

After the EU War Report: Can There Be a “Reset” in Russian–Georgian Relations?

By Cory Welt, Washington, DC

“[T]here can be no peace in the South Caucasus as long as a common understanding of the facts is not achieved.”
Independent International Fact-Finding Mission on the Conflict in Georgia (IIFMCG)

Abstract

Contrary to what is commonly presumed, the Report of the Independent International Fact-Finding Mission on the Conflict in Georgia did not definitively answer the question of why the August 2008 war between Russia and Georgia began. Rather than promote a “common understanding of the facts,” the Report aspired to produce a collective *mea culpa*: in effect, recognition by all parties that waging armed conflict and violating human rights are bad, and that all are to blame for taking part. Those seeking to promote rapprochement between Russia and Georgia, and to normalize the situation around South Ossetia and Abkhazia, would be better off taking the Mission’s words to heart, and to continue to strive for a “common understanding” of the war’s origins based not on the aggressive intentions of Russia or Georgia, but on a precarious security environment that teetered over the brink. If such a common understanding can be achieved, it could facilitate progress toward resolution of this complex and multilayered conflict. In the postwar environment, such progress must inevitably be linked to a “status neutral” approach to South Ossetia and Abkhazia, which would include in its initial stages a multilateral agreement on the non-use of force, a liberalization of *de facto* border regimes, and protection of the rights of Georgia’s citizens in, and new internally displaced persons (IDPs) from, South Ossetia and Abkhazia.

Still No Common Understanding

For all its effort, the EU’s Fact-Finding Mission failed to produce a common narrative regarding the causes of the war.¹ This is neither an abstract point nor one to be obscured by excessive detail and elaborate timelines. The main source of contention between Russia and Georgia is not really who was the first to launch a “large-scale military operation,” as the Mission deemed important to uncover. Rather, it is whether Georgia’s military operation in and around Tskhinvali on the night of 7–8 August 2008 was a “disproportionate” escalation to a low level “intra-state” conflict with South Ossetians, as the EU report concluded, *or* a response to an illicit and accelerating Russian military presence in South Ossetia – a presence that, given Georgia’s own political, military, and demographic presence in the region, had uncertain and potentially ominous implications. Although the Mission casually cites evidence regarding “the presence of some Russian forces” in South Ossetia hours and even days before Georgia launched its military operation, it attributes no significance to this point.

It is, however, a key element of Georgia’s justification for its military action: not that Russia launched a “large-scale” invasion of Georgia prior to the latter’s offensive but that regular Russian military forces were, for whatever reason, already on the move in South Ossetia. While illicit Russian military movements into South Ossetia were almost certainly not without precedent, they were of particular concern to Georgia by 7 August 2008, given the ongoing escalation of armed conflict within the region. In the days before, the South Ossetian leadership had lambasted Georgian forces for taking positions on heights above strategic roads within South Ossetia. Denouncing such maneuvers as a “silent annexation” of South Ossetian territory, *de facto* president Eduard Kokoity demanded that Georgia withdraw its armed forces (including, presumably, its established peacekeeping contingent) or South Ossetians would begin to “clean them out.” As the promised fighting between Ossetian and Georgian forces raged, Georgian officials say they feared that new Russian troop movements were part of a coordinated strategy to support, or at least provide cover to, a full-scale effort by South Ossetia to carry out its threat – thereby risking the loss of Georgian sovereignty over more than a third of the region.

Georgia’s claim is supported by its own intelligence reporting as well as by numerous statements of Russian military personnel or their family members, who have

¹ 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>.

told Russian journalists that regular Russian forces were in South Ossetia prior to the afternoon of 8 August, the time Russia has fixed for the entry of its non-peacekeeping forces into South Ossetia. Even the *de facto* president of Abkhazia, Sergey Bagapsh, reported on Russian television on the evening of 7 August that “a battalion of the North Caucasian [military] district” was already in South Ossetia. Instead of refuting these claims, Russia only insists that its non-peacekeeping forces began moving into South Ossetia on 8 August at 2:30 PM, more than 12 hours after the Georgian operation began.

The EU report acknowledges this and other “open contradiction[s]” between Georgian and Russian accounts. As a result, the Mission’s assertion that it is unaware of any deliberate falsifications by either side has to be a diplomatic fiction. Georgia told the Mission that its first engagement with Russian forces occurred in the early morning of 8 August (6:35 AM), with “targeted attacks on the Gupta bridge and the moving Russian column.” While Russia mentions a Georgian “strike against military bases [of unknown provenance! – CW] in the towns of Dzhava and Didi-Gupta” (and in an August 2008 timeline actually mentioned an early morning Georgian strike against an unidentified “column with humanitarian assistance for South Ossetia”), it insisted to the Mission that Russian troops moved into South Ossetia only in the mid-afternoon of 8 August. Likewise, Russia insists that the first direct military engagement (and official justification for intervention) was between Georgian troops and Russian peacekeeping forces just before noon, resulting in the deaths of two peacekeepers. Georgia remains conspicuously silent about this incident, while agreeing that an Ossetian gunman was killed on the roof of peacekeeping headquarters in the early morning.

Such discrepancies are not a consequence of the usual fog of war, but of the fog that one side or the other has intentionally generated in the war’s aftermath, and which the EU’s Fact-Finding Mission was unable to penetrate. In the end, for all its evenhandedness, the Report essentially, but groundlessly, vindicates Russia’s position – that Georgia launched its operation for no legitimate security reason. Georgians, for their part, have yet to receive a convincing rebuttal to their claims of Russian troop movements in South Ossetia before the war and, perhaps more importantly, no explanation as to why the EU Mission and, more generally, the international community seem to think such claims irrelevant.

If the Mission is correct that peace in the South Caucasus “requires a common understanding of the facts,” then more attention needs to be paid to the ba-

sic incompatibility between the Russian and Georgian versions of the war. In particular, existing evidence suggests that Russia needs to come clean as to the extent and nature of its troop movements in South Ossetia prior to 2:30 PM on 8 August. What is at stake is not whether Russia was launching an invasion of Georgia but whether the facts of its military intervention, in the context of the ongoing Ossetian–Georgian clashes, were sufficiently ambiguous that Georgia plausibly launched its military operation out of an acute sense of insecurity, rather than a mere desire to seize control of South Ossetia by force. At the same time, if Russia were to acknowledge prewar troop movements in South Ossetia, it might be able to more convincingly establish that its intentions at the time were not as imminently threatening as Georgians feared.

Paving the Way for “Status Neutral” Progress

On this basis, a “common understanding of the facts” that so eluded the EU’s Fact-Finding Mission could be constructed. Such an understanding would be based on the premise of an essentially unintended war: one based on legitimate Georgian security concerns, an attempt by Georgia to address these concerns using excessive means of questionable effectiveness, and a disproportionate counterreaction by Russia. Such an understanding would overturn the existing polarized narratives, whereby either Russia was intent on conquering Georgia or Georgia was intent on conquering South Ossetia. Neither of these narratives offer much hope for eventual rapprochement.

Instead, they reinforce a deep freeze of Russian–Georgian relations in the mold of victor and victim. Supremely self-confident, Russia seeks to entrench its gains in South Ossetia and Abkhazia and opposes retreating in ways that would cast doubt on the legitimacy of its wartime actions or weaken its ability to deter Georgia from seeking to retake territory or instigate armed resistance within South Ossetia or Abkhazia. In turn, Georgia is unwilling to make any formal concessions that could help normalize the situation but which would lend an appearance of consent to Russian military occupation or the separation of South Ossetia and Abkhazia from Georgia.

A common narrative of the war will not easily undermine this status quo. Even if Russia were to acknowledge Georgia’s prewar security concerns, this will not suddenly make Moscow sympathetic to the notion of Georgian territorial integrity. Russia is unlikely to soon fulfill the terms of the cease-fire agreement, withdraw

from newly occupied territories, retract its recognition of independence, and send its soldiers and border guards home. Georgia, for its part, is bound to view even the most benign interpretation of prewar Russian military actions in South Ossetia as a manifestation of illegal Russian militarization of the region and a transgression of Georgian state sovereignty.

Still, agreement on a narrative in which Russia acknowledges that Georgia had reason to believe it had to act militarily, and in which Georgia admits that the level of escalation it settled on was predictably disastrous, could provide a valuable symbolic opening for more productive discussions regarding the normalization of the Russian-Georgian relationship and the situation around South Ossetia and Abkhazia. Specifically, it could make it easier to formalize a process of rapprochement that would have, at its foundation, an “agreement to disagree” on the political status of South Ossetia and Abkhazia. A “status-neutral” approach to conflict resolution would not imply tacit acceptance by Georgia or the international community of South Ossetian and Abkhazian independence or Russia’s postwar military presence. Rather, it would be a realistic acknowledgment that a choice exists between standing on principle or tolerating creative ambiguity in the interests of rectifying the negative consequences of the war.

There are a number of issues that could be addressed in a status-neutral fashion. First, all parties have in principle consented to the establishment of a framework agreement on the non-use of force, expanding on the general commitment they made as part of the postwar cease-fire agreement. A major sticking point, however, concerns who should sign such an agreement, and in what capacity. *As de facto* participants in conflict, Russia, Georgia, South Ossetia, and Abkhazia all should be signatories to a non-use of force agreement. Likely to be concluded under international auspices, the framework agreement cannot be expected to refer to South Ossetia and Abkhazia as independent states, since virtually no member of the international community regards them as such. By the same token, neither does the agreement need to explicitly express support for Georgia’s territorial integrity, a position which for most countries is a matter of public record.

If an agreement on the non-use of force could be concluded, this would ease the way for a number of other measures to be adopted in “status-neutral” fashion. In addition to enabling Russia and Georgia to move forward with negotiations on opening their land border, a range of productive initial measures concerning Abkhazia, which played a relatively minor role in hostilities, could be pur-

sued with relative ease. First, Russia and Abkhazia both could more clearly state their support for the return of the less than 2,000 residents of the Kodori Gorge that fled when Abkhazia attacked the region, allow the community to administer itself, and enable it to draw on both Abkhazian and Georgian budgetary and humanitarian support. Second, Georgian citizens in Abkhazia (mainly ethnic Georgians in the southern Gali region), together with Abkhazian citizens, could be granted an unrestricted right to cross into the neighboring Georgian region of Mingrelia, even if at monitored checkpoints. Finally, Georgian citizens in Abkhazia could be expected to be able to retain their citizenship without this having an adverse effect on their local rights as residents of Abkhazia. None of these measures address Russia’s expanded military presence in Abkhazia, the question of Georgian IDPs from the 1992–1993 war, or Georgia’s resistance to allowing Abkhazia to engage in international commerce. However, the mutual concessions of a Georgian commitment to the non-use of force and the protection of the rights of Georgian citizens in Abkhazia is both an important and viable starting point for further negotiations.

Making progress in South Ossetia is far more difficult, given the direct hostilities between Georgians and Ossetians, the intentional postwar destruction of the homes of up to 20,000 Georgian IDPs from South Ossetia, and the expansion of Russian/South Ossetian control over all formerly Georgian-controlled regions of South Ossetia, including Akhlagori, home to some 7,000 Georgians before the war, and a region that was never under Tskhinvali’s control. This community was not driven out during hostilities, but under conditions of occupation more than half of them left. In practice, the return of Georgian IDPs to South Ossetia will be protracted; most are living in new homes constructed by the Georgian government, their former homes (and villages) need to be entirely reconstructed, and many are likely hesitant to return under Russian military occupation and Tskhinvali’s authority. A non-use of force agreement, however, could allow Russian and South Ossetian authorities to at least make an initial acknowledgement of the right of Georgian IDPs to return (retaining their Georgian citizenship). As for Akhlagori, Russia can be expected to resist withdrawing in the near-term, given the strategic nature of its new occupation (Akhlagori is close to both Tbilisi and Georgia’s main north-south corridor). Still, an interim solution could be devised on the basis of local self-government; the community’s right to seek financial and humanitarian support from Tbilisi; and the maintenance of

free transit by Georgian citizens to and from the region. While difficult to achieve, progress on Georgian IDPs and Akhlagori could set the stage for future negotiations regarding the reestablishment of ties with South Ossetia on a “status neutral” basis.

Conclusion

To serve as the basis for conflict resolution in the South Caucasus, the Report of the EU Fact-Finding Mission has to be regarded as the first word on the Russian-Georgian war, not the last. Bringing Russia and Georgia to a common understanding of the facts will not be

easy, but it is a precondition for substantive progress and avoidance of future conflict. In particular, it could lead to an agreement by all parties on the non-use of force followed by a range of “status neutral” measures related to the welfare of Georgian citizens in, and new IDPs from, Abkhazia and South Ossetia. The unfortunate “new reality” of the postwar environment is that a final political settlement to the conflicts is further away than ever before. The stark choice for all parties is between lasting enmity and physical divide or difficult compromises that ease the situation today and possibly the path to reconciliation tomorrow.

About the Author:

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Recommended Reading

- Cory Welt, “The Thawing of a Frozen Conflict: The Internal Security Dilemma and the 2004 Prelude to the Russo–Georgian War” (*Europe–Asia Studies*, forthcoming in January 2010).
- See also: “The EU Investigation Report on the August 2008 War and the Reactions From Georgia and Russia”, *Caucasus Analytical Digest*, no. 10, 2 November 2009, <http://www.res.ethz.ch/analysis/cad/>.

Georgia’s Policy towards Russia and the Conflict Regions: Options Now

By Ghia Nodia, Tbilisi

Abstract

After the August 2008 war, the line of confrontation between Tbilisi and Moscow is much more clear-cut, as all former ambiguity regarding Russia’s role in Abkhazia and South Ossetia has been removed by Russia’s occupation and subsequent recognition of these two territorial entities. There are no direct diplomatic relations between the two sides, and Moscow is not ready to talk to the Georgian government as long as Saakashvili remains president. Under these circumstances, Georgia’s maneuvering room vis-à-vis Russia is limited and, at least for the moment, trying to improve relations with Russia is pointless. Georgia should instead seek to develop its internal political institutions in order to make them more stable and effective, and also continue to democratize these institutions. At the same time, Georgia should seek closer relations with Western states and international organizations, as such ties will enhance its security. Finally, Georgia should strive to reestablish links to the peoples of Abkhazia and South Ossetia regardless of the current political situation.

The New Realities

The new reality created after the Georgian–Russian war in August 2008 pushes Georgia to redefine its policies towards Russia and the conflict areas: two issues that can hardly be separated. The main change is that the confrontation has become sharper and less ambiguous. Russia no longer functions as a peacekeeper and mediator: Abkhazia and South Ossetia are now officially

Russian protectorates, or “independent states” recognized only by Russia, Nicaragua and Venezuela; from the Georgian perspective, they are territories occupied by Russia. Additionally, the territories and communities are much more strictly demarcated. After ethnic Georgian enclaves within Abkhazia and South Ossetia were cleansed, these (almost) unrecognized states feel more secure internally, while travel and human con-