

NATION-BUILDING

THE POLICY OF NON-RECOGNITION OF GEORGIA'S BREAKAWAY REGIONS— PROBLEMS AND PERSPECTIVES

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ABSTRACT

One of the main objectives of the Georgian government is to maintain Georgia's sovereignty, independence, and territorial integrity within internationally recognized borders. The maintenance of Georgia's territorial integrity strongly depends on the effective implementation of the policy of non-recognition of Georgia's separatist regions.

This article explains the ways in which the policy of non-recognition of Georgia's breakaway regions can be strengthened. Effective implementation of the non-recognition policy depends on the following factors: 1. Expansion of diplomatic ties; 2. Active cooperation with Western countries and international organizations and their involvement in the im-

plementation of the policy of non-recognition; | implementation of the policy of withdrawal of
and 3. Along with the non-recognition policy, | recognition of Abkhazia and South Ossetia.

KEYWORDS: Georgia, Abkhazia, South Ossetia, Russia, the Caucasus.

Introduction

One of the most tragic events in the recent history of Georgia was the 2008 August war and recognition of the independence of Abkhazia and South Ossetia by the Russian Federation. This recognition has violated one of the most important and fundamental principles of international law, a state's territorial integrity and the inviolability of its borders. The principle of a state's territorial integrity and the inviolability of its state borders is recognized in the Charter of the United Nations, as well as in the 1970 Declaration on Principles of International Law and the Final Act of the Helsinki Conference on Security and Cooperation in Europe adopted on 1 August, 1975. In accordance with paragraph 4 of Art 2 of the U.N. Charter, "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."¹ Thus, violation of a state's territorial integrity and modification of its borders is a flagrant violation of the principles of international law. By recognizing the independence of Abkhazia and South Ossetia, Russia has violated the principles of international law.

Over the last decades, Russia has been acting more aggressively in the Caucasus region because of the establishment of a pro-Western regime in Georgia. It decided to violate Georgia's territorial integrity and officially recognize the independence of Abkhazia and South Ossetia in order to stop Georgia's integration into the Euro-Atlantic structures. As former president of Russia, Dmitry Medvedev, stated, the 2008 August war thwarted NATO's plans to expand further into the post-Soviet space. "We have simply calmed some of our neighbors down by showing them that they should behave correctly in respect of Russia and in respect of neighboring small states. And for some of our partners, including for the North Atlantic Alliance, it was a signal that before taking a decision about expansion of the Alliance, geopolitical stability should first be considered. I deem these [issues] to be the major lessons of those developments in 2008," Medvedev said.²

In 2008, the Russian Federation managed to infringe on Georgia's territorial integrity through military aggression and occupy 20% of its territory. The Russian and separatist forces engaged in massive human rights violations in the occupied territories. The international community has revealed widespread facts of ethnic cleansing of Georgians, as well as the deliberate destruction of their belongings and private property. Russia has forcefully implemented demographic changes in the occupied territories and the Georgian people have repeatedly become victims of ethnic cleansing in their own country.

After carrying out the military aggression against Georgia, Russia did not allow deployment of EU, U.N. and OSCE observer missions either in Abkhazia or in South Ossetia. The OSCE had an adequate reaction to this act. The OSCE Parliamentary Assembly adopted a resolution on the situation

¹ *Charter of the United Nations and Statute of the International Court of Justice*, San Francisco, 1945, p. 3, available at [<http://treaties.un.org/doc/Publication/CTC/uncharter.pdf>].

² "Medvedev: August War Stopped Georgia's NATO Membership," *Civil Ge.*, 21 November, 2011, available at [<http://www.civil.ge/eng/article.php?id=24168>].

in Georgia recognizing Abkhazia and South Ossetia as occupied territories.³ This resolution uses the term “occupation” about Russia’s military presence in the breakaway regions of Georgia. In the resolution, the OSCE demands that the Russian government allow the deployment of international monitors in the occupied territories and ensure the safe and dignified return of refugees.⁴ Adoption of this resolution was a very important act, as it universally condemned the Russian annexation of Georgian territories and its illegal seizure.

On 16 November, 2010, the NATO Parliamentary Assembly adopted a resolution on the situation in Georgia very similar to the resolution of the OSCE. This resolution also condemns Russia’s military aggression and occupation of the territory of a sovereign country. According to this resolution NATO is “deeply concerned by the humanitarian situation in Georgia’s occupied territories of Abkhazia and South Ossetia, as well as the ongoing denial of the right of return to Georgian populations displaced from the two regions. It is profoundly disturbed by the continued absence of international monitoring mechanisms inside the Georgian territories of Abkhazia and South Ossetia following Russia’s blocking of the extension of the OSCE and U.N. missions in Georgia.”⁵ NATO member countries urge Russia to stop the policy of ethnic cleansing in the occupied territories and ensure the safe and dignified return of all internally displaced persons to their homes. The resolution also condemns the militarization of occupied territories and the construction of Russian military bases in the breakaway regions of Georgia.⁶ Especially important was the adoption of the resolution by U.S. Congress that expresses support of Georgia’s sovereignty, independence, and territorial integrity. U.S. Congress urges the Russian government to end the occupation of Georgian territories and withdraw its troops from Abkhazia and South Ossetia. According to this resolution, U.S. Congress strongly supports Georgia’s territorial integrity and calls on countries to stop the recognition of occupied territories as independent states. Congress demands that those countries that have already recognized the independence of Abkhazia and South Ossetia reverse their recognition of the occupied Georgian regions as independent states and respect the independence, sovereignty, and territorial integrity of Georgia within its internationally recognized borders.⁷

Since 2008, one of the main goals of Georgia’s foreign policy has been the peaceful restoration of Georgia’s territorial integrity, deoccupation of the breakaway regions of Abkhazia and South Ossetia, and withdrawal of recognition of independence of occupied territories. After Russia’s recognition of South Ossetia and Abkhazia as independent states, the Georgian government began implementing a policy of non-recognition of the separatist regions, which has been supported by the international community. The West and the vast majority of states condemned the insidious policy of occupation of Abkhazia and South Ossetia and declared Russia an occupant. Russia was labeled an occupant state in various international legal documents and resolutions. The fact that Russia’s policy of recognition of the separatist regions failed and the international community did not support the Russian Federation should be regarded as success of the policy of non-recognition of the separatist

³ See: “Monaco Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-First Annual Session,” *Oscepa.org*, 2012, available at [http://www.oscepa.org/publications/declarations/cat_view/97-all-documents/1-publications/4-declarations/173-2012-monaco-declaration].

⁴ See: “OSCE Parliamentary Assembly has Adopted Resolution on Georgia by Majority Votes,” *Internet.ge*, 2012, available at [<http://www.internet.ge/?l=EN&m=2&sm=0&ID=6841>].

⁵ “Policy Recommendations Adopted in 2010 by NATO Parliamentary Assembly,” *NATO Parliamentary Assembly* 2010, available at [<http://www.ft.dk/samling/20101/almde/npa/bilag/13/953895.pdf>].

⁶ See: “NATO Parliamentary Assembly Adopted Resolution ‘About the Existing Situation of Georgia,’” *Ministry of Foreign Affairs of Georgia*, 2010, available at [http://www.mfa.gov.ge/index.php?lang_id=GEO&sec_id=598&info_id=13070] (in Georgian).

⁷ See: “In the House of Representatives, U.S.,” *U.S. House of Representatives*, 2012, available at [<http://www.gpo.gov/fdsys/pkg/BILLS-112hres526eh/pdf/BILLS-112hres526eh.pdf>].

regions and Georgian diplomacy. The vast majority of states did not recognize the independence of Abkhazia and South Ossetia.

The United Nations and the European Union have criticized Russia's insidious actions and expressed strong support of Georgia's territorial integrity. Despite the great efforts of Russian diplomats, who are doing their best to achieve more international recognition of Abkhazia and South Ossetia, only four states have recognized these territories as independent states. The independence of Abkhazia and South Ossetia was recognized by Nicaragua, Venezuela, and the small Pacific islands of Nauru and Tuvalu.⁸

Although the European Union and Western civilized nations support the territorial integrity of Georgia and the policy of non-recognition of separatist regions, the Georgian government cannot afford to slacken its attention and is forced to carry out an active foreign policy in order to prevent other countries from recognizing the independence of Abkhazia and South Ossetia. Successful implementation of the policy of non-recognition depends on several factors. These factors are:

1. Expansion of diplomatic ties;
2. Active cooperation with Western countries and international organizations and their involvement in the implementation of the non-recognition policy; and
3. Along with the non-recognition policy, implementation of the policy of withdrawal of recognition of Abkhazia and South Ossetia.

1. Expansion of Diplomatic Ties

Diplomatic ties must be constantly expanded in order to prevent countries that are hostile toward the West from recognizing the independence of Abkhazia and South Ossetia. Those countries that do not have good relations with the West may recognize the independence of the occupied Georgian regions in order to annoy the civilized world. Therefore, there is a need to establish diplomatic ties with those countries that are not under the Western influence. Since 2010, Georgia has been establishing diplomatic relations at an accelerated pace with the African, Asian, and Latin American countries, which obviously reduces the likelihood of Abkhazia and South Ossetia being recognized as independent states. When establishing diplomatic relations, countries also confirm the inviolability of borders, so effective implementation of the policy of non-recognition is highly dependent on the expansion of diplomatic ties. Georgian embassies must be present in as many countries as possible—regardless of country's weakness and influence on international relations.⁹ But at the same time, Georgia's limited power and resources must be taken into account. Georgia is a small country that does not have great influence on the international system. It does not have enough power and resources to successfully carry out the policy of non-recognition. Thus, there are a lot of limitations preventing Georgia from carrying out an active policy of non-recognition. Even if Georgia is able to establish diplomatic relations with all the countries of the world, it will need the support of the Western countries to effectively implement the policy of non-recognition.

⁸ See: K. Tsikhelashvili, "European and U.S. Approaches to the Georgian-Abkhaz Conflict," 2012, available at [<http://www.international-alert.org/content/european-and-us-approaches-georgian-abkhaz-conflict-english>].

⁹ See: M. Lekiasvili, "Continuation of the Non-Recognition Policy," 2011, available at [<http://24saati.ge/index.php/category/news/2011-01-11/12988>] (in Georgian).

2. Active Cooperation with Western Countries and International Organizations and Their Involvement in the Policy of Non-Recognition

Georgia needs the support of friendly countries that can make sure that the states within their area of influence will not recognize the independence of Abkhazia and South Ossetia. Georgia can take the European Union as an example. The EU has enough influence and power to suspend Belarus' recognition of Abkhazia and South Ossetia. The decision the Belarusian authorities make depends on the political will of the European Union. Russia is putting constant pressure on the Belarus government, demanding that it obeys the Kremlin's dictate. Russia has a lot of leverage for putting pressure on Belarus, which is experiencing economic stagnation and is heavily dependent on Russia's gas and oil supply. In addition, Belarus has a gas debt with Russia's state gas monopoly Gazprom and is unable to pay off this debt. Gazprom states that Belarus owes the company about 200 million U.S. dollars. Russia has reduced gas supplies to Belarus by 15 percent due to non-payment of the debt and will gradually increase this cut to 85%.¹⁰

Russia is putting economic pressure on Minsk so that the country will reconsider its position on recognition of Abkhazia and South Ossetia. Russia has the potential to bring Belarus to its knees by suspending the delivery of oil and gas. Georgia also has to take into account the ethnic composition of Belarus. Belarus is a country where more than 1.5 million ethnic Russians live. Many Russians serve in Belarusian armed forces and hold high positions in the army. Belarus is dependent on Russia not only economically, but also militarily and politically. Although Belarus is officially declared a neutral country, it is in fact closely linked to Russia's security and defense system. Belarus relies on Russia to ensure its security. In 2012, the President of Belarus signed an agreement with Russia to establish a common air defense system and asked Russia to help finance the Belarusian army. According to this agreement, part of the Belarusian Armed Forces will be controlled by Russia.¹¹ Belarus retains little autonomy in the sphere of security & defense and relies on Russia as a security-provider. Belarus has been following a policy of isolation from the West since 2010, which has increased the regime's dependence on Russia.

Because of Belarus's strong dependence on Russia, the Kremlin has high expectations that the Belarusian regime would recognize the independence of Abkhazia and South Ossetia. Russia has always been in a position to influence Belarus and therefore hoped that the Belarusian regime would obey the Kremlin's dictate. After Lukashenko refused to recognize the independence of Georgia's separatist regions, Russia decided to punish Belarus economically. The Kremlin began slowly increasing the price Belarus pays for Russian hydrocarbons. The Russian government has made it clear that it will increase cooperation with Belarus and reach agreements in the economic sphere only in exchange for the recognition of Abkhazia and South Ossetia. The authoritarian regime in Belarus is not distinguished by its respect for the rules of international law. Therefore, if Russia employs every means available and actively exerts pressure on the government of Belarus, it is quite possible that

¹⁰ See: "Russian Gas and Belarusian 'Pirozhki'," *The Voice of America*, 2013, available at [<http://www.amerikiskhma.com/content/article-----96812989/530042.html>] (in Georgian).

¹¹ See: S. Bohdan, "Russia Takes Over a Part of Belarusian Army," 2012, available at [<http://belarusdigest.com/story/russia-takes-over-part-belarusian-army-7898>].

the latter will move to Russia's side. Belarus is primarily interested in solving its own economic problems, and if the country faces the risk of being isolated from the rest of Europe, it will be forced to obey the Kremlin's dictate. If the economic situation and socioeconomic conditions worsen, the government of Belarus will use the issue of recognition of Abkhazia and South Ossetia to solve its economic problems. As Lukashenko said, Belarus has not recognized Georgia's breakaway regions so far, because it has not been receiving guarantees of economic support from Russia. At the same time, he expressed dissatisfaction with the EU, which is not helping Belarus in exchange for non-recognition of the independence of Abkhazia and South Ossetia.¹² The situation in Belarus will radically change if the European Union reaffirms its support and assistance to Lukashenko's regime in solving economic problems. The European Union can also help Belarus to carry out reforms in order to transform the country into an integral part of the Western civilization.

The primary goal of Georgian diplomats should be constant negotiations with Georgia's partner countries and international organizations in order to make the non-recognition policy popular in all countries during bilateral relations. Close cooperation with Western countries may make the non-recognition policy more effective. Georgia can take diplomatic relations and cooperation with the Kingdom of Spain as an example. Stronger diplomatic relations with this country have caused the Spanish government to become more active in implementing the policy of non-recognition of the independence of Abkhazia and South Ossetia. Spain supports Georgia and its partner countries in order to prevent their recognition of the occupied territories.¹³ The Spanish government supports Georgia's sovereignty and territorial integrity, condemns Russia's occupation of Georgia's territories, and supports Georgia's integration into the Euro-Atlantic structures. It is very important for Georgia that other South American countries do not follow the example of Venezuela and Nicaragua and do not recognize the independence of Abkhazia and South Ossetia. Spain is able to offer great support in this regard, since it still has influence in Latin American countries.¹⁴

3. Along with the Non-Recognition Policy, Implement a Policy of Withdrawal of Recognition of Abkhazia and South Ossetia

Along with the non-recognition policy, the Georgian government must carry out a policy aimed at revoking recognition of Abkhazia and South Ossetia. In this case, Georgia will need the support of international organizations, as well as friendly countries. The international community will have to put constant pressure on the Russian government, as well as on all the states that have recognized the independence of the separatist Georgian territories. Western countries must constantly remind the Russian government, with referral to international legal acts and resolutions, that

¹² See: "Will Lukashenko Recognize the Independence of Abkhazia and South Ossetia?!", Presa.ge, 2012, available at [<http://www.presa.ge/new/?m=society&AID=19636>] (in Georgian).

¹³ See: T. Managadze, "In Spanish Congressman's Opinion, Georgia is the Leader State in the Region," 2012, available at [<http://presa.ge/new/?m=politics&AID=15682>] (in Georgian).

¹⁴ See: V. Modebadze, "Foreign Policy of Spain (1939-2011)," Gryphon Publishing Inc., Tbilisi, 2012 (in Georgian).

Abkhazia and South Ossetia are an integral part of Georgia and the occupation of these regions is a flagrant violation of international legal norms. It is very important that the West not change its rhetoric toward Russia: the Russian government must be constantly reminded that it should withdraw its military bases from the occupied territories and revoke its recognition of the independence of Abkhazia and South Ossetia.

At the same time, the Georgian government must take advantage of the political changes in the above-mentioned countries. Georgian diplomats should make use of the regime change in order to achieve their political goals and start negotiations on the withdrawal of recognition. Georgia can take Venezuela as an example. The death of Hugo Chavez ended fourteen years of dictatorship and created a favorable moment for establishing a new regime that Washington will try to enhance relations with. A former ambassador of the United States to Venezuela, Patrick Crystal, suggests that relations between the two countries be improved gradually. The U.S. will seek to increase economic and commercial ties with Venezuela. Ultimately, commercial relations might change the relations between the two countries for the better.¹⁵ If Washington can improve its relations with Karakas, the Georgian government will have the opportunity to begin negotiations with Venezuela about withdrawal of the recognition of independence of Abkhazia and South Ossetia.

Conclusion

The world is constantly changing. Governments come and go. Georgia must use these changes to its own advantage and force the countries that recognized the independence of Georgia's break-away regions to revoke their recognition of Abkhazia and South Ossetia.

The Georgian government can make the policy of non-recognition more effective by taking into account the above-mentioned three factors. It can strengthen this policy:

1. By expanding diplomatic ties in order to prevent those countries not under Western influence from recognizing the independence of Abkhazia and South Ossetia;
2. By cooperating with Western countries and international organizations to ensure that the countries under their influence will not recognize the independence of Georgian breakaway regions; and
3. By taking advantage of the political changes and forcing those countries that have recognized the independence of Georgia's separatist regions to revoke their recognition of these regions.

¹⁵ See: D. Avaliani, "The 14-year Rule of "Comandante" Hugo Chavez, the President of Venezuela, the Leader of the Bolivarian Revolution, Ends with His Death," 2013, available at [<http://24saati.ge/index.php/category/news/politics/2013-03-17/36509>] (in Georgian).