

search of a mission), ESDP resources, and access to the EU for both Georgian goods and people. In other words, the Lisbon Treaty represents a necessary condition for a more effective EU presence and action in Georgia and the South Caucasus – as it provides the software required to use the existing hardware – but not a sufficient one. It will be up to the new leaders (in Brussels as well as the capitals) to generate the political will and unity of purpose which can make a difference in the region.

Even if these emerge and materialize, however, the EU alone is unlikely to be able to solve the conflict and set in motion a constructive dynamics between the major players. It will need flanking and complementary action by the US, NATO, the UN, the OSCE – along with a more cooperative stance by Russia itself. As Zbigniew Brzezinski has repeatedly underlined, the Caucasus risks becoming in this second decade after the end of the Cold War what the Balkans were in the first one – “the Balkans of Eurasia”, that is, only made worse by the high stakes related to energy production, transit and supply.

While the comparison with the Balkans evokes the other unresolved post-conflict situation (namely Kosovo) both the EU and the international community are confronted with – and may have to consider at some stage as linked – the energy issue has been to date the missing (or weakest) link in EU policy towards the region, as epitomized by the sparse order in which the various EU member states and their corporate ramifications have operated in the energy sector (Nabucco, South Stream, the Baku–Tbilisi–Ceyhan pipeline) whenever confronted with Russian interests and strategic options. Incidentally, it has also been dealt with only tangentially by the Tagliavini Report itself.

The role that a post-Lisbon EU may play in pacifying Georgia and the South Caucasus, in fact, will depend as much on the implementation of the new treaty as on the coordination of old policies in the energy sector, which is not going to be much affected by legal provisions and institutional structures since robust business interests and strategic calculations are at play.

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## The Aggression by the Russian Federation against Georgia

By Temuri Yakobashvili, Tbilisi

### **Abstract**

On August 7, 2008, Russian armed forces, already pre-positioned on Georgia's northern border with the Russian Federation, launched a massive, coordinated, and – given the scale of the enterprise – premeditated assault on Georgia. Russian forces crossed the border into South Ossetia/the Tskhinvali region and, hours later, into Abkhazia. The highly calculated, full-scale attack took place on land, at sea, by air, and via cyberspace. The reason Moscow gave for its invasion of Georgia – to stop a genocide – was debunked as a lie by the Independent International Fact-Finding Mission on the Conflict in Georgia. Also, the report confirms the Georgian government's position that Russia has indeed violated international law by invading Georgia and later recognizing the independence of Abkhazia and the Tskhinvali region/South Ossetia.

### **Georgia's Act of Defense**

By August 26, 2008, the Russian Federation, in blatant violation of the ceasefire agreement its President had signed just two weeks earlier, had formally recognized these two territories as independent. This was clearly the culmination of a long-term plan to subvert the Georgian state and control Georgian territories. For nearly two decades of this interstate conflict between Russia and Georgia, Moscow had succeeded in using the separatists as their proxies;

now, Russia effectively had occupied and was attempting to fully annex these Georgian territories.

As evidence mounted of the scale of the Russian incursion, the Georgian Government concluded that it had been left with no choice but to order military action to counter what was rapidly becoming an invasion – with aims that went far beyond a dispute over two Georgian territories. The principal intent of Georgian military action was to slow the Russian advance so

that international diplomatic efforts could prevent Russia from fully occupying Georgia; in this, Georgia's decision to act met its goal.

The decision by the Government to defend Georgian territory was informed by a variety of factors enumerated in this note. Due to the space limitations of this summary, however, justice cannot be done to the vast quantity of evidence that elsewhere has been made available to the Commission. Similarly, it is critical for readers to note that every point made in this summary is backed by abundant evidence contained in over 200 separate documents and other material submitted to the Commission. In the following is a list of seven key points documented in the submissions provided to the Commission by Georgia.

### Evidence of Russia's Aggressive Intentions

First of all, an analysis of the Russian Federation's actions over many years offers ample evidence that Moscow was intent on subverting the Georgian state – either by peaceful or violent means – in order to divide and rule its southern neighbor. The persistent refusal of successive governments of Georgia to accede to Moscow's de facto control of Georgian territories gradually increased the likelihood that Russia would resort to using military force. In March 2008—perhaps prompted by the West's recognition of Kosovo's independence the previous month—Moscow activated a premeditated series of legal, military, paramilitary, and diplomatic maneuvers intended to create a pretext for invasion.

The events of August 7, therefore, followed many months of sustained legal, political and military provocations against Georgia preceded by years of Russian consolidation of control within these territories. During these years and months, Russia demonstrated a calculated disregard for the international agreements to which it was party. It abused its role as a peacekeeper. It systematically obstructed all efforts – many of them initiated by the Government of Georgia—to establish a real peace process that would have brought the government in Tbilisi into an understanding and agreement with the de facto authorities of the territories of Abkhazia and South Ossetia/Tskhinvali region. Instead, Moscow turned the de facto authorities into proxies for Russian control—in many cases even filling the most senior political and military positions with appointees directly from Russia.

A few significant milestones in Russia's policy include:

- The long-term ethnic cleansing of hundreds of thousands of Georgians from the conflict zones in order

to homogenize the populations and consolidate political control;

- An illegal campaign of “passportization” in the conflict zones beginning July 2002 to manufacture “Russian citizens” to protect; it was the spurious claim of “protecting” these citizens that Moscow subsequently invoked when it invaded Georgia last August;
- The abrogation of international agreements regarding economic and arms sanctions in the proxy territories; closure of the border and transport communication channels with Georgia; deportation of Georgian nationals from the Russian Federation; an economic embargo imposed on Georgian products;
- Suspension of the CFE treaty on December 12, 2007. Simultaneously, an extensive military build-up in close proximity to Russian–Georgian borders, as well as in conflict regions;
- The extension of legal links by Russia to South Ossetia/Tskhinvali region and Abkhazia in April 2008;
- An intense anti-Georgia propaganda campaign;
- A rapidly escalating illegal military buildup in the conflict zones (from spring 2008 onwards, including rehabilitation by Russian Railway Troops of railway and transportation infrastructure in the areas clearly demonstrating Russia's main aim of preparing the necessary logistical infrastructure for the rapid transit of heavy military equipment;
- Targeted assassinations and other armed provocations in the territories during the days and weeks immediately before the invasion.

The granting of the 2014 Winter Olympics to Sochi lent weight to the view that Russia intended to consolidate its control of Abkhazia and even to “settle” the issue well before it might become a political liability in the context of the Games. In addition, there was evidence of much greater Russian business activity and related acquisition of property in Abkhazia once the Sochi decision was announced.

### Georgia's Attempts at Peaceful Settlement

Second, Georgia began to intensify its engagement with the international community in order to stop Russia's political interference in its territories, to prevent any potential military invasion, and to seek a negotiated settlement of the conflicts. Tbilisi also made numerous proposals for negotiated solutions. These warnings and proposals were met initially with relative indifference. Only minor confidence-building measures were ever implemented, in part because the international community perceived this as an internal conflict, rather than the more complex interstate conflict that it actually was.

Since Moscow effectively controlled the peacekeeping and negotiating structures—which it abused and perverted over the years – no meaningful reconsideration of these structures was ever achieved. Finally, when Western mediators sought to intercede diplomatically in early summer 2008, their late efforts proved unsuccessful.

Third, years of stalemate had left all ethnic populations in both conflict zones impoverished and without any effective protection of basic rights; Georgians in particular were targeted and persecuted on ethnic grounds. More specifically, immediately following the election of a legitimate democratic government in Georgia in 2004, the Georgian Government made the first of several efforts to launch a genuine peace process for South Ossetia/Tskhinvali region and Abkhazia. Also, the Georgian Government made significant efforts to achieve peaceful resolution through soft power initiatives. One prominent example of the success of these efforts was establishment of a Temporary Administrative Unit in the South Ossetia/Tskhinvali region, headed by ex-separatist leader Dimitry Sanakoev, who was elected by the local population.

The Russian Federation and its proxy leaders rejected Georgia's peace initiatives – which included broad autonomy, power-sharing in the central government, guaranteed language/cultural rights, economic rehabilitation projects, and extraordinary constitutional rights – each time they were proposed, even when the international community backed the initiatives.

In the spring of 2008, the Government of Georgia began its repeated efforts to alert the international community that the Russian Federation was escalating pressure on Georgia. Senior Georgian officials sought meetings with their foreign counterparts to generate a consensus on how to respond to Russian provocations; the Government of Georgia also sought direct discussions with the President of the Russian Federation, which the latter rejected; the Government also sought repeatedly to engage the de facto authorities in direct negotiation. None of these efforts succeeded in slowing Russia's political and military escalation in the territories.

In June 2008, as Russian provocations escalated further, Moscow and its proxies repeatedly subverted a peace initiative mediated by the German Foreign Minister. Then, on the eve of the invasion, the OSCE Chairman in Office proposed talks in Helsinki between South Ossetia/Tskhinvali region proxies and the Georgian Government; that proposal also was rejected.

This relentless rejection of peaceful overtures for negotiation compelled Georgia to conclude that Moscow intended to use force. Tbilisi assessed that Russia

would choose a moment that offered the best military and political opportunity to act with impunity. The heat of August, when the world's attention was turned to the opening of the Beijing Olympics, seemed to offer Moscow this opportunity.

### **Moscow's Hostility toward the Georgian Government and Mounting Provocations**

Fourth, beginning in 1990, Georgia was subjected to a relationship with the Russian Federation that ranged from cool to hostile, with the recent President of Russia making explicit threats to his Georgian counterpart about the fate of Georgian territories. The events of November 2003 – the Rose Revolution – and the subsequent election of a new democratic government were not welcome in Moscow, a fact that was quickly made apparent to Georgian authorities. Despite dramatic efforts of the new Georgian Government aimed at establishing friendly relationships with the Russian federation – starting with the visit of the newly elected president to Moscow as his first international post-electoral visit and the closure of the border with the Northern Caucasus – Russia's increasingly hostile intentions towards the new government were made crystal clear by a series of incidents and statements by senior Russian officials. By December 2006, President Putin felt confident enough to warn his Georgian counterpart that he would create “a northern Cyprus” in Georgia. President Putin has given the same warning to the Secretary General of NATO. History has taught Georgian governments to take Russian threats at their word.

Fifth, Russia's pursuit of Georgia's strategic isolation operated in tandem with Moscow's policy of subverting the independence and sovereignty of Georgia. On this, there was no doubt in the Government of Georgia. The Georgian Government, since 2004, has pursued a strategic course that aims to integrate Georgia more fully into Euro-Atlantic institutions and to make it an independent asset for the supply of energy and access to regions beyond the Caspian Sea. While Georgia's strategy was in no way intended as a threat to the Russian Federation, Moscow chose to object with increasing venom.

In 2006, Russia imposed a full trade, financial, postal, and transport blockade of Georgia (an act of great impact, given that 70 percent of Georgian exports at the time went to Russia). Moscow also began to discriminate against and to expel ethnic Georgians from the Russian Federation. Furthermore, Russian diplomatic efforts to depict Georgia unfavorably in Europe were supported by a sustained and very well-resourced anti-Georgian propaganda campaign.

Georgian authorities also noted with alarm the degree to which the process leading to the unilateral declaration of independence (UDI) of Kosovo and its subsequent recognition by some key NATO states had angered Russia and placed the territories of Abkhazia and the South Ossetia/Tskhinvali region at risk. Georgia expressed its concerns about this at the highest levels. For his part, President Putin informed the Georgian President that Georgia would pay a price for this decision.

Until July 2008, international attention had focused on the military escalation and other provocations in Abkhazia. Then, the Russian Federation shifted its provocations to the South Ossetia/Tskhinvali Region. On July 16, there was an attempt to assassinate Dmitry Sanakoev, the unionist South Ossetian leader. Subsequently, there was an escalation of incidents that are fully recorded in the submissions of evidence to the Commission. However, the strategic relevance of the South Ossetian theatre was that it confirmed the worst fears of the Georgian Government: it was a brief and direct route towards the heart of Georgia and the quickest way to split the country, control the highways, debilitate the economy, and to take Tbilisi.

In the days before the full-scale Russian invasion, the provocations in South Ossetia proliferated, with armed attacks and killings, including the killing of two Georgian peacekeepers on August 7, before the outbreak of full-scale hostilities. The propaganda campaign against Georgia in Russia also grew to a fever pitch as Russia and its proxies announced the evacuation of women and children from the territory. It is to be noted that during this period Georgia, in an attempt to prevent the further escalation of the situation and to try to deal with the situation through diplomacy, did not recall from Iraq the most combat capable contingent of the Georgian armed forces.

### **Russian War Preparations and its Claims of “Genocide” as a Pretext to Intervention**

Sixth, in the early morning of August 7, 2008, the Ministry of Internal Affairs of Georgia obtained the first communication intercept indicating that a Russian military unit that included tanks and military trucks loaded with soldiers had entered the Roki Tunnel. In the evening of August 7, the Government of Georgia faced a qualitatively changed situation: despite numerous attempts to decrease tension and a unilateral ceasefire implemented by the Government of Georgia, Georgian-controlled villages, police, and peacekeeping posts were under continuous fire. In this context, civilians in the already cut-off enclave were defenseless and, for the first time, two

Georgian peacekeepers were killed as a result of targeted military attacks that afternoon. In addition to publicized reports on the inflow of mercenaries into the region and initial human intelligence reports of a Russian army intrusion, the Government of Georgia obtained solid evidence that a large-scale Russian invasion was in progress. In response to these escalations, and consistent with his constitutional duty (Article 71 of the Georgian Constitution) to protect the sovereignty and territorial integrity of Georgia as well as the security of Georgia’s citizens, at 23:35 on August 7, the President of Georgia issued an order to start a defensive operation.

Seventh, the focal point of this campaign was the charge of genocide against Georgia. The purported genocide of 2,000 South Ossetians was the ultimate *casus belli* invoked by Russia for its invasion; this lie of course was later debunked by the international community and the Russians themselves. But the falsehood had served its purpose and the grave damage—to Georgia and to the international community—had been done.

Given the factors outlined in this note and the relevance of the geographical choice of intervention by Russia, the Government of Georgia could only conclude that it had to react immediately in self-defense to slow down the Russian invasion. Georgia’s use of defensive military force succeeded in restraining the Russian onslaught, thus buying time for the international community to mobilize – leading to the August 12, 2008, signing of the ceasefire agreement negotiated by President Sarkozy of France and signed by Presidents Medvedev and Saakashvili.

Unfortunately, Russia immediately violated that agreement by recognizing the occupied territories as independent on August 26, 2008. In the year since, Russia has remained in continued violation of every one of the six points of the August 12 ceasefire agreement, especially by not withdrawing its forces to the positions they had by 7th of August. Furthermore, Russia recently has sown greater instability in the region by killing the OSCE and UNOMIG missions in Georgia. Moscow’s veto of these two missions defied the unanimous view of the rest of the international community and has created additional obstacles to the return of internally displaced persons, the protection of basic human rights, and the negotiation of a lasting settlement to the conflict.

### **The Results of the Independent International Fact-Finding Mission**

The Independent International Fact-Finding Mission on the Conflict in Georgia, led by Swiss Ambassador Heidi Tagliavini, issued a report in September 2009. The main

aim of the Mission was to establish the facts that led to the August war between Russia and Georgia. Both Georgian and Russian sides have provided the mission with necessary materials. As a result, the mission has indeed properly established the facts.

The report produced by the mission refutes all the arguments and justifications used by the Russian Federation to defend its invasion to the Georgian territory. Three main arguments claimed by the RF – Genocide of the Ossetian population by Georgia, Protection of Russian citizens and Protection of Peacekeepers were found to be without grounds. The report clearly states that genocide has not taken place; instead the Georgian population of the region was ethnically cleansed and expelled. It undermines the very essence of the passportization process, stating that it was a direct violation of internationally accepted norms and standards; therefore Russia did not have the right to use this argument for assault. The report finds no evidence to state that there was a direct attack on Russian peacekeepers. The Report also challenges Russia's claim for Humanitarian intervention, finding the latter without grounds. Importantly,

the report establishes that August 7, 2008, was the culmination of many years of provocations and military buildup that has been taking place in the “separatist regions” and recognizes the fact that the Russian Federation was providing military and other support to the proxy regimes. The report also acknowledges the influx of mercenaries and the Russian military, other than that of peacekeepers, into Georgian territory prior to August 7.

For the conclusion, it is extremely important to highlight that the international fact-finding mission's report was yet another affirmation of Georgia's cause, especially in the sense of confirming the righteousness of our claims and recognition that indeed Russia has violated international law by invading unlawfully and later recognizing “contrary to international law in terms of an unlawful interference in the sovereignty and territorial integrity of the affected country, which is Georgia”, the independence of Abkhazia and the Tskhinvali region/ South Ossetia that according to the report did not have right to secede from Georgia even in early 1990s.

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## The South Caucasus in the International Spotlight

By Fyodor Lukyanov, Moscow

### Abstract

The European Union issued its report on the events of August 2008 without creating any great controversy. The result is that Russia will not backtrack on its recognition of Abkhazia and South Ossetia, while Georgia has little hope of making much progress in restoring the lost territories. Although most international organizations have made little contribution to resolving the conflict, the EU has taken a prominent position and has the best possibility for facilitating peace. With a new president, the US is reassessing its strategy in the South Caucasus, as Turkey is expanding its role. One solution for the region would be to use the EU model in which giving up territorial disputes is a prerequisite for membership, but such an outcome is a long way off. Nevertheless, the war of August 2008 has started a process of change in the region.

### Backing the Status Quo

The European Union Commission report produced by Heidi Tagliavini about the events of August 2008 is a subject of intense study among specialists and possibly will be a model for the future when this kind of research is needed. However, it has already played its political role, namely, not to create a sensation.

In the style of European politics, the report is reserved, does not draw clear conclusions, avoids extremes, and generally follows a balanced approach. Effectively, the document formalizes the views of the Russian–Georgian war which have already been in place for the year after the emotional reactions of the first weeks gave way to more sober reflection. One can say that the European