South Caucasus, as well as the creation of shared structures along the lines of the EU.

Although it was clear to all respondents that the Georgians were extremely unlikely to recognise Abkhaz independence, the overwhelming majority of those surveyed felt this would be a pragmatic and far-sighted step for the Georgians and one in line with their perceived long-term interests. Recognition of Abkhazia would ensure the stability that Georgia needs in terms of its entry to North Atlantic Treaty Organization (NATO) and the process of its further integration into Europe. Many emphasised that, if such a bold step were taken by Georgia, it would radically transform the situation and would be highly valued by the global community. As well as raising its prestige, in the view of the Abkhaz respondents, ‘... it would be an opportunity for Georgia to have some influence on Abkhazia’s policy’, for instance in relation to ‘the development of economic and trading links, resolution of the problem of the status of the Georgian population in Abkhazia ... cultural links’. Some respondents emphasised the role for potential recognition in improving relations between the Abkhaz and Georgian peoples: ‘Recognition of Abkhazia is not the final stage in the process of resolution but the first step towards establishing good relations with Abkhazia.’

Although the majority of respondents do not see any advantage in the near future for Abkhazia in recognition by Georgia, many have a positive assessment of such a prospect in the long term. However, the question of what incentives Abkhazia could give for the process of recognition by Georgia provoked a fairly critical response from most respondents. Many said that Abkhazia should not provide Georgia with any incentive, since, as mentioned earlier in this article, it is more in Georgia's own interests. A fairly large category of respondents were categorically opposed to Abkhazia making any compromises for the sake of Georgia's recognition of its independence. Their argument was that, in the absence of regional cooperation and mutual dependence, there is no need to make concessions. Other important factors include the public's implacable stance, as well as the dilapidated post-war conditions enforced on Abkhazia for many years by Georgia's policy.

In relation to any compromise on resolving the problems connected with the Gal district, virtually all those who referred to this in one way or another categorically rejected any idea of swapping land for recognition. However, provided that land was not under discussion, a whole range of fairly realistic proposals was made on the Gal district. Such proposals included organising education in the Georgian language using Abkhaz textbooks and supporting the cultural rights of the population. Options proposed even included conferring dual (Abkhaz and Georgian) citizenship on the inhabitants of the Gal district. Some respondents emphasised that there could be compromises on the economic side but completely ruled out any political compromises.

The following views were expressed in relation to the question of Georgian refugees:

- Virtually all the respondents believed that the process of Georgia's recognition of Abkhazia's independence is inevitably bound up with the question of the return of refugees. The majority of respondents saw this as the main danger associated with recognition by Georgia.
- In the opinion of most people surveyed, Abkhazia cannot agree to any further, even partial return of refugees, since this may impact on the demographic balance. It is also necessary to bear in mind the strong negative attitudes in society, which has still not recovered from its post-war trauma. Fears were often voiced over the possibility of disputes arising with regard to property ownership in the event of the return of refugees. Finally, many believed that the number of people who have already returned to the Gal district is the maximum to which Abkhazia could agree and that a stop must therefore be put to this issue now.
- Some respondents agreed that the talks could cover the issue of a partial return of refugees in exchange for recognition by Georgia.
- The idea of compensating refugees for lost properties using international funds, as a sign of goodwill by Abkhazia, was acceptable to virtually all respondents who touched on this problem.

Respondents taking part in the survey were split over whether there might be any move towards recognition of Abkhazia from within Georgian society itself. Some believed that there are already a number of politicians in Georgia who have adopted a new perspective on the problem of relations with Abkhazia and who admit that recognition is an option. However, others were convinced that there is no one in Georgia's political elite who would be so daring as to say, 'Okay, let's recognise Abkhazia, conclude a treaty and start to build the South Caucasus like Europe'.

A moderately widespread view was that all the crucial issues associated with relations between Georgia and Abkhazia depend on the policy of the major powers, which have their own interests in the Caucasus. The positions of the sides have not changed for many years and are diametrically opposed. The Geneva talks are confirmation that, even today, there are no signs of the sides being any nearer to a mutual understanding. As a result, the question of resolving these relations will depend in most respects on what the major players – Russia, the EU and the US – agree among themselves on the issue of Abkhazia and Georgia. They are the ones that will determine the direction in which political relations between Georgia and Abkhazia will develop.

As to whether or not it makes sense to participate in talks on resolving the conflict, some of the respondents expressed the view that talks should only be held on an informal level, but that ‘there is nothing to discuss with officials, who talk about occupied territories...’. Other respondents believed it is important for the Abkhaz side to take part in the formal talks with Georgia, since Abkhazia’s inclusion in international talks may help to bring about a change in the position of the EU and other players. However, they emphasised that, before the start of the new round of talks, it would be necessary to analyse the past experience, raise the question of the status of the Abkhaz delegation at the talks, and define possible scenarios and the actual subject of the talks. Those taking part proposed a fairly comprehensive list of problems that they felt it would be useful to discuss. One set of problems relates to sectors that are impossible to manage without contacts – the zone of contact on land and at sea. Another relates to facilities in shared use – such as the IngurGES hydroelectric power station. A third set of problems concerns the situation in the Gal district, border procedures and problems with cross-border trade. One respondent believed that, in addition to these, it may be in the interest of both parties to: restore the valuable documents from the Abkhaz State Archive that were destroyed by the Georgian military during the war; participate in the positive mechanisms of the EU’s Eastern Partnership and European Neighbourhood Policy; and study the experience of government reform in post-socialist countries including Georgia.

During the study, many respondents spoke in a variety of contexts about how important for security and stability it was to sign an agreement or treaty between Abkhazia and Georgia on the non-use of force. However, virtually every time this was raised, the question came up as to the nature of the guarantees for such an agreement. A common view was that the guarantors of such an agreement should undertake that international sanctions would be imposed on the party found to be in breach of the agreement. In the opinion of the majority of those questioned, the guarantors of such an agreement could be the allies of Abkhazia (Russia) and Georgia (the EU and the US). Some of those questioned felt that guarantees could take the form of internal measures, such as the demilitarisation of Georgia and Abkhazia.

What follows is an attempt to summarise the relatively wide range of opinions expressed in this study.

1. Respondents had differing views on the status of partial recognition. Some felt that it was acceptable given that Russia’s economic aid fully satisfies all the country’s basic needs, from security to economic development. Many felt that the current situation is an intermediate stage. Others expressed quite serious concerns about the consequences of partial recognition, which might have a negative impact on Abkhazia’s future.
2. Although many people were aware of the possible negative consequences of increasing dependence on Russia, no one in the survey suggested a possible realignment and rapprochement with Georgia.
3. The respondents felt that the extremely slow progress towards Abkhazia’s recognition by the international community was caused by a number of factors: Georgia’s refusal to accept the post-war reality; the negative attitude of the Western countries to Russia; the inadequacy of internal developments within Abkhazia; and the unfortunate present constellation of external forces with interests in the Caucasus.
4. The majority of those surveyed were convinced of the need for full international recognition of Abkhazia to strengthen its independence. However, many of those taking part expressed doubts...
5. The overwhelming majority of those taking part in the study were convinced that Georgia was not about to reconsider its categorical refusal to recognise the right of Abkhaz to their own state. Therefore, it is widely believed that there is virtually no realistic chance of talks on Georgia’s potential recognition of Abkhaz independence.
6. Although most respondents realised that a softening of Georgia’s position over recognition of Abkhazia’s independence would mark a fundamental improvement in Abkhazia’s



international position, they expressed doubt that at this stage Abkhazia would be interested in recognition by Georgia. In their opinion, resumption of contacts might mark a return to the pre-war situation with all its attendant demographic, political and economic consequences, which would threaten Abkhazia's security.

7. The view was frequently expressed that Georgia's recognition of Abkhazia's independence is in fact in the interests of Georgia itself – for example, it would create the conditions for it to wield political influence over Abkhazia, for economic cooperation and for some form of solution to the problem of refugees.
8. Virtually all respondents conceded that Georgia's recognition of Abkhazia was a necessary precondition for international recognition. Not a single respondent saw restoration of relations with Georgia as worthwhile in itself, although many felt it was undesirable to remain in conflict with a neighbouring people.
9. When asked to assess the likelihood of Georgia recognising Abkhazia, respondents felt there was no prospect of this occurring for at least 10 to 20 years.
10. In relation to possible incentives from the Abkhaz side, opinions were sharply divided: some of the respondents categorically opposed any concessions; others proposed a variety of measures from compensating refugees for lost property to economic preferences and lobbying of Georgian interests to the Russian government.
11. The current stance taken by the international community does not in any way facilitate a change in the Georgian position, since its constant support for a territorial integrity which no longer exists prevents Georgia from recognising the reality of the situation.
12. Many of those taking part in the study believed that Abkhazia must take part in the official talks and table a series of items for discussion: from talks on the legalisation of cross-border trade and the opening of transport corridors to discussions on the question of compensation for refugees.
13. During the study, reference was made on a number of occasions to the processes of possible Caucasus integration (on the principle of the EU) as the desirable future for the region.

Taking the results of the study as a whole, by no means do all of the respondents recognise the need to choose between partial recognition and the need to seek compromises. Many do not think that they have to make a choice at the moment between maintaining the status quo and paying a serious price for wider recognition. Proponents of maintaining the status quo believe that the country's resources are currently insufficient to meet the challenges that would inevitably arise if Abkhazia were to gain widespread international recognition. Others believe that there is in fact more reason to fear a loss of political autonomy and assimilation if the status quo is maintained. However, some discussions revealed that people had a rather unrealistic idea of the price that could be paid for recognition. Many believe it is simply a question of time before Abkhazia is recognised and that it need only wait for a favourable constellation of external forces. Nevertheless, those who believe that there could be a significant price paid for international recognition propose postponing the issue for many years until recognition can be gained at a much lower price. Given that people occasionally suggest that partial recognition is sufficient, the question arises as to how deeply people feel that it is full state independence that can guarantee that the Abkhaz people would be secure and free to develop in their own way.

Generalising about these results is, however, a complex task, since virtually every question generated widely diverging answers. These answers covered virtually the whole spectrum of possible opinions, including some that were diametrically opposed. This suggests that, unlike, for example, attitudes to Abkhazia's political choice to become an independent state, there is no consensus in Abkhaz society over the need for wider recognition and, in particular, recognition by Georgia. Although virtually all those surveyed had a negative view of the status of Georgian-Abkhaz relations and their views on the existence of a threat were broadly similar, each respondent had their own definition of the extent to which Georgian recognition is necessary for the stable development of Abkhazia. The overwhelming majority of respondents believed that Abkhazia has no resources to offer as an incentive for a change in the Georgian position. It was sometimes

suggested that thought could be given to the possibility of discussing the issue of compensating refugees for lost property using international funds. There were isolated comments on conferring dual (Abkhaz and Georgian) citizenship on the inhabitants of the Gal district. Proposals regarding which issues of mutual interest might be tabled at Georgian-Abkhaz talks were rather more varied. In any case, the results are food for thought on how representatives of Abkhaz society view the political and economic interests of Abkhazia and on the range of issues that could be used as a basis for conceptualising the prospects of relations between the two conflicting sides.

There was a striking correlation between respondents' attitude to Russia and their views on the need for wider recognition of Abkhazia. The thought processes involved might possibly be as follows: if establishing neighbourly relations with Georgia or improving relations with Western countries might irritate Russia – which in fact guarantees our security and provides huge amounts of economic aid – do we really need this? On the other hand, despite the delicacy involved in criticising some aspects of Abkhazia's relations with its only strategic ally and guarantor of its security, many of those taking part in the study did not avoid uncomfortable questions. The significant levels of public concern regarding the difficulty of maintaining Abkhazia's political sovereignty are particularly noteworthy.

The study in some ways revealed two opposing approaches. In the first approach, according to which Abkhazia is viewed as a dependent client state, being an economic and political appendage of a donor country that resolves any problems that arise is seen as a benefit; in this scenario, Abkhazia only appears to have all the outward trappings of a state. The second approach is an ambitious one, which recognises the need to take responsibility for the onerous task of achieving full statehood, with all the obligations this involves to one's own citizens, one's economic and political partners and the so-called global community.

The wide variance in opinions and the unstable positions of respondents on most issues reflect the widely varying conceptions of the kind of state that is being built, and of the entire Abkhaz national project itself. The respondents' answers reflect at least two conflicting visions of Abkhazia's future: on the one hand, a nation of citizens; on the other hand, an ethnic state. This reflects the fact that there is no internal consensus on this question within society. Nor is there any consensus on what the real guarantees can be for maintaining the ethnic identity of the Abkhaz. What does Abkhaz society want – to maintain the status quo or to open up new opportunities for development? In the opinion of some, the winds of change could be positive for many areas; in the view of others, they bring with them undesirable consequences that threaten elements such as the maintenance of ethnic identity and distinctiveness. In fact, these differing views reflect the divide between two distinct groups: those who are concerned about what would happen if Abkhazia really joined the global community and who are prepared to accept the limitations involved in partial recognition; and those who see the future in the assertion of Abkhazia's independent statehood and who thus consider it essential to take on all the obligations and responsibilities that are required in the modern world. For the first group, their country's salvation lies in remaining isolated, half recognised and half independent, since they see this as the only way to avoid the destructive tidal force of globalisation and the need to comply with the tough standards of international law. The second group understand the need to move away from an ethnocentric approach – understandable and perhaps logical within the Soviet national system, but dangerous for a people as they build a new state and want all of its multinational population to participate in realising the new national project<sup>17</sup>.

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17 This is also referred to by the specialist on ethno-political self-determination in the Balkans, Gerald Toal: 'The greatest challenges facing Abkhazia today are not its recognition, but the creation of a stable basis for internal legitimacy. As you know, there has always been a tension here between those who view Abkhazia as the exclusive motherland for the Abkhaz and those who oppose ethnocracy. It is impossible to create a liberal-style open democracy in the aftermath of war. But this is the path Abkhazia must follow if it wants to create long-term stability and return to prosperity.' G. Toal, *Caucasus Times*, Interview, 4th September 2010. Available in Russian at <http://www.caucasustimes.com/article.asp?id=20292>.

An analysis of respondents' statements suggests that modern Abkhaz society finds it far easier to formulate what it does not want and what it wants to avoid. It is much more difficult to formulate a conception of the kind of state it wants to build and how it wants to progress towards it.

In conclusion, many external experts now understand that, in spite of the West's continuing calls to respect Georgia's territorial integrity, Abkhazia is lost to Georgia forever. This is even understood at official levels. The active discussions currently being held on the new European approach of 'non-recognition and engagement' present Abkhazia with an opportunity to develop and articulate its own vision and strategy for overcoming its isolation and developing cooperation with the outside world.

## Part 2 – The Georgian perspective

The policy of non-recognition of Georgia:  
Prospects and challenges

Archil Gegeshidze

## Introduction

The Russia-Georgia war in 2008 seriously affected the political situation in Georgia and around the world. It made many reassess what was happening in the region, because it was a war in which everyone was a victim to one extent or another. For Georgia, the consequences of the events in August 2008 were particularly harsh. One of the main direct negative consequences of the war was the loss of any prospect of restoring the country's territorial integrity in the foreseeable future, as well as a significant increase in Russia's influence in the conflict zones. However, the most serious consequence of the war – and one that will continue to influence events in the region for some time to come – is the new status quo in place since Russia's recognition of the independence of Abkhazia and South Ossetia and its establishment of military bases there. In this new situation, Georgian-Abkhaz relations are strained to the limit. This is also partly because the Russia-Georgia war has put the Russian Federation firmly in the position of a further, and indisputably the principal, 'party to the conflict' with Georgia, and others.

Georgia, naturally, refuses categorically to accept the new situation, which it refers to as Russia's occupation of the territory of a sovereign country. At the same time, the Georgian government in Tbilisi is attempting to continue its policy of isolating Abkhazia [and South Ossetia] under a new name – 'non-recognition' of independence. It has launched a new policy instrument in the form of the Law on Occupied Territories and the related State Strategy on Occupied Territories. The EU and the US, along with the OSCE and the overwhelming majority of members of the UN, also do not recognise the 'new realities'. Their response to Russia's actions has been to maintain their policy of non-recognition of Abkhazia and South Ossetia (hereafter referred to as the policy of 'non-recognition'), thereby maintaining the principle of Georgian territorial integrity.

Russia's policy towards Georgia and its partners over the foreseeable future will doubtless be defined by its desire to secure its strategic regional gains from the war by legitimising the 'new realities' referred to above. Similarly, the policy of 'non-recognition' will also certainly continue to be the principal diplomatic instrument that Georgia and the West will use to counter this. However, many people are beginning to wonder how sustainable this policy is and what likelihood there is of it being modified at some point. This is an issue of particular concern to the Georgian authorities, since there are virtually no other means open to Georgia at present by which it can exert pressure to retain its internationally recognised legal rights to the territory of Abkhazia [and South Ossetia].

The next question of equal interest to observers is the possible impact of the policy of 'non-recognition' on the security of Georgia and the region as a whole. This is an urgent issue: unless firm guarantees can be arrived at on a ceasefire and the non-resumption of hostilities, the policy of 'non-recognition' and the call for Georgia to exercise 'strategic patience'<sup>18</sup> will be viewed simply as an attempt to postpone the resolution of the problem indefinitely, at the same time leaving the region in a security vacuum.

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18 Almost within a year of the August war, the US, in the words of Secretary of State Hillary Clinton, was calling on Georgia to exhibit 'strategic patience' on its breakaway regions Abkhazia and South Ossetia and the Russian occupation of these regions (M.D. Kellerhalls. 'Clinton urges patience from Georgia over breakaway regions', *America.gov*, 22nd September 2009. Available at <http://www.america.gov/st/peacesecenglish/2009/September/20090922122840dmslahrellek0.4532892.html>).

Shortly afterwards, in a speech to the European Parliament, the EU Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner, repeated the US Secretary of State's words and called for Georgia's 'strategic patience'; however, she added that Tbilisi had to reject its isolationist approach to the separatist regions ('Commissioner outlines EU Georgia priorities', *Civil Georgia*, 16th December 2009. Available at <http://www.civil.ge/eng/article.php?id=21789>).

No less urgent are questions of whether the policy of ‘non-recognition’ will affect the fate of IDPs, and, if so, how. Will it not affect the position of the inhabitants of the Gali district in southern Abkhazia and the Kodori Gorge in the northeast? What strategy should Georgia adopt in response to any weakening or abandonment of the policy of ‘non-recognition’ by the West?

To find answers to these questions, a survey was carried out by a team of Georgian experts composed of Archil Gegeshidze, Ivlian Haindrava, Vakhtang Kolbaia and Nodar Sardjveladze. Four articles were produced on the basis of the survey and are due to be published in one edition. The final product of the survey is not a collective effort, however. Each section in the study is a reflection of the respective author’s opinions and may not necessarily be shared by other participants in the research project. This report is an attempt to present a condensed version of the main arguments and conclusions on the whole range of issues<sup>19</sup>. However, it makes no claim to be a synthesis of those arguments or to reach any definitive conclusions.

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<sup>19</sup> Part 2 of this report was compiled by Archil Gegeshidze based on the four articles produced by the aforementioned authors.

# 1. The sustainability of the policy of ‘non-recognition’ of Abkhazia

Enough time has passed since the independence of Abkhazia [and South Ossetia] was recognised by Russia (and three other politically insignificant states) to silence most official objections from political circles and expert communities that the policy of ‘non-recognition’ was unsustainable<sup>20</sup>. Although, for a year after the events of August 2008, there were expectations that the process of recognition would continue to develop, it now appears that both Russia and Abkhazia have begun to resign themselves to the fact that, at least for the foreseeable future, there is little chance of swelling the ranks of countries that recognise it. In any case, there is no evidence of any prospects of recognition by Western countries and international organisations. However, there seems to be some uncertainty in the corridors of power in Tbilisi as to whether the international community’s position on the policy of ‘non-recognition’ is unwavering and that it rests firmly on a strong foundation – although publicly they cannot admit to such uncertainty.

Tbilisi’s doubts as to the sustainability of the policy of ‘non-recognition’ are based primarily on examples from recent European history of the short-lived nature of the policy of ‘non-recognition’. One of the most famous precedents is the case of the Federal Republic of Germany (FRG). In that case, the ‘Hallstein’ doctrine elaborated in the mid-1950s by the government of the FRG lasted almost two decades but ultimately came to nothing. This doctrine essentially consisted of ignoring the existence of the German Democratic Republic (GDR) and ensuring it was not recognised by the other members of the international community. In the early 1970s influential members of the international community – including the FRG’s allies in NATO – began establishing diplomatic relations with the GDR, forcing it to abandon the doctrine.

Moreover, Georgia’s motives for its policy of ‘non-recognition’ of Abkhazia [and South Ossetia] differ from those of the EU and the US. Unlike Georgia, the Western view is that Abkhazia’s isolation is unacceptable as the ultimate aim or result of this policy. For the EU and the US, the priority is to obstruct Russia’s aggressive policy towards Georgia; this includes preventing the potential ‘absorption’ by Russia of Abkhazia [and South Ossetia]. The West believes that ‘engagement’ with Abkhazia, rather than its isolation, is the key to this. However, at the time this article was written, the concept of ‘engagement’ was still at the draft stage. Despite this, the issue remains topical, since there are concerns in Tbilisi that ‘engagement’ may ultimately affect the sustainability of the policy of ‘non-recognition’.

There has been some interest in the underlying premise of the policy of ‘non-recognition’ – including its political basis and its basis in international law.

## Tbilisi’s political motivation

Given that there is no possibility of the conflict being settled in the foreseeable future, Tbilisi’s principal aim for now is to keep the prospect of the country’s reunification alive until better times present themselves. In other words, Georgia must keep Abkhazia in “managed isolation” from the outside world, so as not to lose it ultimately. At the same time, it is seeking to apply “soft power” in an attempt to engage Abkhazia in a process that will gradually increase its ties with

<sup>20</sup> Thus, for example, the latest broad discussion by Abkhazia’s political elite on the prospects for recognition took place on 24th August 2010. Based on the information available, the views expressed during the discussion were mainly aspirational rather than containing any specific plans on recognition by separate countries [‘V Abkhazii, eksperty I politiki obsudili vneshnyuyu politiku respubliky’ [Abkhaz experts and politicians discuss the republic’s foreign policy], *Kavkazky Uzel*, 25th August 2010. Available in Russian at <http://www.kavkaz-uzel.ru/articles/173336>]. Discussions of this type have virtually ceased in Georgia and Russia.

Georgia. In order to achieve this objective, two important tasks first need to be completed: on the one hand, a transformation of the conflict needs to take place – that is, the stepwise arrangement of mutually advantageous collaboration in humanitarian, economic and other sectors, without resolving sensitive political issues; secondly, there needs to be a suspension of the process of recognition of the independence of Abkhazia [and South Ossetia] – in other words, ensuring that the international community continues its policy of ‘non-recognition’.

The recent State Strategy on the Occupied Territories is intended to resolve the first task. Although a critical analysis of the Strategy is beyond the scope of this study, it should be noted that it forms a component, along with the policy of ‘non-recognition’, in the overall approach adopted by Tbilisi towards the problem of the Georgian-Abkhaz [and Georgian-Ossetian] conflict. The policy of ‘non-recognition’ includes the pursuit of two objectives, among others: firstly, to ensure the international community’s non-recognition of the independence of Abkhazia [and South Ossetia]; and secondly, to restrict the movement of the inhabitants of Abkhazia and South Ossetia who hold Russian passports, by blocking the issuing of the relevant visas<sup>21</sup>. However, it should be emphasised that another policy is being pursued in parallel with the policy of ‘non-recognition’ – namely that of formalising the economic activities of external entities on the territory of Abkhazia [and South Ossetia]<sup>22</sup>. These two trends are designed to complement and reinforce each other.

## The political component of the West’s position

The fundamental rationale for the West’s non-recognition of the situation in place since August 2008 is determined by the prevailing opinions and attitudes in the Western community. These attitudes are themselves based on a number of considerations, in particular the following five opinions. Firstly, it is believed that the conflicts in Georgia are politically motivated to a significant extent, since they are a consequence of Russia’s “expansionist policy”. Secondly, the West considers that no precedent should be set in today’s explosive situation and in a world where there are so many secessionist movements. Thirdly, it believes that recognition would encourage an authoritarian Russia, which is still far from recognising its responsibility for observing civilised norms of behaviour in the international arena. Fourthly, the West considers that the authorities in Abkhazia and South Ossetia are preventing tens of thousands of refugees and IDPs from returning to their homes, from where they were forcibly expelled at the start of the 1990s and in 2008, in violation of international humanitarian law. Fifthly, it has been conventional practice since the Second World War for the international community to recognise newly formed states only where these have been created as a result of the decolonisation process. So far, not a single state formed since the Second World War – outside the context of decolonisation and against the will of the former sovereign power – has been accepted as a member of the UN<sup>23</sup>.

The international community’s non-acceptance of the new status quo finds practical expression in NATO’s “open door” policy on Georgia. It is also reflected in the fact that Western governments and international organisations criticise Russia’s decision to recognise the independence of Abkhazia [and South Ossetia], calling on all not to recognise it. ‘That decision is unacceptable and we call on other states not to recognise this proclaimed independence...’ states the communiqué of the Extraordinary European Council meeting [lit. EU’s Emergency Summit] on 1st September 2008<sup>24</sup>. On the following day the US welcomed this EU resolution on Georgia<sup>25</sup>. This marked the beginning of a coordinated Western policy on the non-recognition of Abkhazia [and South Ossetia].

21 It should be noted that the Strategy provides for the issuing of special travel documents, but under the aegis of the Georgian government.

22 In order to achieve this, the Law on the Occupied Territories came into effect from 31st October 2008.

23 J. Crawford (2000). ‘State practice and international law in relation to unilateral secession’, in A. Bayefsky (Ed.). *Self-Determination in International Law: Quebec and Lessons Learned*. The Hague: Kluwer Law International, pp. 53, 57.

24 Extraordinary European Council, *Presidency Conclusions*, Brussels, 1st September 2008. Available at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/102545.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/102545.pdf) (100Kb PDF).

25 ‘US welcomes EU decisions on Georgia’, *Civil Georgia*, 2nd September 2008. Available at <http://www.civil.ge/eng/article.php?id=19370>.



## The international law dimension

A number of political scientists view Kosovo's proclamation of independence as a precedent for the recognition of the independence of Abkhazia [and South Ossetia]<sup>26</sup>, although Western political circles categorically deny that this conception has any basis in law. Moreover, the international community is beginning to have doubts regarding the legitimacy of the unilateral secession on which Abkhazia [and South Ossetia] base its [their] claim for the recognition of its [their] independence. These doubts are based on the following views<sup>27</sup>.

a) As a result of the Georgian-Abkhaz war in 1992–1993, around 250,000 people, predominantly ethnic Georgians, were expelled from Abkhazia. Since forced displacement of a population is explicitly forbidden under international law, it does not recognise the right of 'the Abkhaz people' to control the territory of Abkhazia. The same also holds for South Ossetia, from where in August 2008 tens of thousands of Georgians were also forcibly displaced. The report of the fact-finding Commission to establish the causes of the Russia-Georgia war (hereafter referred to as the Tagliavini Commission) refers to this as ethnic cleansing<sup>28</sup>.

b) Referenda organised from time to time by the de facto authorities in Abkhazia's capital Sukhumi [and Tskhinvali] – as a result of which the overwhelming majority of voters supported independence – have not been recognised by the international community. Even if these referenda, which were not subject to monitoring by official international observers, had been held in an exemplary manner, from a legal perspective their results would not have done anything to change the fact that unilateral secession is unacceptable under international law. After all, these referenda were held without the participation of refugees and IDPs – that is, without the participation of a significant proportion (or even a majority) of the population. Accordingly, even if today's population has come out in favour of independence, this does not give them the right to secede.

c) The "formal" independence of Abkhazia [and South Ossetia] does not in any way constitute the creation of a sovereign state. In actual fact, this entity [these entities] are politically, militarily and economically dependent on Russia (and in the case of South Ossetia even constitute a part of it<sup>29</sup>). Meanwhile, within Abkhaz society itself, people have already begun to talk of the need to free themselves from Russia's clutches<sup>30</sup>. In international practice, there are a number of cases where state recognition was conditional on the territorial unit being genuinely independent or indeed where the right to secede was rejected if it was not<sup>31</sup>. In conclusion, it can be noted that international law does not recognise "independence" in cases where a territory has been under external domination or control over a prolonged period<sup>32</sup>.

26 See, for example, 'Serbia: South Ossetia conflict, result of Kosovo's secession, analysts claim', *ADN Kronos International* (AKI), 11th August 2008. Available at <http://www.adnkronos.com/AKI/English/Politics/?id=1.0.2408442793>.

27 For details, see: A. Herrberg (2007). 'Conflict resolution in Georgia: A synthesis analysis with a legal perspective', *Crisis Management Initiative*, 4th June 2007, pp. 29–34.

28 *Independent International Fact-Finding Mission on the Conflict in Georgia (IIFMCG) Report*, Vol. II, 2009. p. 430 (hereafter referred to as the Tagliavini Commission report).

29 More than half of the South Ossetian government is composed of Russians; financial transfers from Russia constitute 99% of the local budget; the population is steadily declining; around one billion dollars in Russian aid has been siphoned off as a result of systemic corruption. For details, see S. Freizer. 'Russia: Talking amongst friends about Georgia', *Today's Zaman*, 7th June 2010.

30 'Uchastniki kruglogo stola v ARSMIRA obsudili "Aktualnie problem gosudarstvennosti. Otchuzhdenie obshenarodnoj sobstvennosti"' [Participants of a roundtable at the Abkhaz Association of Media Workers discussed 'Current problems of statehood. Alienation of public property'], *Apsnypress*, Issue No. 693, 2nd December 2010. Available in Russian at <http://apsnypress.info/news/2060.html>.

See also: P. Bonet. 'Abjazia busca aliados para liberarse de Moscú' [Abkhazia looks for allies to free themselves from Moscow], *El País*, 11th January 2010. Available in Spanish at [http://www.elpais.com/articulo/internacional/Abjazia/busca/aliados/liberarse/Moscu/elpepuint/20100111elpepiint\\_7/Tes](http://www.elpais.com/articulo/internacional/Abjazia/busca/aliados/liberarse/Moscu/elpepuint/20100111elpepiint_7/Tes). A Russian translation of this article is available at <http://inopressa.ru/article/11Jan2010/elpais/abkhazia.html>.

31 In particular, claims for the recognition of Krajina and Eastern Slavonia were rejected. It was considered that, in the absence of any capacity for self-sufficient development, these entities would be entirely dependent on the Federal Republic of Yugoslavia.

32 See the Montevideo Convention.

d) Recognition of Abkhazia and South Ossetia is, in turn, viewed by a number of political scientists and experts as setting a precedent for the recognition of other territories in the post-Soviet space – namely, Nagorny Karabakh and the Transnistrian Moldovan Republic. The Head of the Russian Ministry of Internal Affairs, Sergey Lavrov, has rejected this argument, noting that recognition of Abkhazia and Ossetia is a direct result of Georgian aggression<sup>33</sup>. However, if Georgia’s aggression, as authoritatively described in the Tagliavini Commission report, was provoked by Russia’s premeditated unlawful action against a sovereign country<sup>34</sup>, then Abkhazia [and South Ossetia], according to “oppression theory”, do not merit recognition of its [their] independence – all the more since there was no aggression at all by Georgia against Abkhazia in August 2008.

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33 'Priznanie abkhazii i YuO ne pretsedent dlia Nagornogo Karabakha - Lavrov' [Recognition of Abkhazia and South Ossetia is no precedent for Nagorny Karabakh - Lavrov], *RIA Novosti*, 18th September 2008. Available in Russian at [http://www.rian.ru/osetia\\_news/20080918/151374624.html](http://www.rian.ru/osetia_news/20080918/151374624.html).

34 IIFFMCG Report, Vol. II, p. 238.

## 2. Implications of the policy of ‘non-recognition’: local and regional dimensions

A major consequence of the Russia-Georgia war was the change in the military configuration in the South Caucasus region. In particular:

- a) the Lines of Division in the Georgian-Abkhaz and Georgian-Ossetian conflict zones have now changed into fortified borders, similar to the ‘Berlin Wall’ from the Cold War era;
- b) the opposing sides are now face to face and the limited EUMM does not have the capacity to carry out the functions of the UNOMIG in the Georgian-Abkhaz conflict zone, along with the OSCE mission in the Georgian-Ossetian conflict zone;
- c) usage of the term ‘opposing (conflicting) sides’ has changed – it now primarily refers to the Georgian and Russian armed forces and only secondarily to the Georgians and the Abkhaz [South Ossetians]<sup>35</sup>;
- d) the Russian military presence in the South Caucasus region – which was significantly reduced after the signing of the Istanbul (1999) agreements on the withdrawal of Russian military bases from Georgian territory – has increased and become entrenched.

Below is a brief profile of the situations, processes and events that either result from the policy of ‘non-recognition’ or are factors affecting it, directly or indirectly.

### Russian-Georgian standoff

The Georgian and Russian sides are now at a standoff in the absence of any diplomatic relations or channels for direct dialogue between them. Support for the non-resumption of hostilities is entirely dependent on the goodwill of the sides (or its absence) and to the same, or even a greater extent, on the political environment and geostrategic parity. The only document governing the fragile peace is the ‘Sarkozy-Medvedev Agreement’ of 12th August 2008. However, point 5 of that document – which states in terms that ‘the armed forces of the Russian Federation shall be withdrawn to the line held prior to the start of hostilities’ – has simply not been implemented by the Russian side. Moreover, citing ‘new military and political realities’, the Russian Federation is not prepared to implement this clause of the agreement, without which progress towards the establishment of a lasting peace will be difficult to achieve and – in existing conditions – is unlikely. One might conclude that Russia is attempting to maintain maximum freedom to manoeuvre by not burdening itself with bilateral or multilateral obligations on peace with Georgia or by ignoring any existing obligations.

### The situation surrounding the Georgian-Abkhaz conflict

In the two years that have passed since the Russia-Georgia war, there has been no improvement in the situation in the conflict zone. In fact, the political environment for the settlement of the Georgian-Abkhaz conflict has actually deteriorated, particularly following the recognition of the independence of Abkhazia [and South Ossetia] by ‘one of the sides in the conflict’. The Tagliavini Commission report states that ‘the threat and use of force have now returned to European politics. Established principles of international law, such as respect for sovereignty and territorial integrity of states, were ignored ... Falling back from civilised standards of political interaction in Europe is a consequence’<sup>36</sup>.

<sup>35</sup> IIFFMCG Report, Vol. I, p. 36.

<sup>36</sup> *Ibid.*, p. 33.

Despite the ever-deepening process of the “resetting” of relations between the West and Russia, this process has had no effect on the parties’ approach to ways of resolving the Georgian-Abkhaz conflict. The policy of ‘non-recognition’ remains a cornerstone of the position of the West (and not only the West) on Abkhazia and South Ossetia. Another feature of the situation is that none of the CIS countries (or indeed the Collective Security Treaty Organisation (CSTO) countries) has joined Russia in its decision to recognise Abkhazia [and South Ossetia].

## Expert opinions

Alongside the conclusions of the Tagliavini Commission, which form the basis for the West’s (or at any rate the EU’s) political and legal relation to the post-war realities, consideration should also be given to a view widely held by experts and formulated concisely by Nicu Popescu: ‘The paradox is that until August 2008 Abkhazia and South Ossetia were unrecognised but de facto independent states; since August 2008 they have been partly recognised but can no longer be considered de facto independent. If the separatist wars of 1992–1993 were their “wars of independence”, then the August 2008 war is the war that put an end to their admittedly limited “de facto independence”. The 2008 war was won not by separatist groups, but by Russia. Both Abkhazia and South Ossetia are undergoing a rapid transformation from “de facto independent states” to “de facto regions within Russia”<sup>37</sup>.’ A similar view is held by the US analysts Lincoln Mitchell and Alexander Cooley<sup>38</sup>, as well as by the February (2010) report of the International Crisis Group (ICG) which is simply entitled: ‘Abkhazia: Deepening dependence’<sup>39</sup>.

## Change in approaches to the Georgian-Abkhaz conflict

In the aftermath of the August 2008 war, both sides changed their approach to the Georgian-Abkhaz conflict. For the first time in many years, Abkhaz society started to feel physically secure because of the formalised Russian military presence. If in the post-war situation a military threat should arise from Georgia, then the Russians will be obliged to neutralise it, creating the illusion that the Georgian-Abkhaz conflict is essentially finished. This has also strengthened the positions of those in Georgian society who have been saying for the last 20 years that there is in fact no such thing as a Georgian-Abkhaz conflict, and that all that has happened has been a series of intrigues by Russia, whose aim is to wrest Abkhazia from Georgia<sup>40</sup>. On the surface, the Russia-Georgia war seemed to confirm that they were right, as it seemed to be a weighty argument for those who deny that there is in fact any conflict between the Georgians and the Abkhaz. However, if the premise on which this analysis of the situation is based is faulty, the conclusion will also be faulty.

## Risks of an adjournment

Any Georgian-Abkhaz settlement has now been adjourned, like a game of chess, for a long time. An “adjournment” entails risks for all parties, but the state of affairs is particularly alarming for Georgia. Since leaving the Collective Security Treaty (CST) (refusing to join the CSTO), Georgia has been outside any multilateral system of international security (although even joining the CST did not bring it any dividends). Even without that, its already dim prospects of joining NATO are now de facto off the agenda for an indefinite or prolonged period. If Georgia previously had

37 N. Popescu. ‘The end of “de-facto” states’, 13th July 2009. Available at <http://blogs.euobserver.com/popescu/2009/07/13/the-end-of-de-facto-states>.

38 L. Mitchell and A. Cooley. ‘After the August War: A New Strategy for US Engagement with Georgia’, *The Harriman Review*, Vol. 17, No. 3–4, May 2010, p. 10. Available at [http://www.harrimaninstitute.org/research/harriman\\_review.html](http://www.harrimaninstitute.org/research/harriman_review.html).

39 ‘Abkhazia: Deepening Dependence’, Europe Report No. 202, International Crisis Group, 26th February 2010. Available at <http://www.crisisgroup.org/en/regions/europe/caucasus/georgia/202-abkhazia-deepening-dependence.aspx>.

40 S. Markedonov (2010). *Turbulentnaya Yevrazia* [Turbulent Eurasia]. Moscow: Academia.

unresolved conflicts within its internationally recognised (including by the Russian Federation) borders, then today it is in a state of open conflict because of its borders with a neighbouring state, which in practice is incompatible with joining NATO.

## The call for 'strategic patience'

The West's call for Georgia to exercise 'strategic patience' may not be the most effective message in terms of overcoming the crisis situation, since it is not at all clear how that message will be interpreted by the unpredictable and excessively ambitious Russian authorities. However, against the background of Western "strategic fatigue" and "restarting" of its relations with the Russian Federation, it was difficult to expect anything else. At the same time, it appears that the West's departure from the policy of 'non-recognition' (i.e. a refusal to respect the principle of Georgia's territorial integrity) is unlikely in the short to medium term for many reasons. One reason, in the context of this discussion, is that any Western recognition of Abkhazia that "anticipated" Georgia could lead to an explosion of indignation within Georgia and the total loss of trust and influence in it. This is a direct route to the restoration and recognition of Russian hegemony in post-Soviet space (excluding the Baltic countries) with all the accompanying consequences.

## The impact of the 'non-recognition' policy on Georgian-Abkhaz relations

There is both a straightforward and a complex answer to the question regarding the impact the policy of non-recognition (on the part of Georgia and the West) is having on Georgian-Abkhaz relations. It is straightforward in the sense that there are hardly any serious expectations within Abkhazia that recognition of its independence by Georgia is possible, and so it is unlikely that there will be any disappointment over this. Even if any latent expectations were to develop, there are no arguments to underpin them: if the Georgians could not convince the Abkhaz of the advantages of living within a state called Georgia<sup>41</sup>, then the Abkhaz would not even try to explain to the Georgians why there would be more advantages for them outside the state of Georgia. Moreover, as Sabine Fischer from the European Union Institute for Security Studies (EUISS) writes: 'A concept or strategy on how to integrate the Georgian population in Gali has not yet been articulated by any of the political forces in Abkhazia'<sup>42</sup>, which can only alarm Georgian society as a whole. Thus, there are no grounds to suppose that the policy of 'non-recognition' will lead to a deterioration in what are already very meagre and almost non-existent relations between the Georgians and the Abkhaz – although the process of further mutual alienation will continue and there are no obvious reasons why Russia would not facilitate it. This gives added urgency to the problem of de-isolating Abkhazia against the background of non-recognition, where all involved parties – Russia, the West, Georgia and, in particular, Abkhazia – are capable, in proportion to their abilities, of exhibiting their true intentions, political will, vision of the future, and their capacity to find mutually acceptable and sustainable solutions.

41 As noted by I. Haindrava, the Georgian government's Strategy and Action Plan constitutes the first systematic attempt of this kind, undertaken 15–20 years late.

42 S. Fischer (2009). *Abkhazia and the Georgian-Abkhaz conflict: Autumn 2009*, ISS Analysis paper. Available at [http://www.iss.europa.eu/uploads/media/Abkhazia\\_and\\_the\\_Georgian-Abkhaz\\_conflict.pdf](http://www.iss.europa.eu/uploads/media/Abkhazia_and_the_Georgian-Abkhaz_conflict.pdf) (792Kb PDF).

### 3. The fate of refugees/IDPs in the context of the policy of ‘non-recognition’

The policy of ‘non-recognition’ undoubtedly affects Georgian-Abkhaz relations and probably also the prospects of the return of refugees/IDPs, as well as the issue of their property. There were two opposing views among the experts interviewed regarding the nature of this influence<sup>43</sup>. Some experts consider that the continuing policy of ‘non-recognition’ will result in unending expectations of a return home. At the same time, the meagre social capital of the IDPs does not facilitate their full integration into Georgian society; moreover, it causes the isolation of what is one of the most vulnerable social groupings. Another group of experts holds the opposing view that the policy of ‘non-recognition’ will force IDPs to integrate more actively into society in expectation of new prospects for a safe return. Both groups agree on one thing: dragging out the process of ‘non-recognition’ has the potential to cause uncertainty and fatigue, which would have negative effects on the already difficult socio-economic and moral-psychological situation of the IDPs. This particularly affects people from the middle-aged and older generations.

Although experts are occasionally heard to say that it might make sense to examine the issue of Georgia’s recognition of Abkhazia, respondents in this study do not believe that this is a realistic scenario. Their view is that, even if the policy of ‘non-recognition’ was abandoned, the Abkhaz authorities would still refuse to allow the IDPs’ return. So why recognise it at all? In other words, a rejection of ‘non-recognition’ will not confer any benefits on Tbilisi.

Meanwhile, ‘non-recognition’ brings with it the risk of a resumption of the conflict, which could have an impact on both IDPs and the residents of the Gali district and the Kodori Gorge. Even if there is no escalation of the conflict, the policy of ‘non-recognition’ makes it more likely that the Sukhumi authorities will adopt an aggressive stance towards the Georgian population of Abkhazia. At the very least, such a stance might be expressed in restricting their freedom of movement across the administrative border – which, incidentally, is already happening.

The study identified one further aspect where the policy of ‘non-recognition’ impacts on the fate of the IDPs. In particular, it was noted that, from the point of view of international law, a continuation of the policy of ‘non-recognition’ confirms even more the IDPs’ right of return and right to property. They can defend these rights in a number of international organisations and courts. As regards the politico-economic aspect, ‘non-recognition’ reinforces and justifies the continuation of economic and humanitarian aid provided by the international community and donors.

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<sup>43</sup> A survey of experts was undertaken specially for this study. A total of 11 persons were questioned.

## 4. Implications of a possible failure of the policy of ‘non-recognition’

This section attempts to answer the question of how Georgia would be affected if the policy of ‘non-recognition’ fails. The ‘expert opinion survey’ methodology was used to try to answer this question, due to time limitations but above all owing to the methodological complexity of studying such an issue<sup>44</sup>. Political analysis and modelling were also used for issues where full information could not be obtained.

### Signs of the failure of the policy of ‘non-recognition’

A key factor is that the policy of ‘non-recognition’ gives Georgia the time needed to:

- a) intensify discourses aimed at strengthening trust towards itself – not only in the separatist regions but also in the South Caucasus as a whole – without, however, retreating from its basic positions;
- b) create models of the desired future in which Georgia is a reliable, rational partner;
- c) demythologise and rationalise history and political life.

However, these are all aspirations that will not be realised if the policy of ‘non-recognition’ fails. How should Georgia go about this? What criteria should be used to assess the policy’s effectiveness?

Given that it is planned to apply the policy of ‘non-recognition’ in conjunction with the “engagement” of Abkhazia<sup>45</sup>, the main criterion for failure must be an increase in the alienation of the conflicting sides rather than a restoration of trust between them. Respondents shared the view that this is in fact what will happen as a result of the policy of ‘non-recognition’: instead of restoring trust, it will promote the “enemy image” of Georgia as a country that has become the main obstacle on the road to peaceful recognition of Abkhazia’s independence – or indeed, even worse, as an aggressor state threatening Abkhazia’s security. It will also strengthen the perception that Russia is the only possible guarantor of Abkhazia’s security and development. This will reinforce even more Abkhazia’s ties with Russia, which will become increasingly difficult to reverse as time goes on. Finally, the policy of ‘non-recognition’ may exhaust Europe: where there is no dialogue, a scenario similar to Kosovo may be applied. As one respondent remarked: ‘Non-recognition cannot last forever.’ Moreover, Abkhazia is located on the shores of the Black Sea, and thus within the zone of interest of the EU, which certainly does not need a “black hole” in the form of an unrecognised Abkhazia. The EU could, for these reasons, abandon its policy of ‘non-recognition’.

### External factors contributing to a weakening of the policy of ‘non-recognition’

Some experts completely deny any possibility of an adverse geopolitical situation emerging. Others assert that, as time goes on, the balance of power between the West and Russia will change in favour of the latter. Moreover, the transatlantic consensus will be weakened even further, as the West ‘will tire strategically’ and will start to make concessions, including over Georgia.

<sup>44</sup> Fifteen experts took part in the survey – including representatives of the authorities, a number of Georgian NGOs and independent experts.

<sup>45</sup> Although their motives for the policy vary, Tbilisi and Brussels/Washington interpret it in the same way.

A second factor of external policy could be the recognition of Abkhazia's independence by leading Former Soviet Union (FSU) countries – Ukraine, Kazakhstan and Belarus. If this were to happen, it would lead to a situation where Abkhazia was recognised by one sixth of the globe. Although this might not be a breakthrough to full status as a subject of international law, it would undoubtedly be an important step.

Another international scenario – admittedly an extremely hypothetical one, in which the policy of 'non-recognition' would no longer make sense – would come about if Russia were to join NATO. In this case, Abkhazia's independence would be recognised by the European countries, and together with Russia they would begin to put pressure on Georgia, forcing it to recognise the independence of Abkhazia.

## Scenarios in which the policy of 'non-recognition' may fail

The failure of the policy of 'non-recognition' could crystallise into one of the following (provisional) forms:

- a) the GDR scenario – where the policy of 'non-recognition' gave way after a period of almost 20 years to '*Ostpolitik*', whereby it became an entity with full rights under international law and established "special relations" with the FRG;
- b) the Kosovo scenario – where dozens of countries recognise its independence, but it does not become an entity with full rights under international law. Firstly, the number of states recognising Kosovo has not reached a majority in the UN; secondly, those that do not recognise it include countries whose agreement is required if there is to be any realistic prospect of its joining international organisations – such as the EU, OSCE, NATO or the World Trade Organization (WTO).

## Possible response by Georgia to the failure of the policy of 'non-recognition'

The 'non-recognition' policy could fail in one of two ways – it could be damaged or collapse entirely. In the first case, Georgia has more room to manoeuvre to ensure that mass recognition of Abkhazia's independence is avoided. It is highly likely that, in such a case, Georgia (at any rate with the current leadership) would act in precisely this way. For example, this is the spirit in which Serbia is acting today – since, after all, Kosovo is still not a full member of the international community. Whereas the prospects of EU membership, which Serbia has in principle been promised, make it vulnerable in terms of the country's territorial unity, in Georgia's case there is no visible prospect of this. Given this, Georgia will have greater motivational and diplomatic resources available to prevent, by its obstinate and insistent approach on this issue, any further weakening of the West's policy of 'non-recognition'. If and when there is any prospect of Georgia joining the EU, its resources, like Serbia, will start to run low.

In the second case, Georgia will have two options:

- a) to recognise Abkhazia itself, but to negotiate in exchange institutional integration into NATO or the EU, or both organisations at the same time, plus a large-scale donor aid package for the modernisation of its infrastructure and economic development;
- b) not to recognise Abkhazia, but to support certain defined relations with it (on the model of the FRG's '*Ostpolitik*'), in the hope that at some time Abkhazia itself will decide to "return" to Georgia as the more developed and attractive country.



## Conclusions

The Russia-Georgia war in August 2008 was certainly a significant event for Georgia and the region as a whole. For many people, it was the moment of truth; for others, it was either a cause for alarm or signalled new opportunities. In any case, however, the war is primarily a tragedy, whose consequences will be felt for a long time both inside and outside of the region.

In Georgia, which suffered badly from the war, public attitudes hardened even further in relation to the country's territorial integrity. Although few in the expert community believe that the conflict can be resolved in the foreseeable future, public attitudes have consolidated around the country's unity. The image of Russia as the enemy has also been reinforced – although, at the same time, there is recognition that it makes sense to shift bilateral relations away from their current crisis footing.

Under these new conditions in which the pre-war security and negotiation mechanisms are no longer functioning, the 'Sarkozy-Medvedev Agreement' on the ceasefire is the only document governing the current truce. There is, in effect, a security vacuum, which does not in any way feel like long-term stability.

This is the context in which the policy of 'non-recognition' of Abkhazia [and South Ossetia] emerged and in which it still exists. Georgia entirely logically and justifiably refers to the aftermath of the war as an occupation and has developed measures in relation to Abkhazia and South Ossetia, including the policy of 'non-recognition'. At the same time, it appears that these measures are fully in accordance with international law. A large section of the international community – primarily the West, encompassing the EU, NATO and the US – for their part have also not recognised the "new realities".

This policy of 'non-recognition' derives from Russia's unilateral actions, and separate policies of 'non-recognition' have been adopted by both Georgia and the overwhelming majority of the international community, primarily the West. However, it is striking that for Georgia the policy of 'non-recognition' focuses on Abkhazia [and South Ossetia], whereas for the West the main focus is Russia; therefore, Georgian and Western versions of 'non-recognition' have differing objectives. Georgia's objective is to isolate Abkhazia, while the international community has a more global aim: to prevent Moscow pursuing its anti-Western policy in the region. Indeed, the West's declared policy of 'non-recognition' is addressed to Russia rather than Abkhazia, whose recognition did not emerge as an issue even before August 2008. With its consolidated policy of 'non-recognition', the West is emphasising that it does not accept the actions perpetrated by Russia; at the same time, it is insisting on the full implementation of the points in the 'Sarkozy-Medvedev Agreement' and signalling that (at the current stage and under the current circumstances, at least) the issue of the recognition of Abkhazia [South Ossetia, Nagorny Karabakh, Transnistria, etc.] is not open for discussion. More specifically, this aim is subdivided into specific objectives, such as to: support Georgia's territorial integrity; force Russia to withdraw its troops from the occupied territories; and prevent Russia "absorbing" Abkhazia.

Given the plethora of motivations, there is some doubt over the sustainability of the policy of 'non-recognition'. This has become a particularly topical issue since the Georgian government approved modalities for conducting activities in the occupied territories. These modalities pose a further dilemma for the West – that is, whether it should act within the restrictions imposed under these rules and thus substantially reduce its capacity to influence the Sukhumi authorities, or have a political row with Tbilisi. It will be difficult to find a middle ground.

However, both interpretations of the policy of ‘non-recognition’ have a fairly firm basis politically and under international law. The policy rests principally on the occupation of Georgian territories and the continuing violation of international humanitarian law in the form of the Sukhumi (and Tskhinvali) authorities’ failure to return refugees/IDPs. Thus, the policy is sustainable for the foreseeable future.

Meanwhile, given the complex dynamics of political processes underway in the world and the region, it is extremely difficult to guess what form any future settlement of the conflicts in Georgia will take. The current fluidity of the global world order makes the fate of these conflicts uncertain, since they have already become part of global politics. These conflicts involve the interests of major players from outside the region whose agendas in the region do not always coincide. As a result, it is difficult to make any predictions regarding the sustainability of the policy of ‘non-recognition’. One point, however, can be stated with certainty: the process of developing a peace policy will take several more years or even an entire decade. Prospects are thus uncertain of a change in the existing balance of power. This, in turn, has created the basis for the freezing of the existing status quo in Georgia and possibly for the sustainability of the paradigm of the non-recognition of Abkhaz and South Ossetian independence. Even if an additional two or three countries recognise these entities, this will not change the overall picture.



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