

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

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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

Union, with its authority, blessed the new status quo in the South Caucasus.

Russia's Recognition in Place

What does that status quo consist of? First, Moscow's decision to recognize the independence of Abkhazia and South Ossetia, whatever feelings such a move may arouse, is irreversible in the foreseeable future. If Russia hopes to be a great power, it simply cannot go back on its word regardless of the material or political costs it must pay to support the two new state entities.

So far, these costs are not so great. Members of the international community today lack the resources to put strong pressure on Russia. In particular, the results of the vote in the Parliamentary Assembly of the Council of Europe about depriving Russia of its right to vote demonstrated this. Georgia, naturally, will continue to use all of its opportunities to oppose Russia – in the United Nations, Organization for Security and Cooperation in Europe, Council of Europe, and World Trade Organization (WTO) – and the tactical political battle will continue at various levels. But it is unlikely that Tbilisi will be able to force Moscow to pay a serious political price.

Of all these arenas, Georgia can inflict the most harm in the WTO since it can block any movement toward Russia's admission into the organization. However, today joining the WTO is no longer an important priority for the Russian authorities so it is unlikely that Moscow is going to make any sacrifices or concessions to overcome the Georgian veto.

Russia can expect a more unpleasant outcome, including as it affects the country's international position, from the development of events inside Abkhazia and South Ossetia. In Abkhazia, there is potential for a growth in support for greater national independence and efforts for the leadership to take more independent actions. In South Ossetia, there are particularly difficult problems with corruption and ineffective local leadership, and the situation is fraught with the danger of deterioration.

Little Progress in Georgia

Second, the current Georgian authorities have lost their international influence. After losing the war, Mikheil Saakashvili sought to restore his legitimacy with the claim that the military operations in South Ossetia were necessary to repel the Russian invasion.

However, the European Union report, despite its general criticism of Russia, did not support this argument. Accordingly, the current government in Tbilisi can only count on limited economic and political aid from the West, sufficient mainly for demonstrating symbolic support.

In other words, while Saakashvili remains as president, chances for progress in Georgia, including on the question of returning the lost territories, will be blocked.

International Organizations Play Little Role

Third, the international organizations called upon to regulate the conflict proved incapable of doing that. The OSCE has little chance of restoring its reputation as an effective intermediary. This organization proved to be ineffective on the eve of the war and did nothing during the heat of the conflict. There is a small possibility that the OSCE will gain a new future role from the so-called Corfu Process, which began to discuss Russia's idea about building a new European security architecture. However, there are no clear goals for this process and it is unlikely that the organization will quickly gain new life.

The Council of Europe also did not play a part. The events in the region are developing in the sphere of power politics, and the humanitarian-legal instruments wielded by the Council of Europe play only a subordinate role.

The leading international force should have been the UN, but its activity was limited by the need for consensus among its member-countries. However, such consensus is an unrealistic goal since today Moscow and Tbilisi are not able to agree on anything.

In this conflict, as with other territorial disputes, the key to unleashing international activity is to find a neutral formulation that is acceptable to all sides in the dispute. Thus, the Russian objection to the presence of UN and OSCE observers in the conflict zone is merely a formality – the name of the mission should not make reference to Georgian jurisdiction over the two territories. Tbilisi naturally wants the opposite. The same situation affects the status of negotiations with representatives of Abkhazia and South Ossetia – the most difficult problems concern who sits where at the table and the titles of the list of participants.

For an outside observer, all of this resembles a theater of the absurd: the key topics of discussion are not the important points dealing with a complicated international problem, but insignificant details. Ultimately, the argument is over how to understand sovereignty, which makes up the very heart of international relations. Therefore, reaching a compromise on this point is the most difficult thing to achieve, but, nevertheless, represents an exit from the most dangerous phase.

The first signs have apparently appeared. At the negotiations in Geneva, they are beginning to develop a procedure. Accordingly, the review document presented by the UN general secretary in May carried the neutral title

“Document of the General Secretary, presented in accordance with Security Council Resolutions 1808, 1839, and 1866.” A compromise on the formulations would increase transparency and strengthen the level of stability on the ground. Unfortunately, after some progress in the spring, there has been little movement forward since then.

Opportunity for the EU

Fourth, the European Union, a relatively new player in region, is seeking a leadership role as an outside power in the South Caucasus. The EU’s report distanced it from both sides, allowing it to seek the status of a neutral intermediary. Through the efforts of French President Nicolas Sarkozy, the EU one year ago managed to expand its diplomatic reach in the conflict zone, and now the Europeans do not want to lose their place on this stage. The Europeans have no more important independent foreign policy initiative than supporting peace around Georgia. This work promises to provide the organization political dividends and increase its international status.

After the publication of the report, accepted in Russia with reserved support, Moscow’s position on the activities of the EU observers could soften. In particular, Russia might not block their access to the territory of Abkhazia and South Ossetia as decisively as it does now.

Of course, there is the same problem as with the UN: Russia demands that talks be held with the authorities of the two republics, which means effectively recognizing them. The problem of formal status, in other words, the name of the mission of the international organization, is an obstacle to its work. For now, neither Russia nor Georgia is prepared to seek a neutral formulation, which would allow them to avoid these difficulties. But the EU has better chances to make progress than any other organization.

The US and Turkey

Fifth, there are two individual players capable of influencing the South Caucasus – the US and Turkey. The American policy of 2003–2008 served as a powerful catalyst for the conflicts around Georgia and the events of August last year were an unpleasant defeat for Washington. The new administration in the White House reduced the level of activity in the post-Soviet space, limiting itself for now to symbolic support, such as the visit of Vice President Joe Biden to Tbilisi. The announcement that the US would block other countries from recognizing Abkhazia and South Ossetia (Biden talked about this as did Secretary of State Hillary Clinton) demonstrates Washington’s inability to influence the course of events. In general, the US has retreated to the shadow, allowing the EU to show what it can do.

This does not mean that the US crossed the South Caucasus off its list of priorities. More likely, it is seeking a new approach. Several commentators suggest that a Georgia freed from the problems of Abkhazia and South Ossetia would be of significant strategic interest to America, particularly for missile defense. One can give various interpretations to the nebulous announcements about the use of the Caucasus rather than Central Europe as an alternative platform for basing parts of the missile defense shield. It could be a reference to the possibility of greater cooperation with Georgia and an answer to the Russian proposal about using the radar in Gabala (Azerbaijan) and Armavir (Russia). Most likely, Washington has yet to make a final decision and it will depend on a variety of factors outside the region.

The most important of these will be the development of events in Iran. The Iran problem is at the center of the US’s entire foreign policy since for Washington it is not a regional problem, but a global one. Iran’s acquisition of nuclear weapons would destroy the nuclear non-proliferation regime, destabilize the Middle East, and diminish the leading role of the US in this region. Accordingly, Washington must use a wide-range of tools to resolve the conflict, ranging from diplomatic to military.

Any radical changes in Iran could have a serious influence on the Caspian region, the South Caucasus, and Central Asia, so forecasting events in the post-Soviet space without taking this factor into account is impossible.

The changes brought about by the Russian–Georgian war opened new possibilities for Turkey. No one opposes an increased role for Ankara in the South Caucasus. Europe and the US do not see Turkey as an enemy and Russia traditionally supports the idea that regional powers should solve regional problems without the active intervention of outside forces. Even more so since now Russia–Turkish relations are greatly improving.

The question is how large Turkish ambitions are and whether it is able to challenge Moscow for the role of the greatest of key players in Caucasus politics. The development of relations between Ankara and Yerevan and what line Turkey will take in relation to Abkhazia, which is ethnically and historically close to it will demonstrate the limits of Moscow’s patience.

The EU Framework

In general the situation around Georgia in the fall of 2009 can be described as tactically stable, but strategically indeterminate. Despite the explosion of propaganda last August, the anniversary of the Russian–Georgian conflict demonstrated that the situation in the conflict zone was reasonably stable. Russia’s uni-

lateral recognition of Abkhazia and South Ossetia created political problems for Moscow for many years into the future, but blocked the likelihood of a quick return to military actions. Last year's war released the tension that had been building for many years, but in the long term, did not resolve a single question which this tension created.

What are the possibilities for a political solution?

Tbilisi's current position is that no Georgian politician will recognize the division of the country or give up on the goals of returning Abkhazia and the Tskhinvali region. Georgia's partners share this pathos.

The history of Europe, where borders are constantly changing, demonstrates to what extent such statements are illusions. If European policy followed such an approach, there would be endless war in the Old World. And if Russia took this position, the entire post-Soviet space would turn into a zone of heated revanchism. Why not announce that Moscow will never give up the idea of taking back Crimea or Odessa? There is no less of a historical basis for such a position.

In Europe, the framework of the EU removed the question of borders and territories: solving disputes with your neighbors is a condition of membership. True, the large expansion of the 2000s brought numerous problems, to which Europe was no longer accustomed. Cyprus joined the EU divided, Estonia still does not have a border treaty with Russia, and the president of Romania officially announced that he does not recognize the border with Moldova, which was a product of the Molotov–Ribbentrop pact. Nevertheless, the model is clear: interstate conflicts are resolved within the broader integrative context, in which the benefits of recognizing general rules outweigh national ambitions.

In the space of the former Soviet Union, the resolution of a single given conflict is hardly possible by itself. The "classical" efforts of formally annexing Abkhazia and South Ossetia by Russia or military restoration by Georgia are extremely unlikely. The first would create a major international crisis with the danger of isolating Moscow in a much more serious way than a year ago. The second is possible only in the case of a sharp worsening of the situation in which Tbilisi receives not symbolic, but real military-political support from NATO and the US.

Changes are probable only in a greater context. True, one can only dream about the European model. That entire area is located on a different level of historical development. Moreover, the picture is shaped by the

presence of Russia as a former and potential center of gravity. In conditions of sharp competition, Moscow has still not succeeded in defending its right to the political and economic reintegration of the CIS, but it has sufficient resources to block the possibilities (already somewhat murky) of states on the edge of the former Soviet Union to integrate in other projects.

A New Beginning?

Nevertheless, the 2008 war shook up the South Caucasus and stimulated the entire post-Soviet space, where new trends are palpable. The political-diplomatic activity around the Nagorno-Karabakh conflict has clearly entered a new phase. Too many powerful players cannot realize their interests because of the Karabakh dead end. However, it is gradually becoming clear that a theoretical compromise could be based on the recognition that Karabakh itself (not the regions surrounding it) could remain outside of Azerbaijan – this is not a political fantasy.

Events in Moldova, where a pro-European coalition has come to power, also provide food for thought. Although the young generation of Moldovan politicians was born in the unified Moldavian Soviet Socialist Republic, their conscious life and social activity began after the country was divided. For them, the idea of restoring Transdniestria is not such a high priority as it was for former President Vladimir Voronin. The unresolved question of unity blocks the prospects for joining Europe, particularly since Tiraspol (the administrative center of Transdniestria) historically was not in the Romanian part of Moldova. Thus the question remains – to join the European Union without the other bank of the Dniestr or to reunite with unclear consequences?

The same question stood before Serbia (the answer apparently was to give up Kosovo and join the EU) and sooner or later will stand before Georgia. A restorationist agenda is not compatible with any integrative projects. On the other hand, recognizing reality makes it possible to turn Georgia (without any internal conflicts) into a close partner for the West in the Caucasus.

Such changes do not seem improbable. True, these scenarios fail to solve the question of the future of the new governmental entities. There will be intense competition for them and it will be difficult for Russia to maintain its exclusive rights for Tiraspol and Sukhumi. But this is already the next cycle in the post-Soviet evolution.

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