

SUBSTANTIATION OF ILLEGALITY OF PROCEEDING REGIME OF SANCTIONS AGAINST ABKHAZIA

According to the decision taken in January 1996 by the leaders of the CIS countries and initiated by Georgia, on measures for settlement of the Georgian-Abkhazian conflict, the most severe economic sanctions and blockade were imposed upon the people of Abkhazia, the result of which produced serious humanitarian after-effects.¹ This decision, based upon the aim of directing the Abkhazian side towards a full-scale settlement of the conflict, but firstly to arrange an immediate unconditional and dignified return of all refugees and displaced persons to the places of their permanent residence, was accepted only in favour of the Georgian refugees living in Georgia, and did not consider the destiny and living conditions of the population of Abkhazia which had taken upon itself all the burdens of the recent war with Georgia. Moreover, the return of all Georgian refugees in such difficult humanitarian circumstances, without considering the feelings of the population of Abkhazia, could have led to a new confrontation.

Nevertheless, aiming to carry out the obligations imposed upon it, and following the basic Moscow Agreement of May 14th, 1994, the Abkhazian side actively participated in the process of negotiating with Georgia, and already on September 10th-12th, 1996 took part in Georgian-Abkhazian negotiations where the Abkhazian side emphasised a contractual basis for possible participation of the parties in international affairs in the capacity of a single entity. The Abkhazian side also offered the following formulation of Article 2: *"To appoint proxy delegations, which, with representatives of the Russian Federation as intermediary and under the aegis of the United Nations, will begin to work out substantive provisions of the agreement which will control relations between the parties."*² During that period Georgian refugees had already started to return to Gal region. Despite the positive dynamics in the negotiating process, in May 1998 Georgia made an attempt at armed aggression against Abkhazia, actually trying to begin war. In spite of the fact that Georgia once again had violently broken previously agreed arrangements, and produced a new wave of about 40,000 refugees from Gal region³, the actions of Georgia did not receive any real condemnation, and sanctions against Abkhazia remained. At a meeting in Geneva on July 25th, 1998 the Georgian side proposed the development of the mechanism and realisation of additional measures for the return of Georgian refugees, first of all into Gal region. Since that moment, the question of return of Georgian refugees has been split into two stages. Return to Gal region had to become the first stage. In the situation of the blockade against Abkhazia, demands could no longer be made for the immediate full return of all Georgian refugees to Abkhazia, as Georgia itself proposed a stage-by-stage process of return. Countries which were participants in the negotiating process also confirmed all the subsequent agreements and arrangements which followed after that. The Abkhazian side continued to fulfil its obligations, offering at the beginning of the organised return of refugees to Gal region to take measures on removal of the restrictions installed by a Resolution of the Russian Federation Government from December 19th, 1994 and the Decision of CIS leaders from January 19th, 1996. In this connection the Abkhazian side considered necessary the prompt signing of the drafts of "Agreements on peace and assurances on prevention of armed conflicts" and "Protocol on return of refugees to Gal region and measures on economy restoration", prepared during Georgian-Abkhazian consultations in June. Despite continually ignoring the opinion of the Abkhazian side, and the fact that a blockade of Abkhazia created considerable problems not only for locals but also for the returning Georgian population, Georgian authorities continued to insist on a toughening of restrictions against Abkhazia. At the same time Georgia deliberately interfered with the return of refugees, having increased the activity of terrorist groups which, penetrating into the territory of Abkhazia from Georgia, killed citizens of Abkhazia and Russian

¹ The Decision of the CIS states on measures for settlement of Georgian-Abkhazian conflict, 19th January, 1996

² The Protocol of negotiations on Georgian-Abkhazian settlement, Moscow, 10th-12th September, 1996

³ The Report of the Secretary-General of the United Nations (document S/1998/647)

peacekeepers, and intimidated the returning Georgian population. During the whole period of activity of Georgian terrorist groups the Abkhazian side lost more than 800 persons.

Despite openly hostile actions by the Georgian side, in March 1999 Abkhazia unilaterally began the process of the return of Georgian refugees. This step by the Abkhazian side was also not influenced by the regime of sanctions against Abkhazia, which continued in spite of the fact that Abkhazia was still carrying out its obligations. During this period the public and government of Georgia started to interfere openly with the process of returning refugees to Gal region, naming the returning people traitors to Georgia, and President E. Shevardnadze declared that having returned to Abkhazia these people would become lost by Georgia. Activity of the Georgian terrorist groups "White Legion" and "Wood Brothers" was increased. Georgia undertook deliberate steps towards the destabilization of the situation in Gal region, as is confirmed in the Report of the Joint Mission of the United Nations on studying the situation in Gal region (on November 20th-24th, 2000) where in Chapter C, Section III, Item 58 it is noted: *"Throughout several years after the termination of open hostilities, armed groups of Georgians conducted targeted attacks in Gal district. In public statements from leaders of the best-known groups, such as the 'White Legion' and 'Wood Brothers', it was stated that their primary goal is to reclaim Abkhazia by force. The creation of an atmosphere of fear and instability among those who came back to Gal district was their immediate task, to show that living on territory controlled by the Abkhazian side is impossible. For this purpose they used ambushes, abductions and the placement of mines."*⁴

Russia, carrying out the role of intermediary in the negotiating process and having lost more than 100 peacekeepers as a result of activity by Georgian terrorists, repeatedly acted as a supporter of the lifting of a blockade against Abkhazia, which immediately produced a protest from Georgia, which openly declared that the given blockade was installed not only for the purpose of returning refugees, but also primarily for the purpose of restoring the jurisdiction of Georgia in Abkhazia.⁵ However Item 8 of the Decision of CIS leaders from January 19th, 1996 about the blockade of Abkhazia did not consider those complexities which were constantly reiterated by Georgia.⁶

In the meantime the process of returning Georgian refugees to Gal region has become larger scale and by the estimation of the Abkhazian side the number coming back has exceeded 60,000 persons. Aiming to determine the number of Georgian refugees returned to Abkhazia, the Abkhazian side supported the initiative of the Office of the High Commissioner of the United Nations on Refugees concerning the conducting of procedures of verification and registration. Verification would allow the installation of a more exact calculation of the number who had returned and number of those who still wished to return. Exact data about refugees would also allow for a definition of the necessary economic resources for reception of so large a number of the population. Forcing Abkhazia to return refugees and at the same time continuing to carry out the blockade on Abkhazia, the countries which were participants in a regime of sanctions have thus created unacceptable social and economic preconditions for the realisation of the process for the return of refugees. Being constrained in the process of verification of the Georgian refugees

⁴ The Report of the Joint Mission of the UN on studying the situation in Gal region, 20th-24th November, 2000

⁵ The Decision of Parliament of Georgia about the further stay of the armed forces of the Russian Federation in the conflict zone in Abkhazia being under the aegis of the Commonwealth of Independent States: "...the Parliament of Georgia notes that despite the efforts of the authorities of Georgia, any progress in the questions of return of refugees and those expelled from Abkhazia, and restoration of the jurisdiction of Georgia in Abkhazia, are not observed..."

⁶ "...Item 8. Being guided by an aspiration to achieve a full-scale settlement of the conflict in Abkhazia, Georgia, and primarily an immediate unconditional and dignified return of all refugees and displaced persons to the places of their constant residence, the leaders of the Commonwealth of Independent States address to the UN Security Council with an appeal to support measures, taken by the states which are members of the Commonwealth, on influencing the authorities of the Abkhazian side and to recommend all the states which are members of the Organization to be affiliated to these measures..."

within the limits of the UNHCR programme, it is necessary to underline how exactly the position of Georgia is preventing realisation of the given programme which would have allowed Abkhazia to carry out the given conditions under a regime of sanctions in a more accurate manner.

The destructive nature of the blockade being directed towards the assistance of only ethnic Georgians means that it also proved to be true that as a result of the blockade and restrictions on sea and air communications, Greek (and other) people deported from Abkhazia by the occupational forces of Georgia during the war of 1992-93 actually could not acquire the same right to return as Georgian refugees had. This is still true today. The sanctions directed primarily against ordinary citizens of the republic, and also the incessant policy of pressure and threats from Georgia continue to create considerable obstacles for the economic and social development of Abkhazia. Merchant ships going to Abkhazia with exclusively civilian cargoes have been regularly detained by Georgian coastguards, and this has created unacceptable conditions for the development of civilised commercial relations. Frequently members of the crews of the detained Turkish trading vessels were arrested by Georgian authorities for ethnic reasons, as many seamen are ethnic Abkhazians living in Turkey.

Supporting a blockade on Abkhazia for more than 13 years, the countries which have signed the Decision on a regime of economic sanctions⁷ are actually continuing a policy of discrimination against the population of the Republic of Abkhazia, and also against the returned Georgian refugees who continue to suffer from the after-effects of economic sanctions and isolation.

Throughout all the Georgian-Abkhazian negotiation process the Abkhazian side accurately adhered to the obligations it had undertaken. However during imposed sanctions Georgia undertook 3 large-scale military operations against Abkhazia, in May 1998, in October 2001, and in July 2006. Having thus broken the whole negotiating process, and having committed a breach of the peace in the region, and then launching a war in South Ossetia, the Georgian authorities have created additional suffering for the civilian population not only in Abkhazia and South Ossetia, but also in Georgia.

In addition to the CIS countries which have signed the Decision on a blockade, open support for these actions was also rendered by some members of the international community who have openly condemned the decision of the Russian Federation on removal of sanctions against Abkhazia in April 2008, in spite of the fact that the given decision of Russia was made on very good grounds and was accepted according to norms of international law.

Under blockade the population of Abkhazia and all the infrastructure of the country have incurred serious economic deficits. The youth of Abkhazia has been cut off from access to international education, vulnerable sections of the population have not obtained necessary social and medical aid, and the banking, transport and communications systems have lost considerable resources. All this period can be characterised as “a time of lost opportunities” for the population of Abkhazia. These losses, caused by groundless and illegal acts both by Georgia and by the countries which continue to support the Decision of leaders of the CIS countries on measures for settlement of the Georgian-Abkhazian conflict from January 19th, 1996, grant Abkhazia the right to act as the claimant in international human rights organisations concerning the legality of decisions implemented regarding the blockade of Abkhazia.

⁷ Azerbaijan, Armenia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Uzbekistan, Ukraine