

## THE EU INVESTIGATION REPORT ON THE AUGUST 2008 WAR AND THE REACTIONS FROM GEORGIA AND RUSSIA

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## From the Editors

### The Report of the International Fact-Finding Mission on the Conflict in Georgia

On 30 September 2009, the Report of the Independent International Fact-Finding Mission on the Conflict in Georgia was presented to the parties to the conflict, the Council of the EU, the Organization for Security and Cooperation in Europe (OSCE), and the United Nations. The report can be viewed in full-text at <http://www.ceiig.ch/Report.html>. For this issue of the Caucasus Analytical Digest, we present a number of different points of view on the conflict.

### The Longer “Countdown to War”: Growing Confrontation between Georgia and Russia 2004–2008

By Uwe Halbach, Berlin

#### Abstract

The military events around South Ossetia of August 2008 constitute the factual core for the military and legal assessments of the “Five Day War.” However, the analysis of the origins of the conflict cannot focus solely on these events. The “Countdown to war” has to be seen in a longer perspective and the conflict developments have to be put in their historical context.

#### The Burden of the Past

The bilateral relations between Russia and Georgia build the core of the historical context. There are different answers to the question when these relations transformed into growing confrontation. The broader historical perspective goes back to 1801. Georgian historical narrative emphasizes the two annexations by Russia, in 1801 and 1921, as national traumas. Additionally, there is a burden of mutual claims and contradictions inherited from the perestroika and early post-Soviet period. The April 1989 events, when Soviet forces brutally broke up a demonstration in Tbilisi, marked a turning point after which Georgia sought independence. This event became the “chosen trauma” for the post-Soviet Georgian sense of national identity. During the Gamsakhurdia era, this identity translated into a Georgian ethnocentrism which confronted Russia but also deterred ethnic minorities and autonomous regions from supporting Georgia’s independence project. With regard to the Shevardnadze era, many authors fix the year 1999 as a starting point for a steady deterioration of bilateral relations.

But it was mainly the period after the summer of 2004 that these relations, already burdened, turned into the most precarious relationship between the Russian Federation and a neighboring post-Soviet state. Since then both sides have engaged in conflict rhetoric. It

intensified as tensions escalated around Abkhazia and South Ossetia from March 2008, alarming the international community, though in retrospect, it was too late. This conflict discourse was embedded in a process of rapid armament in the South Caucasus. Growth in military spending there largely exceeded GDP growth. Between 2004 and 2008 Georgia and Azerbaijan were among the most rapidly arming states worldwide. Military spending in Georgia increased from 0.5 percent of GDP to 8 percent in 2008. Likewise Georgia’s separatist entities became more militarized with support from Russia.

Georgian–Russian relations were already fraught with dissension before the November 2003 peaceful transition in Tbilisi, which brought a young generation to power, the first real post-Soviet generation to comprise the power elite of a CIS state. Problems poisoning these relations from the time of the late Shevardnadze era included the Georgian demand for a Russian troop withdrawal and the dismantling of military bases on Georgian territory according to commitments Russia made at the 1999 OSCE Istanbul Summit, the Georgian participation in the construction of the BTC-oil pipeline, Russian demands for military access to Georgian territory for fighting armed Chechen rebels in uncontrolled areas like the Pankisi Gorge, and increased US mili-

tary support for the modernization of a hitherto paltry Georgian army. The major reason for Russian frustration with Georgia was the strong Euro-Atlantic orientation of Georgian foreign and security policies and the country's portrayal of these efforts as an act of "fleeing the Russian Empire". Georgia's drive for NATO membership had the greatest impact on bilateral relations among all the other factors. After the "Rose Revolution" Moscow perceived Georgia and Ukraine as proxies implementing a US policy of promoting "colored revolutions" in Russia's "near abroad".

### **The Connection with the Unresolved Conflicts**

The crucial factor in this political confrontation was that most sources of disagreement between the two sides, such as Georgia's Euro-Atlantic orientation, were coupled with Georgia's unresolved conflicts over Abkhazia and South Ossetia. Any improvement in Russian–Georgian relations could only be expected in areas that were not connected with these conflicts. However, such neutral areas were shrinking as President Saakashvili declared the restoration of Georgia's territorial integrity his political priority and practiced a policy of accelerated reintegration, whereas Russia increased its support to Abkhazia and South Ossetia by a progressive integration of these territories into its economic and security space. In particular, Russia staffed the local government in South Ossetia with cadres from its own security and administrative apparatus and conferred Russian citizenship on the majority of residents in both regions. Georgia's objection to the dominant Russian role in the peacekeeping operation in both conflict zones in accordance with the ceasefire agreements of 1992 (South Ossetia) and 1994 (Abkhazia) was motivated by its perception that Russia's conflict management in the South Caucasus was not "peacekeeping, but keeping in pieces". Russia was seen as the protagonist responsible for ensuring that the conflicts remained "frozen", in order to maintain a "controllable instability" for the purpose of its own power projection in the region. For Georgia the central symbol of this "creeping annexation" was Russia's policy of "passportizatsia" in Abkhazia and South Ossetia.

### **The South Ossetia Crisis 2004**

Given the connection between Russian–Georgian bilateral relations and unresolved regional conflicts, it was not surprising that the first incident to cause a rapid deterioration in these relations during this period was the South Ossetia crisis in the summer 2004. Statements like "South Ossetia will be reintegrated into Georgia within

a year at the latest", made by President Saakashvili at a news conference in July 2004 set off alarm bells in Moscow. At the beginning of his presidency, Saakashvili had promised to restore Georgia's territorial integrity by the end of his tenure. Shortly after the peaceful reintegration of the autonomous province of Ajara, the new government began an anti-smuggling offensive in South Ossetia, where the Ergneti market had indeed become a center of illegal trade in the Caucasus. In Russia this offensive was perceived as a Georgian effort to regain control over all of South Ossetia and met with strong resistance. In August 2004 the crisis reached a peak with shelling of Tskhinvali and escalating armed clashes between Georgian and Ossetian troops. This South Ossetia crisis was accompanied by maritime incidents on the Black Sea coast, with the Georgian coast guard threatening to fire at ships attempting to dock in Abkhazia without authorization from Tbilisi. Russian commentators linked the alleged "Georgian aggression" to US military support and Georgian ambitions to join NATO. But Georgia's Western partners did not in any way condone the "reconquista-rhetoric." Thus it was possible to prevent an open war in South Ossetia involving Russian troops in August 2004. However, this crisis had two consequences: First, it spoiled relations between Tbilisi and Moscow after a short period of thaw and discussions among presidents Putin and Saakashvili about improving these relations. Second, it caused a fundamental commitment problem for Georgia with regard to further confidence-building efforts towards its breakaway territories.

### **The Spy Scandal 2006**

The autumn 2006 spy scandal provided a vivid example of the Russian–Georgian crisis and its emotional dimension. This incident began when Georgia arrested four Russian military officers in Tbilisi, accusing them of being members of an espionage network whose goal was to block Georgia's efforts to join NATO. Both sides exacerbated this crisis through undiplomatic actions and reactions. The Georgian authorities handled it in a manner that was considered provocative in Russia and beyond. They did not expel the arrested officers discreetly – the standard *modus operandi* in such cases – but in highly theatrical circumstances. In Russia, Tbilisi's actions triggered an anti-Georgian campaign and brought Russia's coercive Georgia policy to its peak, with a broad spectrum of punitive economic and political measures. Georgia became Russia's chief nemesis abroad. In October 2006 Russia cut air, land, sea, postal, and banking communications with Georgia. Earlier in

the year it had already slapped an embargo on Georgian wine, fruit, vegetables, and mineral water, citing health concerns. The crisis affected the behavior of Russian authorities toward the Georgian diaspora living in Russia in a way that damaged Russia's image in the world. If Russian authorities before this time contributed to public xenophobia through inaction, incompetence or irresponsibility, now government figures actively incited ethnic hostility. EU ministers of foreign affairs expressed deep concern about the economic, political and humanitarian costs of the Russian measures against Georgians and Georgia. The "spy affair" alarmed the international community about the growing confrontation between Russia and Georgia. It ended with the return of the Russian Ambassador to Tbilisi in January 2007 and with the lifting of at least some of the Russian sanctions against Georgia. But it left the impression of irreversibly spoiled bilateral relations and revealed deep emotional scars in the relationship.

### **Confrontation Instead of Cooperation**

Numerous other issues escalated the confrontation between both states: mutual military threats and violations of Georgian airspace, Russia's "Kosovo precedent formula" with regard to secessionist conflicts in the post-Soviet space, which was rather selectively used against Georgia, Georgia's operation in the upper Kodori valley, and a military buildup, provocations and incidents around the two conflict zones. In this growing confrontation, both sides missed chances for cooperation. The two parties should have realized that they had shared

interests in stability in their common neighborhood. As the Russian ambassador to Georgia said upon his return to Tbilisi in January 2007 after the "spy scandal", the South and North Caucasus constitute more or less a single organism with common security challenges. A region like Pankisi, located in Georgia's border zone alongside Chechnya, symbolized such mutuality of security challenges to both states. The border between the Russian Federation and Georgia runs along critical zones of intersection between North and South Caucasian security challenges. Both sides shared economic interests. For Georgia, Russia remained the most important export market and the largest labor market for the growing Georgian diaspora. On the other side, Georgia is of importance for Russia's economic actions in the South Caucasus. More than once, Russia's punitive measures against Georgia hit the economy of Armenia, its closest ally in the region, which is largely dependent on access to Georgian territory for its exports.

With its policy of withdrawing support for Georgia's territorial integrity and recognizing Abkhazia and South Ossetia as "independent states" after the armed conflict in August 2008, Russia failed to win any outside support, not even from its closest allies in its "zone of privileged interests." On the other hand, Georgia from the beginning of its "second independence" had done a lot to alienate its breakaway regions and push them away from its own independence project. Thus, on all sides negative emotions and stereotypes prevailed over shared interests.

#### *About the Author*

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## Initial Military Operations during the War in Georgia in August 2008

By Wolfgang Richter, Berlin

### Abstract

Notwithstanding critical assessments of the historical, political, legal and humanitarian aspects of the August 2008 war in Georgia, key areas to be evaluated include the concept of the military operations and the sequence of the deployment of forces. The following analysis does not support the interpretation that the Georgian large-scale offensive operation against South Ossetia was necessary and suited to counter an alleged massive Russian invasion in progress. On the contrary, the first clashes with two smaller Russian combat units took place only two days after the deployment of the bulk of the Georgian forces against South Ossetia and Russian forces needed two more days to match Georgian units in numbers. The indiscriminate shelling of Tskhinvali, aimed at the destruction of the political power base of the break-away region, and the Georgian deployment to the frontline had clear escalatory potential.

### The Design of the Georgian Offensive Operation against South Ossetia

On 7 August 2008 at 23:35 Georgia started a large-scale military operation against South Ossetia with a massive shelling of the town of Tskhinvali by mortars, heavy artillery and multiple-launch rocket systems (MLRS), which had been deployed during the day south of the town. According to eye witnesses, the artillery strike on Tskhinvali started at a time when the ceasefire announced by President Saakashvili in a televised address on 7 August at 19:00 had been kept for more than four hours also by the Ossetian side, at least in the town itself and its immediate vicinity.

The shelling was well prepared, with open stores of ammunition close to the firing positions. Observers counted hundreds of explosions of heavy rounds in the town: Ten minutes after the shelling had begun, the incoming rounds exploded at intervals of 10 to 15 seconds – a frequency which was kept all night long with short breaks. The shelling aimed at destruction, particularly of the political and communication centers of the South Ossetian authorities rather than providing fire support for the advance of Georgian troops against the town, which started more than 6 hours later. It struck and destroyed residential areas and hit the compound of the OSCE field bureau with OSCE staff personnel and Russian guards. The headquarters of the Joint Peacekeeping Forces (JPKF) came under fire as well (the Georgian staff personnel had left in the afternoon). Around midnight the Russian commander of the JPKF informed the OSCE about the first fatalities and several wounded among the Russian peacekeepers. The shelling inflicted heavy damage to the town and losses among its population, although the initial high figures claimed by the Russian and Ossetian side did not prove to be true.

Simultaneously, two infantry brigades advanced on both flanks aiming at encircling the town by taking dom-

inant heights to the east and cutting the Ossetian “Road of Life” to the west with the village of Khetagurovo as its corner stone. This winding mountainous road was the only remaining viable link between the town and the northern part of South Ossetia. There, in the Didi Gupta – Java area, the main camps of the Ossetian militia with heavy armaments were located, i.e. outside the area of responsibility of the Joint Peacekeeping Forces (“security zone”) which included the zone of conflict.

The direct link to and from the north, the “Caucasian Highway” which led from Gori via Tskhinvali to the Russian border with the Roki Tunnel as its needle’s eye had been blocked to the north of the town by the Georgian side long before the war: With the installation of the Provisional Georgian Administration in the string of villages predominantly populated by ethnic Georgians in the Didi Liakhvi Valley between Tskhinvali and Didi Gupta a Georgian special security (“police”) force was established in 2007 which introduced a new military element to the zone of conflict. Thus, the two attacking Georgian brigades could complete the encirclement of the town by closing up to the northern enclave, which was partially fortified before the war and now successfully defended by Georgian security forces with heavy artillery support against enemy reinforcements from the north. Initially, the attack of the two brigades was successful: They resolved to wipe out lightly armed Ossetian militia units from the frontline, take twelve major villages including Khetagurovo, cut the “Road of Life”, occupy dominant heights east of Tskhinvali and reach their first objectives within six to eight hours after the beginning of the operation.

In a second phase of the Georgian offensive operation, in the morning of 8 August at approximately 06:00, a third Georgian brigade-sized battle group launched an attack against the town itself advancing from the south (Zemo Nikozi, the Headquarters of the Geor-

gian Peacekeeping Battalion) to its south-western suburbs (“Shanghai district”). The task force was composed of Special Operation Forces of the Georgian Ministry of Internal Affairs (MIA) and supported by a tank and a light infantry battalion.

As a first action, it destroyed and overran the Russian Peacekeepers’ camp at the south-western corner of the town (Verkhniy Gorodok) which was located directly on the main route to the “Shanghai” suburb. Georgia admitted that it fired at the Russian camp, which was identified as a priority target for MLRS, but claimed to have acted in self-defense and returned fire originating from this direction. However, with the order to storm and take the town, the tactical initiative was on the Georgian side. The Russian camp geographically blocked the Georgian assault in battle order. Moreover, Ossetian fighters had dug trenches close to the camp and defended their positions by firing from northern directions. Given the combat range of their canon, Russian BMP (Boevaya Mashina Pekhoty) armored infantry fighting vehicles were not suited to hit Georgian units in Zemo Nikozi before these had left their positions and started attacking towards the camp. On the contrary, Russian combat vehicles were not lined up in defensive positions, but destroyed together with communication equipment and trucks in their parking and storage areas. Having suffered fatal losses and high numbers of wounded, the Russian peacekeepers withdrew towards the town and continued fighting until they were relieved by regular Russian forces arriving on 9 August.

After overcoming the resistance of the Ossetian fighters in the “Shanghai” suburb, the MIA task force entered the city itself at around 11:00 and controlled large parts of the city at around 14:30 while Ossetian militia as well as Russian and Ossetian peacekeeping units continued defending some pockets of resistance in the center and the northern part of the town. At 15:00 the Georgian side called upon the Ossetian militia to surrender and to leave the town together with remaining civilian population through a corridor leading to a Georgian-controlled area in the south, which was kept open for three hours.

Up to 18:00 on 8 August, i.e. within 19 hours after the launch of the Georgian offensive operation and approximately 40 hours after the alleged beginning of a large-scale Russian invasion as claimed by Georgia, no clash with regular Russian troops was reported in and around Tskhinvali. According to information provided by both sides, the first direct fire exchange between two Russian battalions (approximately 400 men each) and Georgian units took place in the vicinity of Tskhinvali between 18:30 and 19:00. More Russian forces arrived at the north-western outskirts of the town in the late morning of 9

August. At around midday of 9 August – after regrouping and introducing a fourth Georgian maneuverable brigade from Senaki (2nd Infantry) which replaced the 4th Brigade at the left wing – the 4th Brigade and the MIA task force launched a combined counter attack in the town of Tskhinvali. Only in the early morning of 10 August, when the bulk of the Russian forces marched through the Roki Tunnel, did the Georgian forces withdraw from the town and take positions in its southern outskirts.

### **Georgian Operations in the North and Russian Military Movements through the Roki Tunnel**

Although the Georgian attack focused on the town of Tskhinvali and the southern part of the break-away province, some minor Georgian operations took place at the northern edge of the Northern Georgian enclave: Georgian artillery attacks as well as air strikes have been reported to have targeted enemy columns in the area of Didi Gupta – Java and the Ossetian by-pass roads on the morning of 8 August between 05:20 and 08:00. Whether these columns were predominantly of Ossetian or Russian origin was disputed after the war. According to the Georgian Minister for Re-integration, Temuri Yakobashvili, the difference between “Russian Russians” and “Ossetian Russians” did not matter for the assessment of its political and military significance.

However, there is no doubt, that Ossetian militia units with heavy equipment were assembled in this area and tried to counter-attack in the southern direction. At the same time, it is also likely that smaller Russian elements such as reconnaissance parties, communication groups, advance guards or augmentations of the Russian peacekeepers (the bulk of which were encircled in Tskhinvali) were present in this area. An official Russian source reports that a Russian unit shortly after midnight of 7 August took control of the Roki Tunnel just after the Georgian operations had started. Georgian information states that Georgian artillery deployed in the northern enclave targeted an enemy column south of the Roki Tunnel (probably in the Java area) shortly after midnight of 7 August. An official Russian source informs that on 8 August at around 05:30 – in addition to Georgian artillery and air strikes – a Georgian special operation unit attacking from the northern enclave engaged Ossetian forces at Didi Gupta and that some Russian elements were involved. It remained unclear, however, whether the counter-fire originated from Russian or Ossetian artillery. (The latter had their main camp in this area.)

Another element to be considered was the influx of volunteers from the North Caucasus through the Roki

Tunnel to South Ossetia. Traditionally, Cossacks and North Caucasian volunteers supported South Ossetians in emergency situations such as the war in the early 1990s and the Georgian “anti-smuggling” operation in 2004. Furthermore, volunteers were also regularly assigned to Ossetian and Russian peacekeeping units as “reinforcements”. Despite the propaganda war which had started during the escalation in early August, the number and military impact of volunteers available for combat on 7 August in support of the South Ossetian militia was rather limited (probably less than 200 with more arrivals during the course of the war). In any case, it is obvious that a few heavily-armed Ossetian units, some volunteers, or a few Russian elements assembled in the Didi Gupta – Java area were not strong enough to relieve the town of Tskhinvali, which remained under siege until late in the morning of 9 August.

According to Russian information, the first regular Russian forces crossed the Roki Tunnel into South Ossetia at 14:30 on 8 August after the respective orders had been given. Since the Russian air force was observed in action already in the morning of 8 August between 08:30 and 09:30, an earlier time for the influx of the first regular Russian combat units through the Roki Tunnel (between 10:00 and 11:00) is likely. After completing the march to the Java area and regrouping, two Russian battalion size battle groups of the 135th and 693rd Motorized Rifle Regiments of the 19th Division probably between 14:00 and 15:00 started advancing on the by-pass roads in the southern direction and engaged in battle in the vicinity of Tskhinvali on the evening of 8 August between 18:30 and 19:00. A further brigade size Russian task force assembled in the Java area in the late evening of 8 August.

According to Georgian information, it failed to advance through the Georgian northern enclave due to a successful Georgian defense. Only on 9 August, shortly before midday, did the Russian task force – now reinforced by Russian airborne units – arrive at the outskirts of Tskhinvali using the by-pass roads. In the afternoon the task force fought a battle in the town against counter-attacking Georgian units. In the early morning of 10 August the bulk of the Russian forces crossed the Roki Tunnel and brought the strength of the Russian operative group in South Ossetia up to the size of one mechanized division equivalent to approximately 12,000 servicemen, 100 battle tanks, 500 armored combat vehicles and 200 artillery systems. The Russian operative group now advanced directly to Tskhinvali through the northern Georgian enclave. With their sequential arrival, the Russian forces on 10 August reached the size of the Georgian operative group, which had been deployed three days earlier. The

Russian air force was greatly superior in numbers but suffered losses and needed some time to suppress the modern Georgian air defense which was well equipped and operated successfully during the first two days.

With the growing pressure of Russian ground and air attacks on 10 and 11 August and the opening of a second strategic front in and from Abkhazia the cohesion of the Georgian operations deteriorated quickly: Efforts to defend the area north of Gori together with those parts of the 1st Brigade (1,800 servicemen) which were transported by the US Air Force on 10 August from Iraq back to Tbilisi failed. A new defense line was established on 12 August at Mtskheta and east of the Kaspi – Igoeti line, while Russian forces followed and carried out reconnaissance and area-securing operations aiming at re-establishing contact with Georgian units and securing “buffer zones”. However, they did not continue attacking towards Tbilisi and, thus, no further battle was fought until the ceasefire agreement on 12 August officially ended the hostilities.

### The Deployment of Georgian Forces: Timing and Risk of Escalation

Although this article does not intend to analyze the strategic rationale for the Georgian offensive operation against South Ossetia in August 2008, the timing of the decisions for concrete military preparations and the deployment of forces seems to be one of the clues and deserves further consideration. According to Georgian information, the President of Georgia on 7 August at 23:35 issued an order

- to protect civilians in the Tskhinvali Region/South Ossetia;
- to neutralize firing positions from which fire against civilians, Georgian peacekeeping units and police originated;
- to halt the movement of regular units of the Russian Federation through the Roki Tunnel inside the Tskhinvali Region/South Ossetia.

Apart from the fact that the reasoning provided by the Georgian side up to midday of 8 August did not refer to the influx of regular Russian units, but to Ossetian irregulars and North Caucasian volunteers, as well as to incursions by Russian military aircraft, it was naïve to believe that this presidential order could have any influence on the design of the Georgian offensive operations: They started at the very moment of its issue.

Georgian forces equivalent to one mechanized division were already combat ready in positions around Tskhinvali and involved in combat activities against Ossetian fighters. They had deployed two infantry brigades (about

3,000 soldiers each), one brigade sized battle group composed of special operations forces of the Ministry of Interior (MIA) with tank and light infantry support, a heavy artillery brigade, available tank and mechanized units of the newly created 5th Infantry Brigade and the 1st Infantry Brigade (60% of which were deployed in Iraq), engineers, a radio technical unit for electronic warfare as well as headquarters and communication units. Combat helicopters, combat aircraft, air defense, logistical, technical and medical support units were prepared to support the operative group of forces which extended up to 20 km east (3rd Brigade) and west of the town (4th Brigade) with the MIA task force in the center facing the town itself.

According to arms control information, the operative group included about 12,000 soldiers, approximately 130 battle tanks, 100 armored combat vehicles, 140 artillery pieces and mortars, 24 multiple-launch rocket systems (MLRS) and several hundred wheeled vehicles. In addition, the MIA battle group deployed around 70 Cobra armored combat vehicles. Later, during the night from 8 to 9 August the 3rd Brigade from Senaki was introduced and reinforced the operative group bringing its numbers up to 15,000 soldiers, more than 150 battle tanks, approximately 200 armored combat vehicles and 200 artillery pieces, mortars and MLRS.

With that composition of units, the bulk of the available Georgian armed forces took part in the operation against South Ossetia. It is self-evident that such a large force deployment cannot be organized “spontaneously” in only a few hours, e.g. in response to local sporadic fire exchanges. It requires prior planning, organization, logistical preparation as well as the tactical preparedness and combat readiness of subordinate units, including training. Large columns of hundreds of military vehicles, which partially even crossed paths, had to be moved from their peacetime locations in Vaziani, Tbilisi, Kutaisi, Khoni and Gori (later also from Senaki) to their pre-designed deployment areas via the main East–West highway over a distance of up to 130 km – with heavy armor partially loaded on the train. The movement of the main echelon itself lasted the whole day of 7 August. Upon arrival in the zone of operation, the final and most sensitive approach to the “frontline” against opposing Ossetian units required prior intensive reconnaissance, securing key tactical positions and protection by earlier-deployed frontline units and artillery.

The orders for frontline units to reconnoiter and secure key positions and for the bulk of the forces to prepare, march, approach the frontline and deploy in battle order had to be given in this sequence and obviously much earlier than the final order to attack. The respective orders

had to be carried out through detailed planning and preparation on every command level from the highest political one through a hierarchical chain of command down to the units on the ground. This process not only involved the necessary coordination between reconnaissance, combat and artillery units but also coordination between army and air force and between the Ministry of Defense and the Ministry of Interior. For planning the execution of respective tasks, every level needs detailed assessments of the own force status and the enemy situation based on the results of reconnaissance, which had to be started several days earlier; consultation and coordination are needed to design the operations to be carried out by subordinate units; and, apart from planning the mere writing, approving and communicating the orders needs several hours at every command level.

According to Georgian information, the order to approach the frontline was given on 7 August at 14:30. However, at this point in time large columns of Georgian units from west and east Georgia were already on the move and a large artillery force from Gori was in fire position at the southern boundary of the “security zone” (JPKF responsibility) with tanks lined up along the main route towards Tskhinvali. Movements of the main body of the 3rd Brigade from Kutaisi and of units from Gori were observed en route already in the late morning of 7 August. A much disputed “order No. 1” of the 4th Georgian Brigade was issued on 7 August at 09:00 according to Georgian information while the version provided by the Russian Federation indicated 7 August at 01:30 as the time of issuing. In the chain of command a brigade functions as a medium command level below the command of the operative group (land forces command), the general staff of the Ministry of Defense and the political command level. Thus, the decisions to prepare the deployment of the bulk of the forces and to secure frontline positions had to be taken before the 7th of August. The final order given by the President on 7 August at 23:35 merely triggered the attack of forces which were already deployed in the field in combat order. Obviously, their logistical and tactical preparations, including those in the frontline, had started much earlier.

Early frontline operations, such as intensification of reconnaissance, securing key tactical positions, preparing fire protection by artillery and, in particular, the approach of the bulk of the Georgian forces towards Ossetian field positions, necessarily entailed the risk of escalation. Earlier sporadic fire exchanges evolved to a full-fledged battle along the whole frontline on 6 and 7 August, involving heavy artillery and resulting in fatal losses and wounded on both sides. The fighting concen-



trated on the routes of the later advance of two Georgian brigades, with the village of Khetagurovo west of Tskhinvali and the Sarabuki Heights east of it being the hot spots of clashes. There, at around midnight of 7 August, the Georgian side succeeded in deploying artillery in the northern enclave: It had by-passed Tskhinvali on a mountainous road east of the town, which required prior reconnaissance and protection by combat forces. Thus, the deployment of Georgian forces in the zone of conflict was not merely a reaction to Ossetian provocations: The threat of a major offensive operation and the encirclement of Tskhinvali in itself provided an incentive for Ossetian action and local attacks.

### Conclusions

From this brief account of the Georgian operations towards South Ossetia and the sequential arrival of Russian forces between 8 and 10 August, the following conclusions can be drawn:

1. The Georgian operations were offensive in nature, focusing on the encirclement and occupation of Tskhinvali and the populated southern part of South Ossetia and aiming at the destruction of the political power base of the break-away region. The Georgian forces kept this offensive design with a focus on Tskhinvali even in view of the first (smaller) Russian reinforcements appearing in the vicinity of the town during the evening of 8 August. Consequently, the Georgian operative group introduced a fourth maneuver brigade from Senaki to enable a counterattack in the town on 9 August.

2. In addition to the main emphasis, smaller scale Georgian operations from the northern Georgian enclave aimed at preventing the advance of Ossetian reserves (possibly supported by volunteers and Russian advance guards or peacekeeping augmentations) from the north directly through the Didi Liakhvi Valley to Tskhinvali and at delaying their movements on the by-pass roads. They were not in a position, however, to defend against a major operative group attacking from the north as events on 9 and 10 August have shown.

3. The overall design of the Georgian operations in South Ossetia was not geared to halt a Russian invasion from the north and at no time before 11 August did Georgia prepare for operative defense.

4. In particular, the massive and indiscriminate shelling of Tskhinvali, which aimed at destroying the politi-

cal structures of the South Ossetian authorities, can in no way be explained by the purpose of halting a Russian aggression. It came as a surprise to the local population, which assumed that the ceasefire announced by the Georgian president in the evening remained in place. It started without prior notice or preceding escalation in the town and its immediate vicinity. It was out of proportion even if there had been renewed fire exchanges far outside the town, as indeed was the case during the preceding days. Firing salvos into populated areas from several batteries of heavy artillery pieces and MLRS Grad Systems, which are designed to cover large areas with lethal effect, does not leave any room for speculation: Georgia's goals were destruction rather than support for an attack that started only six hours after the first strike. The results of this indiscriminate area shelling could be predicted in advance: The involvement of civilians, OSCE staff and peacekeepers, including eventual losses, had to be part of the risk assessment. Obviously, the planning of the operation had accepted these results.

5. The Georgian claims of a Russian and volunteer presence south of the Roki Tunnel in excess of the peacetime strength of the Russian and (North) Ossetian peacekeeping battalions (500 each) before and after midnight of 7 to 8 August do not seem to be unfounded. However, their size, functions and capabilities do not substantiate the claim of an imminent or progressing large-scale invasion, – an interpretation which would also contradict the actual design of the Georgian military operations. In contrast, the sequential arrival of Russian combat and support units after the Georgian attack on Tskhinvali lasted more than two days before they reached a combat strength comparable to the size of Georgian forces which had been deployed three days earlier. Only from 10 August onwards did the Russian forces succeed in pushing back Georgian forces beyond the administrative borders of South Ossetia. For more than 36 hours they were not in a position to relieve Russian peacekeepers under siege in Tskhinvali. They did not appear on the battlefield at all with a significant combat strength before the evening of 8 August, although some tactical reserves were located in close vicinity to the Roki Tunnel since the beginning of the escalation in July 2008. Other units were kept in high readiness in their peacetime locations but had to wait for respective orders before they started moving towards South Ossetia.

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## Georgia on the EU Mind

By Antonio Missiroli, Brussels

### Abstract

The Tagliavini report provided support for backers of both Georgia and Russia in the August 2008 conflict, fulfilling its mission of producing a text acceptable to all European Union members and perhaps paving the way for a common policy. While the US and United Nations stood by, the EU under strong French leadership played the key role in resolving the conflict. Unfortunately, the situation in the Caucasus is far from settled and the EU alone will not be able to address the underlying issues moving forward. An additional complication is the presence of robust energy interests that may interfere with and limit the potential improvements in EU foreign policy generated by the relevant provisions of the new Lisbon Treaty.

### Support for Both Sides

The 1100-page-thick Report delivered in late September by the Independent International Fact-Finding Mission led by Ambassador Heidi Tagliavini, following a Council decision from last December, has ended up vindicating both European perceptions of the August five-day-conflict between Georgia and Russia.

By highlighting Tbilisi's key responsibility in triggering the war on the night between 7 and 8 August, in fact, the Report has strengthened the hand of those inside Europe who had sharply criticized Georgian President Mikheil Saakashvili's leadership and actions and denounced his populist and undemocratic drift, especially since 2006.

By underlining Russia's provocative behavior before the outbreak of the armed conflict and pinpointing its military over-reaction afterwards, however, the Report has also supported those who believe that Tbilisi was primarily the victim of a Russian scheme that was conceived long before August 2008 – with a view to reestablishing influence in the “near abroad” and rolling back the “color revolutions” of 2003/04 – and which has led to the break-up of Georgia and the secession of Abkhazia and South Ossetia.

These competing and potentially irreconcilable views reflect not only the political differences that still exist inside the EU as to how to deal with Moscow, but also different attitudes vis-à-vis the importance of promoting democracy and the rule of law as part and parcel of a common foreign policy as well as the appropriateness of a “geopolitical” approach to the space between the enlarged EU and the Russian Federation. They had already emerged a few months before the conflict, when European members of NATO in particular dramatically disagreed over whether to open up the Alliance to Georgia and Ukraine at the Bucharest summit in April 2008.

As such, therefore, the Report has broadly met the main goals it was meant to achieve, namely to offer a neutral and balanced assessment of the events of August 2008 that could be accepted by the entire EU (and possibly most of the international community) in order also to lay the ground for a common approach to the situation in the South Caucasus.

### The Role of the EU

It is no secret that the Union's forceful and decisive diplomatic intervention during the conflict – spearheaded by France's President Nicolas Sarkozy and flanked by Finland's Chairmanship of the OSCE – drew upon a temporary “suspension” of the assessment of the specific responsibilities for its outbreak, which in turn concealed a latent disagreement among the member states over who was to be blamed most for “the guns of August”. While the EU did not eventually succeed in keeping Russia to its initial word and commitments, it managed at least to keep its monitoring mission (EUMM Georgia, launched already one month after the end of the armed conflict) in place and the Geneva talks alive. Yet these modest results do not amount to a proper success – in a conflict that has indeed seen many losers.

Interestingly, albeit understandably (considering that it was the EU that mandated it), the Tagliavini Report does not enter into a detailed analysis of how the Union acted in the month between 08/08/08 – the somewhat symbolic date that has been seen since as a sort of turning point in international relations, as it coincided also with the opening ceremony of the Beijing Olympics – and 8 September, when the terms of the initial ceasefire were translated into a formal settlement.

In retrospect, one can argue that the Union filled a spectacular vacuum on the international stage, as both the US and the UN looked impotent, and managed to do so thanks mainly to the personal initiative of the

French President – but did so at a price, namely the de facto infringement of a number of internal procedures and practices related to EU crisis management. President Sarkozy, in particular, brilliantly played his double role as leader of France (a permanent member of the UN Security Council and a country respected and heard in both Moscow and Tbilisi) and leader of the EU 27. Yet he did so in a way that sidelined both the Commission and Javier Solana, the High Representative for Common Foreign and Security Policy (CFSP) and Secretary-General of the Council: the consequences of that are still being felt today as France remains in charge of some aspects of EU policy.

Similarly, the launch of EUMM Georgia was an unqualified success: it was the first European Security and Defense Policy (ESDP) operation to have applicants for deployment in excess, and to boast of involving up to 24 member states (only Belgium, Cyprus and Slovakia were not on board). In spite of its official “civilian” nature, it was also the closest thing to a military operation in disguise, with officials wearing uniforms all along. Still, the mission has only preserved the status quo, as the Russian troops have neither withdrawn from the two breakaway provinces nor fully implemented the terms of the 8 September agreement.

Last but not least, the aftermath of the conflict has seen a further increase in complexity and fragmentation as regards the Union’s policy and action towards Georgia. In fact, alongside a) EUMM, which has a specific and separate mandate, budget and chain of command, the EU also acts through b) a long-standing Special Representative (EUSR) for the entire South Caucasus region; c) a Special Representative for Georgia proper, who is in charge of the Geneva talks; and d) the bilateral Action Plan in the framework of the so-called European Neighborhood Policy (ENP), whose relevant tools have just been incorporated into the newly launched Eastern Partnership (EaP, May 2009), mainly run by the European Commission.

This hardly amounts to a coherent and synergic policy (or set of actions). Moreover, paradoxically, such fragmentation has little to do with intra-EU divisions over what to do – although some may still exist, at least in terms of instincts and preferences. It has much more to do with bureaucratic politics, peculiar national interests, and pre-existing procedures and formats that could not be altered to fit the Georgian case. Yet, taken together, all these factors contribute to weakening the hand of the only player who had proved its worth during and immediately after the conflict.

On top of that, the de facto disappearance (provided it ever existed) of any prospect of EU membership for

Tbilisi in the foreseeable future – what “Georgia”, in fact, could become a candidate? – makes it almost impossible for the Union to resort to the conditionality-based approach typical of its enlargement policy.

### Assessing the Failure of Conflict Prevention

Equally understandably, the Tagliavini Report does not provide an assessment of US conduct or NATO’s role before, during and after the conflict. However, such inevitable lacuna limits the scope of the overall analysis, which is otherwise very balanced and thorough in its evaluation of the root causes and historical origins of the war. The Report is certainly right in pinpointing the general failure of conflict prevention policies – still, responsibilities for such failure are spread among a number of different players.

For its part, the Union could certainly have done more and better in the run-up to the conflict, as it had all the pieces of the Georgian puzzle well in sight – but the blame game should not end with Brussels and national capitals. It remains to be seen whether it could have done more and better also in the war’s aftermath, considering the state of affairs on and off the ground. After all, the summer 2008 conflict in the South Caucasus has been the first real experience of “crisis management” proper by the EU, if one considers that what is called “crisis management” in official EU parlance (namely ESDP) is essentially about peace-building missions. As such, it largely exceeded the expectations, seizing also the opportunity to address old problems like the visa regime for Georgian citizens – although it is now mired in a stagnating situation.

### Moving Forward

The Lisbon Treaty, which is widely expected to be ratified soon and enter into force in early 2010, is meant to streamline and strengthen the Union’s external action by bringing it under the authority of the multi-hatted High Representative for CFSP and Vice-President of the European Commission (HR/VP). As a result, all the various strands of the Union’s presence in and policy towards Georgia should be brought together – at least in principle – and generate value-added rather than dispersion. They are also likely to become much more foreign policy-driven (from trade to visas, from funding for infrastructure to support for civil society and capacity building) than hitherto, and to produce better outcomes.

This will much depend on the extent to which the member states will agree on foreign policy, as all the basic tools are already there: the EaP scheme in the ENP context (currently an empty shell, or rather an endowment in

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.

#### *About the Author*

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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.

## 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 Dimitry 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.

*About the author:*

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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



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 Transdnistria 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 Transdnistria) 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.

#### *About the Author*

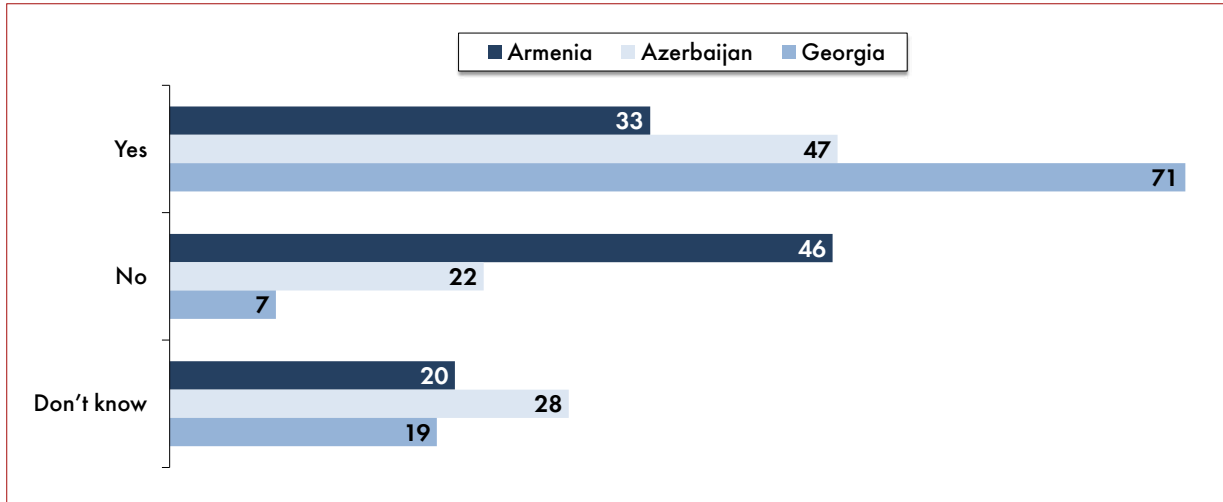
Fyodor Lukyanov is Chief Editor for *Russia in Global Affairs*.

**Opinion Poll**

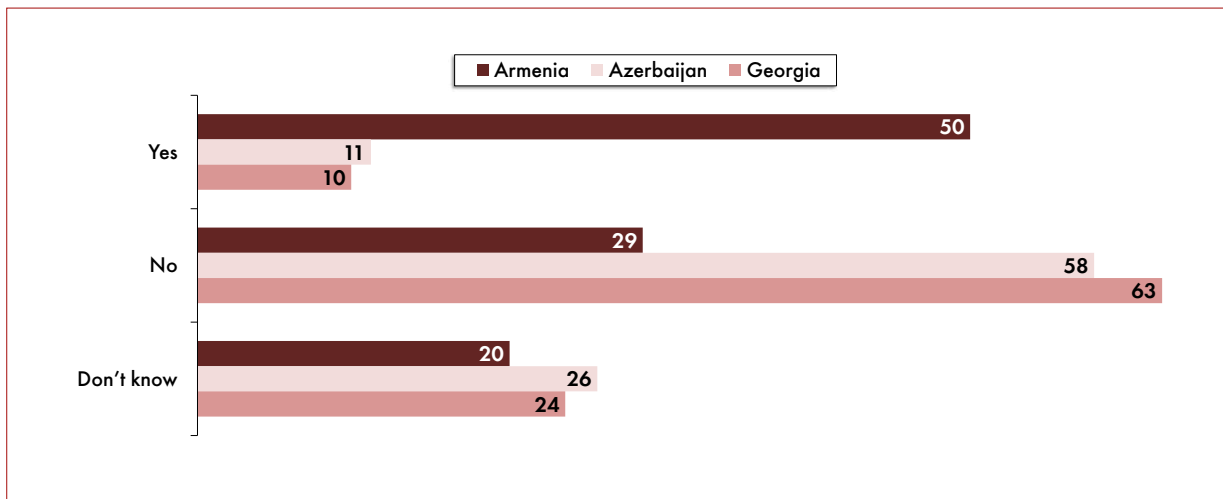
**Cui Bono?**

**Opinions of the Population of the South Caucasus States on the August War**

Was the August War in the Interest of the Russian Government? (%)

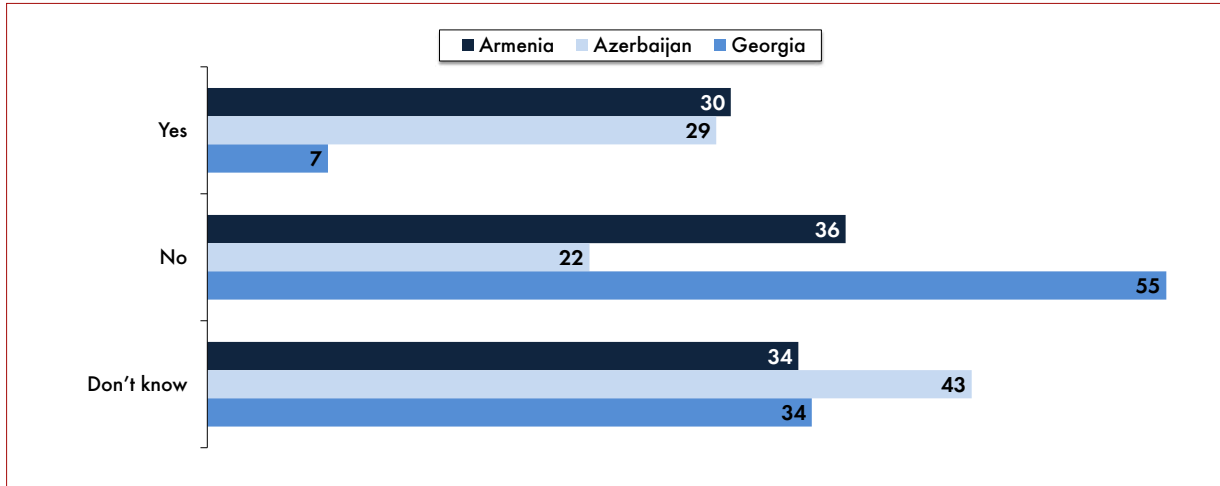


Was the August War in the Interest of the Georgian Government? (%)

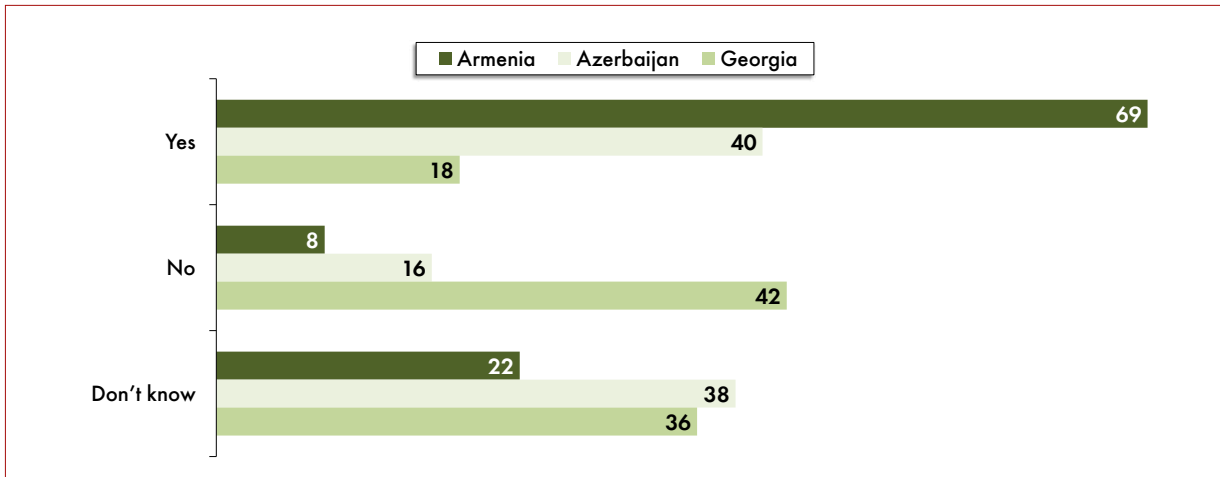


Source: opinion survey conducted by Caucasus Resource and Research Centers (CRRC, [www.crrccenters.org](http://www.crrccenters.org)) in November 2008.

Was the August War in the Interest of the Governments of West European Countries? (%)



Was the August War in the Interest of the US Government? (%)



Source: opinion survey conducted by Caucasus Resource and Research Centers (CRRC, [www.crrccenters.org](http://www.crrccenters.org)) in November 2008.

## Chronicle

### From 15 September to 27 October 2009

15 September 2009	The Abkhaz Orthodox Church officially splits from the Georgian Orthodox Church
17 September 2009	A potential agreement on the non-use of force is discussed during the seventh round of the Geneva talks
20 September 2009	The breakaway republic of South Ossetia marks the 19 <sup>th</sup> anniversary of its independence with a military parade in the capital Tskhinvali
23 September 2009	The EU monitoring mission (EUMM) in Georgia intensifies its patrols at the administrative borders with South Ossetia and Abkhazia ahead of the release of an EU report on the August war
24 September 2009	Georgian President Mikheil Saakashvili advocates the direct election of mayors in Georgia in an address to the UN General Assembly
28 September 2009	Head of the EU Monitoring Mission in Georgia Hansjörg Haber meets with Russian Deputy Foreign Minister Grigory Karasin in Moscow
30 September 2009	An independent report commissioned by the European Union on the origins of the Georgian–Russian war is published
30 September 2009	Ossetians whose homes have been destroyed during the August war protest in Tskhinvali against the delay in providing them with new homes
6 October 2009	11 Armenian political parties issue a statement against the rapprochement between Armenia and Turkey
7 October 2009	The US Agency for International Development (USAID) says the United States will allocate a further 50 million US dollars as part of its 1 billion US dollars pledge to Georgia after the August war
8 October 2009	The NATO Secretary General's Special Representative for the Caucasus and Central Asia Robert Simmons meets with Georgian Defense Minister Bacho Akhalaia in Tbilisi
10 October 2009	Turkey and Armenia sign two protocols to restore diplomatic ties and open borders during an official ceremony in Zurich, Switzerland
11 October 2009	Turkish Prime Minister Recep Tayyip Erdogan says Armenia should withdraw from the territory of Nagorno-Karabakh in order to gain the approval of the Turkish Parliament for the adoption of the protocols signed between Ankara and Yerevan
14 October 2009	Opposition alliance Armenian National Congress (HAK) calls for the resignation of President Serzh Sarkisian over the agreement signed between Armenia and Turkey
14 October 2009	Chairman of the Benelux Azerbaijani Congress Elsevar Mammadov says that organizations from the Azerbaijani diaspora are negotiating with the Turkish diaspora to prevent the opening of the Turkish–Armenian borders
15 October 2009	Armenia's natural gas company says that Russia's Gazprom will lower its price for gas exports to Armenia
15 October 2009	Georgia rejects the accusations of the head of the Russian Federal Security Service (FSB) Aleksandr Bortnikov that the Georgian intelligence service is collaborating with Al-Qaeda in arranging the transit of mercenaries and weapons to the North Caucasus via Georgia
16 October 2009	Azerbaijani President Ilham Aliyev says Turkey is paying too little for Azeri gas and Azerbaijan will seek other energy routes to Europe
16 October 2009	The leader of the Georgian Orthodox Church Ilia II criticizes President Mikheil Saakashvili for the August war

*(continued overleaf)*

18 October 2009	Armenian Prime Minister Tigran Sarkisian accuses the Transport Ministry of corruption in its use of funds to repair roads
18 October 2009	The European Union announces plans to approve a loan of 65 million euros and a grant of 35 million euros to help Armenia deal with its economic crisis
18 October 2009	Azerbaijani President Ilham Aliyev visits Switzerland
19 October 2009	The President of the State Oil Company of Azerbaijan Republic (SOCAR) Rovnag Abdullayev says that the energy company is negotiating with Iran to start gas exports in the coming winter
19 October 2009	Georgian villagers in the Lagodekhi region block traffic on the Georgia–Azerbaijan highway to protest against problems related to water supply in the Mitsimi village
20 October 2009	The Georgian Parliament votes in favour of establishing a commission that will investigate the death of the first post-Soviet President Zviad Gamsakhurdia
20 October 2009	Kazakh President Nursultan Nazarbayev says that Kazakhstan will make efforts to solve the Nagorno-Karabakh conflict
20 October 2009	The Azerbaijani and Russian Ministries of Internal Affairs sign a protocol on cooperation against international terrorism and transnational crime
20 October 2009	A Tbilisi court starts hearing the case of Vakhtang Maisaia, who is accused of spying for Russia
20 October 2009	The World Bank tells Armenia to end the ‘oligopolistic’ structure of the economy
22 October 2009	Armenian President Serzh Sarkisian starts a two-day visit to Nagorno-Karabakh
22 October 2009	Armenian Deputy Foreign Minister Arman Kirakosian says Turkish–Armenian rapprochement is a separate issue from the Nagorno-Karabakh conflict
24 October 2009	The US and Georgia begin two-week bilateral military exercises as part of ongoing US training of Georgian troops to prepare them for deployment in Afghanistan
27 October 2009	Sixteen Georgian citizens detained near the breakaway region of South Ossetia
27 October 2009	Georgian President Mikheil Saakashvili visits Poland

## About the Caucasus Analytical Digest

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