

Georgia and the Russian Aggression

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SCEEUS Reports on Human Rights and Security in Eastern Europe No.7

Executive Summary

For the past three decades, Russia has been systematically instrumentalizing Georgia's non-government-controlled areas to promote Russia's own geopolitical agenda; in essence, to impede Georgia's escape from Russia's sphere of influence, to prevent Georgia from making its own security choices and to maintain a military foothold in the region.

The international response to Georgia's conflict regions was inadequate from the start. Russia's influence and leverage in the non-government-controlled areas have been amplified by the various monitoring and peacekeeping arrangements put in place at the end of these conflicts, and this influence and leverage have been not only tolerated, but blessed by the international community in breach of the key principles of effective conflict resolution—neutrality and maintaining the trust of both conflicting parties. In this way, the international community has left the issue of Georgia's territorial integrity in the hands of Russia.

The fact that Russia was allowed to play mediator and “peacekeeper” while also being a party to the conflicts with its own interests has been ignored over the years, and many countries have partly or fully bought into the Russian mediator narrative.

In the years building up to the 2008 war, the prevailing perception fomented by Russia was that the conflicts concerning Abkhazia and South Ossetia were primarily between the secessionist regions and Tbilisi. While this aspect of the conflicts is genuine, Russia's critical role in supporting the breakaway regions politically, economically and militarily, and in undermining Georgian efforts at confidence building were consistently downplayed or even completely ignored.

This unwillingness to highlight Russia's role in the conflicts, and its violations of international law and agreed principles and commitments continued after the 2008 war. At the same time, Russia's use of military force in the war further enhanced the country's military presence in the region at the expense of Georgia's territorial integrity. The integrity of Georgia's territory should be seen as a part of a wider European peace and security agenda. The weak international response to Russian actions before, during and after the 2008 war—and to Russia's subsequent non-adherence to the six-point plan in particular—has continued to undermine not only Georgia's territorial integrity, but also European peace and security.

If the West is serious about defending a rules-based international order, it should put Georgia back on the international agenda, consistently call out Russia's role in perpetuating the Georgian conflicts and put in place a holistic containment policy vis-à-vis Russia. Furthermore, it needs to step-up its support for Georgia's fragile democracy, increase its presence in Georgia and support Georgia's ability to defend its sovereignty against further external aggression. In addition, the West should support Georgia's reconciliation efforts with the regions and find ways to break the isolation of the people in the non-government-controlled areas.

The final chapters of conflict resolution in Georgia are still to be written. The conclusions that Brussels and Washington draw from the weak response to Russia's action before, during and after the war in 2008, and on the continuing policies of Russian aggression in Georgia, in Ukraine and elsewhere, still matter.

Introduction

More than 30 years after it regained independence, Georgia is still struggling for control over all of its internationally recognized territory. The Georgian breakaway regions of Abkhazia and the Tskhinvali region are de facto occupied by Russia, albeit that Russia denies any involvement in the conflicts and has recognized the breakaway regions as independent states.

This paper discusses what can be done to restore Georgia's territorial integrity. It provides an overview of the recent history of the conflicts and the various conflict resolution designs, and assesses the weaknesses and relevance of the latter given the current realities. It touches on the current relationships between Tbilisi and Sukhumi, and Tbilisi and Tskhinvali—and on Georgia's relationship with Russia.

Background

Georgia's two conflict regions have their own distinct histories and dynamics. Relations between the non-government-controlled areas, on the one hand, and the Georgian central government, on the other, are complicated but also different. The non-government-controlled areas are also different in their ethnic composition, and both areas enjoyed a degree of autonomy in Soviet times.

As the Soviet Union was in the process of breaking apart, the local minority elites in Sukhumi and Tskhinvali feared the loss of their standing, power and privileges in a newly independent Georgia. Nationalistic and xenophobic sentiments were running high and Georgia's then president, Zviad Gamsakhurdia, was calling for a Georgia for the (ethnic) Georgians. The spark of conflict, however, took hold in 1990, just before independence, when the local South Ossetian district administration in Tskhinvali declared a separate republic within the Soviet Union, and its aspiration to unite with the republic of North Ossetia on the Russian side of the Caucasian mountains.

At the time, the Tskhinvali region comprised about one-third ethnic Georgians and two-thirds ethnic Ossetians. In response, the Georgian Parliament revoked South Ossetia's autonomous status within Georgia and sent in poorly trained Georgian armed forces. A South Ossetian militia managed to fight back, supported both by the Russian army and militia from North Ossetia. A ceasefire agreement was signed that halted hostilities in July 1992 and final status talks were initiated. The short conflict had led to thousands of casualties and some 10 000 refugees or internally displaced persons—the refugees fled north to Russia, the IDPs south to the rest of Georgia.

In Abkhazia, the war started later and ended with an even more devastating outcome for the Georgian central government. In the region at the time, the ethnic Abkhaz minority comprised some 20 percent of the population, while the ethnic Georgian population amounted to nearly 50 percent. However, the local Abkhaz political elite foresaw its influence vanishing in the local capital, Sukhumi, with Georgia's exit from the Soviet Union, a fear fuelled by President Gamsakhurdia's unchecked nationalistic rhetoric. In January 1992, however, Gamsakhurdia was deposed by a military council in Tbilisi, which invited Eduard Shevardnadze to form a new government.

Gamsakhurdia fled into exile. At this time of political turmoil in Tbilisi, the Abkhaz took their chance to push for independence, just as the South Ossetians had. In the summer of 1992, the Georgian Minister of Defence launched an unauthorized attack on Abkhazia. Georgian troops and paramilitary forces marched into the separatist province and Sukhumi. Although initially successful, they were unable to hold on to their positions for long, as Russian military troops were sent in to back the Abkhaz. An ugly and devastating war followed and by the end of 1993, Abkhaz forces, supported by Russian forces and militias from the North Caucasus, had pushed the Georgian forces back.

The final battle came after Shevardnadze, seeking to the end the war, agreed to withdraw Georgian troops from Sukhumi in return for a ceasefire. The truce was violated by the Abkhaz, however, who saw their chance to overrun the remaining Georgian positions. The Georgian forces were pushed back to the Enguri River, which divides Abkhazia from Georgia proper, a position that was maintained until the war of August 2008. (The exception was the Upper Kodori valley, which remained under the control of the local warlord Emzar Kvitsiani until the Georgian central government took control of it in 2006. It held on to it until August 2008). The defeat led to the expulsion of the legitimate regional government, and of some 230 000 ethnic Georgians living in Abkhazia who have not yet been allowed to return.

Conflict Resolution in Abkhazia

In Abkhazia, a first ceasefire agreement was reached in Moscow on 3 September 1992 by the Georgian central government, the Abkhaz de facto leadership and Russia. The agreement stipulated that “the territorial integrity of the Republic of Georgia shall be ensured” but was never fully implemented. The ceasefire collapsed in October and the fighting resumed.

In the coming months, the United Nations sought to revive the peace process, consulting with the Organization for Security and Cooperation in Europe (OSCE) and appointing a Special Envoy for Georgia. In July 1993, a new agreement was concluded with the Georgian central government and the Abkhaz de facto authorities; a new ceasefire was established and there was an agreement to deploy international observers. Shortly after, UN Security Council resolution 858 (1993) established the United Nations Observer Mission in Georgia (UNOMIG), with up to 88 military observers tasked with verifying compliance with the ceasefire agreement. However, the ceasefire broke down again after Abkhaz forces supported by the Russian military attacked Sukhumi and other cities. By the end of September 1993, the Abkhaz forces supported by Russia had taken control of Abkhazia apart from the Upper Kodori valley. UNOMIG’s mission was in part suspended.

After UNOMIG’s original mandate was invalidated by the fighting in Abkhazia the UN launched various initiatives. In Moscow in May 1994, the UN Special Envoy, and the Georgian and Abkhaz sides signed an “Agreement on a Ceasefire and Separation of Forces”. Most notably, the parties agreed to the deployment of a peacekeeping force from the Commonwealth of Independent States (CIS) to monitor compliance with the agreement. In reality, however, the CIS peacekeeping force was a Russian force as no other CIS member state participated. Eventually, in 2002, the CIS meetings even dropped discussion of this operation or voting to prolong its mandate, which Russia

had never bothered to seek approval for in the first place.¹ Interestingly, the UN Security Council routinely continues to compliment a “CIS collective peacekeeping operation” in its UNOMIG resolutions.²

Given Russia’s involvement in the conflict on the Abkhaz side, the agreement was in breach of the cardinal principles of effective conflict resolution and peacekeeping—the principles that a peacekeeping force must be neutral and must enjoy the trust of both sides. Instead, the West seemed to place its hopes in the then Western leaning Russian Foreign minister, Andrei Kozyrev, and the erratic Russian President, Boris Yeltsin. UNOMIG was tasked with monitoring the implementation of the agreement and observing the operation of the CIS force. Shortly after, UNOMIG’s observer force was scaled-up and its mandate expanded accordingly.

Conflict Resolution in South Ossetia

For South Ossetia, its war also ended with a ceasefire agreement, the Sochi Agreement, reached in the summer of 1992. At this point, Tbilisi had control over significant parts of the former autonomous oblast, including ethnic Georgian and mixed villages to the north of Tskhinvali, in the west and in the Akhagori valley in the east. The agreement was brokered by Russia and signed by Yeltsin and the then Head of Parliament and later President of Georgia, Eduard Shevardnadze. The agreement defined a zone of conflict around Tskhinvali and established a security corridor along the southern part of the former administrative boundary of the *de jure* abolished South Ossetian autonomous oblast. As part of the agreement, a Joint Control Commission for Georgian–Ossetian Conflict Resolution (JCC) was set up with the obviously imbalanced participation of Georgian, South Ossetian, Russian and (Russian) North Ossetian representatives. This operated in South Ossetia and oversaw a Joint Peacekeeping Force (JPKF) of one battalion of Russian forces, one battalion of (Russian) North Ossetian forces and one Georgian battalion, all under Russian command. In reality, South Ossetian militias would serve as the North Ossetian force. The JPKF’s activities were mainly concentrated in Tskhinvali or an area within a 15-km radius of the city. Again, the cardinal principles of effective conflict resolution and peacekeeping—neutrality and trust—were violated.

While the UN was more or less absent from the South Ossetian conflict resolution process, the OSCE did agree to monitor the ceasefire and to facilitate negotiations and a broader political framework for conflict resolution.

In sum, as a result of the two separatist wars in Georgia, in two separate sets of arrangements with the UN and the OSCE respectively, the West allowed Russia—which had been supporting the separatists in both conflicts—to be the main peacekeeping force on the ground in both Abkhazia and the Tskhinvali region. At the same time, Russia maintained its power to veto any decision that ran contrary to its interests in the UN or the OSCE in relation to its role or engagement in the conflicts.

¹ Vladimir Socor, “RUSSIA’S STRANGE “PEACEKEEPING” OPERATION IN ABKHAZIA”, *Jamestown Foundation*, 5 May, 2008, available at <<https://jamestown.org/program/russias-strange-peacekeeping-operation-in-abkhazia>>.

² United Nations Observer Mission in Georgia, available at: <<https://peacekeeping.un.org/mission/past/unomig/unomigDrs.htm>>.

Russian Peacekeeping or “Piece-keeping”?

For more than ten years after the agreements and cessation of hostilities, no progress occurred on conflict settlement. A major factor was Russia's dual role, acting as peacekeeper, on the one hand, and negotiator, on the other, while supporting the secessionist leaderships in Tskhinvali and Sukhumi politically, economically and militarily. As the dust settled and the years passed, it became obvious that the existing international involvement and mechanisms on the ground were inadequate and ill-designed for keeping the peace, let alone resolving the conflicts.

Instead, the UN mission in Abkhazia and its sister OSCE mission in the Tskhinvali region, paired with the Russian-led and Russia-dominated peacekeeping missions, were being used by Russia effectively as a tool for its own goals. Some of these goals—to keep the former Soviet republics in the Russian sphere of influence and prevent them from making their own security policy choices, and to maintain a military foothold in the region—also became more pronounced over time as Russia recovered from the turbulent 1990s and openly sought to regain its lost status and influence.

Nonetheless, there was little or no willingness in the international community to call Moscow to account for its abuses of this flawed peacekeeping design. Instead, the West regularly extended the arrangements that allowed and facilitated Moscow to block any initiative it did not like. Russian peacekeeping had turned into Russian “piece-keeping” in what was seen as its sphere of influence—in conflict with both UN and OSCE principles. This was true in the chaotic 1990s and continued to be the case as Russia slowly but steadily steered towards a more authoritarian path under President Putin.

Instead of turning up the pressure on Moscow to stop actively funding, fuelling and supporting the separatists, however, much of West's attention turned to Tbilisi. After the Rose Revolution in 2003, Georgia had quickly gone from a failed state at the periphery of the former Soviet Union to a partner of the West, with a Western-oriented policy that sought both NATO and EU membership. The message to Tbilisi was that Georgia had to deal with—and try to heal—the wounds of the wars and the underlying causes of ethnic Abkhaz' and ethnic Ossetians' lack of trust in Tbilisi. Although difficult, Georgia had to try to overcome separatist aspirations in Tskhinvali and Sukhumi with a compelling vision of a future for all of Georgia's peoples.

This was also an important aspect of the conflict resolution equation. The ethnic Abkhaz feared the return of the many ethnic Georgians who had fled during the war, which would make them a minority in their own region once again. Not all of the scars from the war had healed. Most ethnic Abkhaz sought independence and, if need be, would prefer Russian to Georgian dominance. The Abkhaz elite and that civil society activists participating in roundtables, track-2 conferences or other similar dialogue initiatives were generally pro-Russian, and to a large extent funded by Russia and with Russian passports (not least because circumstances meant that there were few real alternatives). Above all, they wanted to have a say in their own future.

In the smaller Tskhinvali region, things were different. The wounds from of the war were not as deep as it had not been as disastrous, the ethnic composition looked different and Georgians and Ossetians still lived side by side in some areas. Large parts of the area were under the control of

Tbilisi, and even elsewhere people could move back and forth to trade, enjoy state services provided by Tbilisi and visit relatives. In addition, the population grew smaller and smaller as many moved to Russia or to Tbilisi from a region that had few prospects.

The 2008 War

Hostilities between Russia and Georgia around the Georgian breakaway regions had been mounting for years prior to the war in 2008. Tensions between Sukhumi and Tbilisi, and between Tskhinvali and Tbilisi were also high at times. Russia made military strikes against Georgia on two separate occasions in 2007.³ In addition, 2008 was an eventful year in the international arena. In February, Kosovo declared independence and a string of recognitions from Western states followed. In March, Russia unilaterally withdrew from the CIS sanctions regime against Abkhazia. In April, the possibility of Membership Action Plans (MAPs) for Georgia and Ukraine was discussed at the NATO Summit in Bucharest. The summit could not agree on MAPs, but paragraph 23 of the Summit Declaration welcomed “Ukraine’s and Georgia’s Euro-Atlantic aspirations for membership” and agreed “that these countries will become members of NATO”.

In March 2008, Georgia withdrew from the JCC and demanded that a new formula should be created that included the European Union, the OSCE and the Sanakoev administration, that is, representatives from the Tskhinvali region that were favourable to Tbilisi. At the same time, command of the Georgian peacekeeping battalion in the Tskhinvali region was transferred to the Georgian Ministry of Defence.

In the spring of 2008, tensions increased further, particularly in and around Abkhazia. Russia intensified its military activity and reinforced its forces by sending additional troops with heavy equipment without notifying Georgia or any international body. Georgia for its part increased its military presence near Abkhazia, which included unmanned aerial vehicles (UAVs). In April, a Russian fighter aircraft downed a Georgian reconnaissance UAV over Abkhazia. The incident was investigated by UNOMIG, which concluded that the activities of both parties were in violation of the 1994 Moscow Agreement on a Ceasefire and Separation of Forces.

Escalation continued. In May, despite Georgian protests, Russia sent a railway unit of approximately 400 troops to repair the Abkhaz railway. Works were concluded a week before the war. As the summer arrived, tensions shifted from Abkhazia to the Tskhinvali region following numerous skirmishes between Georgian and separatist forces. In July, Russia began its Kavkaz 2008 military exercise in the North Caucasus military district, across the border from Georgia. In Tbilisi, the Georgian government accused Russia of using the exercise to conceal Russian mobilization along the Georgian border. Russian and Western analysts also saw the exercise as a rehearsal for a military operation in the region. According to official numbers, the drill involved 8000 troops, 700 combat vehicles and more than 30 aircraft and helicopters.

³ Johan Engvall: “OSCE and Military Confidence-Building in Crisis: Lessons from Georgia and Ukraine”. p. 21 Report available at: <<https://www.foi.se/rapportsammanfattning?reportNo=FOI-R--4750--SE>>

In the Tskhinvali region, OSCE monitors on the ground had been documenting increased tensions for months by the summer 2008. On 4 August, an OSCE spot report informed the OSCE participating states of exchanges of small arms fire and mortar shelling in what the report described as the most serious outbreak of firing since 2004. Similar incidents provided early warning in the run-up to the war, but nothing on which the OSCE could act.

By early August, Georgia blamed Russia for supporting the illegal separatist authorities and armed formations, which were shelling Georgia from Tskhinvali. In the UN, the Georgian representative labelled events a calculated provocation to escalate the situation in order to justify a premeditated military intervention by Russia.⁴ Russia, in turn, blamed Georgia for blatant and aggressive actions against the Tskhinvali region by the Georgian armed forces.

As the war began on 8 August, several of the units participating in Kavkaz were redeployed to the war. However, numerous reports indicate that by that time, Russia's 58th Army was already on Georgian territory. Hostilities quickly spread to areas outside the zone of the Georgian-Ossetian conflict. When the UN Assistant Secretary-General for Peacekeeping Operations briefed the Security Council on 10 August 2008 on events related to the mandate of UNOMIG, he noted a military build-up of both Abkhaz and Russian forces on the Abkhaz side of the zone of conflict, as well as bombings of the Upper Kodori Valley. He reported that, as a result, UNOMIG had been forced to scale-down its operations to essential patrols only. In the same briefing, the Georgian delegate described how an armed invasion by Russian troops had been transformed into a full-scale occupation of parts of Georgian territory, while all Georgian troops had been withdrawn from the conflict zone.

Russia, for its part, argued that additional troops had been sent to Georgia to reinforce its peacekeepers and defend civilians, in order to prevent an ongoing "genocide" in the Tskhinvali region and remove Georgia from it. Russia also claimed a right to defend its own citizens, which were plentiful in the region following a campaign to hand out Russian passports in the region.

Hostilities expanded in both intensity and geographical scope, and repeated international calls were made for a political solution to the conflict in order to restore the situation that prevailed prior to 6 August. Many in the Security Council supported initiatives by France, which was then chairing the rotating presidency of the European Union, as well as international mediation efforts.

On 11 August 2008, the Security Council met in private in response to a request by Georgia. Meanwhile, France's president, Nicolas Sarkozy, mediated a six-point deal to diffuse the conflict between Russia and Georgia and to end the fighting. After some back and forth, the plan was agreed between Russia's President Dmitry Medvedev and Georgia's President Mikheil Saakashvili on 12 August.

The six principles in the deal were (with some differences between the French and Russian versions of the agreement): (a) no recourse to the use of force; (b) the definitive cessation of (all) hostilities; (c) free access to humanitarian aid; (d) the withdrawal of Georgian forces to their places of permanent/usual deployment; (e) the withdrawal of Russian military forces to the line(s)⁵

⁴ Report available at: <https://www.un.org/en/sc/repertoire/2008-2009/Part%20I/Europe/08-09_Georgia.pdf>.

⁵ The French version says "lines", the Russian "line", but this cannot be interpreted in any other way than as a complete withdrawal from Georgia.

preceding the outbreak of hostilities; and (f) the opening of international discussions on lasting security for Abkhazia and South Ossetia (on modalities of security and stability in Abkhazia and South Ossetia).⁶ The framework fell short of the original proposal by the EU Presidency, which had called for full respect for the sovereignty and territorial integrity of Georgia and the deployment of an EU or UN peacekeeping force.

The agreed text was then presented to EU foreign ministers at an extraordinary European Council meeting on 13 August. France also drafted a resolution for the Security Council for approval at a meeting on 19 August, in which the Security Council discussed ways to ensure implementation by all parties of the six-point ceasefire agreement. By then, Georgia was claiming that it was already fully complying with the ceasefire agreement, but Russia was continuing its occupation. Russia, for its part, claimed it was implementing its obligations consistent with the six-point agreement but was unable to withdraw its troops until Georgia implemented its obligations, including the return of Georgian troops to their places of permanent deployment.

A draft resolution calling for compliance with the agreement was circulated by France and received the support of a majority of Security Council members. However, Russia objected to the singling out of individual elements of the six-point plan (the call for Russia to withdraw its troops) so no action was taken on the draft.

Russia never withdrew its troops as agreed and even advanced further into the Akhgori valley after the agreement had been concluded, thereby establishing control of the entire territories of Abkhazia and the former South Ossetian autonomous oblast. Instead, on 26 August, Russia recognized the independence of Abkhazia and South Ossetia, in the light, according to the Russian narrative, of an appeal from the South Ossetian and Abkhazian people. Russian troops have been stationed in the regions ever since, in the Russian narrative in accordance with the wishes and at the invitation of the two states. "Bilateral agreements" have also been concluded on the integration and harmonization of the legal, economic, social, security and defence sectors.

In mid-June 2009, a resolution on the extension of the UNOMIG mandate was vetoed by Russia. Russia argued in the Security Council that UNOMIG's mandate had ceased to exist, owing to Georgian aggression against South Ossetia in August 2008. Russia could not support a mandate aimed at reaffirming the territorial integrity of Georgia, thereby denying the existence of Abkhazia as a state.

The OSCE mission in the Tskhinvali region was also quickly wrapped up because of Russian resistance. Once the EU-brokered six-point plan had been agreed, it was an EU monitoring mission (the EUMM) and not the OSCE that was tasked with monitoring its implementation. As in the case of UNOMIG, the OSCE shutdown in Georgia was connected to the lack of agreement on the mandate and procedures for its work in the country after the war. Russia was not ready to accept that the OSCE office in Tskhinvali should be reporting to the office in Tbilisi, preferring instead

⁶ The texts can be compared at https://peacemaker.un.org/sites/peacemaker.un.org/files/GE_080812_Protocol%20d%27accord_0.pdf. There is also an EU translation of the principles at: [https://www.eumm.eu/data/file_db/factsheets/.PRES-08-236_EN%20\(1\).pdf](https://www.eumm.eu/data/file_db/factsheets/.PRES-08-236_EN%20(1).pdf). The agreement also mentions additional security measures by the Russian peacekeeping forces until the establishment of international mechanisms, an aspect overplayed after the deployment of the EUMM and Russia's dissolution of its peacekeeping forces.

direct reporting to Vienna—something that Georgia rejected. Russia also insisted that the mandate of the mission in Tskhinvali was no longer valid since South Ossetia was now also, according to Russia, an independent state. As a result, no agreement could be reached on the mission and the OSCE missions in Tbilisi and Tskhinvali fell apart. After months of intensive but fruitless negotiations on extending its mandate, the OSCE mission closed in late 2008.

Conflict Resolution Mechanisms After the 2008 War

The EUMM tasked with monitoring implementation of the EU-mediated six-point agreement was deployed in September 2008. The mission's mandate was to provide civilian monitoring of the parties' actions, including their compliance with the six-point agreement and subsequent implementation measures throughout Georgia. In addition, the EUMM was to work in close coordination with partners, in particular the UN and the OSCE, consistent with other EU activity, in order to contribute to stabilization, normalization and confidence building, and thus to long-term stability throughout Georgia and a reduced risk of a resumption of hostilities.

Since the EUMM's deployment, the mission has patrolled the areas adjacent to the Administrative Boundary Lines (ABLs) with Abkhazia and the Tskhinvali region. Despite its possession of a valid mandate throughout all of Georgia, the de facto authorities in Sukhumi and Tskhinvali — with Russia's backing — have denied the mission access to the territories beyond Tbilisi's control. Moreover, Russia's border guards, part of the Federal Security Service (FSB), patrol what in the Russian narrative are called the "state borders".

On 15 October 2008, the Geneva International Discussions (GIDs) were launched to address the security and humanitarian consequences of the August war, co-chaired by representatives of the OSCE, the EU and the UN. A format was agreed after initial negotiations that involves participants from Georgia, Russia and the US, as well as members of both the exiled Georgian administrations from Abkhazia and the Tskhinvali Region/South Ossetia, and the two regions' Russian-backed authorities, in their personal capacities. Sessions are held in two working groups: one that discusses peace and security matters; and the other humanitarian concerns.

The GIDs are still the key platform for all sides to discuss security-related issues and the humanitarian needs of the conflict-affected population. Early on, the sides also managed to agree on proposals for a joint incident prevention and response mechanisms (IPRM) with the aim of ensuring a timely and adequate response to the security situation, with a particular focus on incident prevention and response.

The GIDs have been marked by disagreements around the return of refugees and IDPs (mostly ethnic Georgians), languages (including in schools in predominantly ethnic Georgian areas of Abkhazia), freedom of movement, missing people and cultural heritage, among other things. Over the years, discussions have often become deadlocked, but the GIDs format has managed to survive.

A number of Georgian initiatives have also been taken to reach out to the inhabitants of the regions. The most recent was in 2018, when the Georgian government launched a "new peace policy" with

a set of legislative initiatives aimed at enhancing people-to-people exchanges between residents of Abkhazia and South Ossetia, and the rest of Georgia. One initiative, “Step to a better future”, has three objectives: (a) facilitating trade across the dividing lines; (b) enhancing educational opportunities in Georgia and abroad; and (c) simplifying access to Georgia’s EU integration benefits such as visa waivers, free trade, and so on. An internationally financed “Peace fund for a better future” mechanism has also been set up, which has thus far provided funding for around 40 projects aimed at promoting trade and economic relations among the conflict-divided communities.

Perhaps the most important developments since the six-point agreement in 2008 are the two decisions by the European Court of Human Rights (ECHR) in 2021. In the first decision, from 21 January, in a case filed by Georgia against Russia shortly after the war, the Court recognized the continuing occupation of Georgian territories by the Russian Federation, as well as large-scale violations of the rights of Georgian citizens (the right to life, prohibition of torture, the right to liberty, the right to freedom of movement, property rights and the right to privacy). By explicitly stating that “the strong Russian presence and the South Ossetian and Abkhazian authorities’ dependency on the Russian Federation indicates that there has been continued ‘effective control’ over South Ossetia and Abkhazia”, the ECHR recognized the occupation of both South Ossetia and Abkhazia, thereby eliminating any meaningful legal prospect of recognition of their independence and paving the way for individual lawsuits by hundreds of Georgian citizens against Russia.⁷

In its second decision, of 21 October, the ECHR ruled “inadmissible” two applications from Russian citizens living in South Ossetia at the time of the August war against the state of Georgia, regarding alleged human rights violations during the war. With this judgment, the Court dismissed one of the long-standing arguments by Russia that atrocities committed by the Georgian side justified its intervention in and subsequent recognition of the occupied territories.

Conclusions

For the past three decades, Russia has instrumentalized tensions in Georgia and in other ways engaged in antagonistic behaviour to further its own geopolitical agenda—in essence to prevent Georgia’s escape from Russia’s sphere of influence and, following Georgia’s Rose revolution, obstruct Georgia’s turn to the West. Russia has sought to stop Georgia making its own security policy choices, such as on joining NATO and the EU, and to dilute the success of its pro-Western, pro-democracy efforts, which could have had an impact across the border and threatened the Russian leadership’s grip on power.

The international response to Georgia’s conflicts was inadequate from the start. While the international community was willing to support Moscow-brokered/dictated ceasefires through its OSCE and UN engagement, the roles of the OSCE and the UN were complicated by the fact that Russia—a permanent member of the UN Security Council and a member of the consensus-driven OSCE—was a party to the conflict. Russia’s influence and leverage in the breakaway regions were amplified by the various monitoring and peacekeeping arrangements put in place at the end of these conflicts. Furthermore, this influence and leverage were not only tolerated but blessed by the

⁷ European Court of Human Rights, “Case of Georgia vs. Russia”, available at: <<http://hudoc.echr.coe.int/eng?i=001-207757>>.

international community in breach of the key principles of effective conflict resolution—neutrality and the need to command the trust of both conflict parties. The international community left Georgia's fate in Russia's hands, in an approach that was in stark contrast to the engagement in the Balkan conflicts of the same period. For this failure, not only Georgia, but also European peace and security continue to pay a heavy price.

In the run-up to the 2008 war, Russia encouraged the perception that the conflicts in Abkhazia and the Tskhinvali region were primarily between the secessionist regions and Tbilisi. While this was a genuine aspect of the conflict, Russia's critical role in supporting the breakaway regions politically, economically and militarily, in undermining Georgian efforts at confidence building, and in the escalation leading up to the 2008 war have been consistently either downplayed or ignored. The fact that Russia acted as mediator while also an active and destructive party to the conflicts with its own interests has also been neglected over the years, and many countries have partly or fully bought into the Russian narrative.

The unwillingness to highlight Russia's role in the conflicts continued after the 2008 war, despite the amount of hard and well-documented evidence of Moscow's aggressive behaviour in and around Georgia's breakaway regions, such as Russia's refusal to honour its commitment to withdraw its military forces from Gudauta in Abkhazia and its deployment of heavy equipment to Abkhazia while also deploying railway troops to the region in the spring of 2008, as well as the personnel and equipment it brought to the vicinity of the Roki tunnel connecting North Ossetia and the Tskhinvali region in the summer of 2008. The Kavkaz 2008 exercise not only influenced an increasingly nervous government in Tbilisi, but also pre-positioned troops and equipment for the military invasion that followed. Russia justified its involvement partly in terms of preventing a Georgian "genocide" in South Ossetia, and as part of its peacekeeping mission in the region, but none of these justifications have withstood international scrutiny. Medvedev later implicitly admitted that preventing Georgia from joining NATO had been an important consideration.⁸

Russia's use of military force in 2008 further enhanced the country's territorial and military presence in the region at the expense of Georgia's territorial integrity. Based on agreements with the de facto governments in Abkhazia and South Ossetia, Russia increased its military deployment to bases in both territories and is in fact occupying both regions.

The weak response of Georgia's partners to Russian actions and involvement in the 2008 war, and the subsequent non-fulfilment by Russia of the six-point plan, as well as its absurd recognition of the regions as "independent", at little or no political, economic or other cost, has continued to undermine not only Georgia's territorial integrity, but also European peace and security.

Russia continues to perpetuate the conflicts in Georgia in order to pursue its own geopolitical interests—to secure its influence in the post-Soviet space, to prevent Georgia from moving closer to NATO and to maintain a military foothold in the country. The final chapter on conflict resolution in Georgia is still to be written. Its ending will depend not only on decisions taken in Tbilisi or Moscow, but also on what Brussels and Washington decide to do or not to do. It will depend on the conclusions that have been drawn from the inaction and weak response to Russia's war on

⁸ "Russia says Georgia war stopped NATO expansion", *Reuters*, 21 November 2011, report available at: <<https://www.reuters.com/article/idINIndia-60645720111121>>.

Georgia in 2008, and since then to the continued policy of aggression by Russia in Ukraine and elsewhere.

Recommendations

Call a spade a spade. It is time for an unvarnished call out of Russia's role in perpetuating the conflicts, consistently and tirelessly in all debates and dialogues no matter in what forum, that lays bare the fake Russian narrative and Russia's occupation. Better late than never.

A holistic containment policy. It is also time that Russia paid a perceptible price for its destructive role, its systematic undermining of the European security order and its continuing breach of agreements and agreed international principles. After years of Russia testing, pushing and overstepping red lines, where Georgia unfortunately is only part of a broader pattern, it is time to step up the defence of the rules-based international order from Russia's deliberate and increasingly flagrant attempts to undermine it. Statements are not enough. The West should make continued actions in this regard, both in Georgia and elsewhere, politically and economically costly.

Sanction inaction too. Russia is a master at playing for time, wearing out international attention and resistance, creating new "realities on the ground" and repeating its propaganda so many times that it is eventually confused with the truth. The West needs to adapt to these strategies through endurance. In addition, instead of sanctioning only further destructive action, the West could sanction continuing lack of fulfilment of agreed actions; and for every three or six months of continued inaction, increase the pressure and sanctions.

Support Georgia's fragile democracy. Georgia's democracy remains fragile and collusion between illiberal external forces (Russia) and local authoritarian forces risks undermining liberal democratic values. The West has many reasons to assist Georgians to defend themselves by, for instance, promoting economic development, anti-corruption measures, internal political competition and an independent judiciary. It could also further strengthen its engagement with civil society and support for human rights, including minority rights

Increase the international presence in Georgia. An increased NATO presence in Georgia would send a particularly important signal. One example might be a NATO "Center of Excellence" or similar.

Maintain the EUMM. Despite the many limitations on the EUMM's ability to carry out its mission from the outset, it still plays an important role and sends a signal that Russia's failure to comply with the six-point agreement is still a concern. The opposite—disengagement—would send a signal that the EU has rewarded or given up on changing Russian behaviour. EU member states should continue and, if possible, increase their support to the mission.

Put Georgia back on the international agenda. In today's increasingly chaotic world, the attention span on each crisis is short. Nonetheless, Georgia and its unresolved conflicts deserve renewed attention, not least because Georgia's successes—or failures—are not just a Georgian concern but a part of a wider (European) peace and security agenda. What we sow in Georgia we will reap

elsewhere, but what we fail to sow in Georgia we will also reap elsewhere. Among other things, the EU, the US and like-minded states should work together to increase support for multilateral initiatives related to Georgia's territorial integrity and conduct outreach in support of the non-recognition policy.

Support Georgia's ability to defend its sovereignty against future external aggression. It is difficult to conceive of the existence of a consolidated democracy without a strong security apparatus capable of responding to the challenges that face a country. Georgia's defence and security cooperation with the US is particularly crucial in this regard. The recently signed Memorandum of Understanding on Georgia Defense and Deterrence Enhancement Initiative between the countries' defence ministers is a good start. The memorandum aims to replace the Georgia Defense Readiness Program, which concludes at the end of 2021, with the key priorities of strengthening Georgia's capacities for effective deterrence, fostering interoperability with NATO and modernizing Georgia's defence forces. Overall capability to prevent and resilience to respond to hybrid threats should also be increased. This should include additional measures in sensitive and potentially vulnerable parts of Georgia, and in areas with large ethnic minority populations.

Support Georgia's reconciliation efforts with the regions. While an end to the Russian occupation and support to the secessionist regions are key to restoring Georgia's territorial integrity, there are undoubtedly also local, historical and ethnic aspects to the conflicts. The Georgian government's efforts to reach out to local populations in its new peace initiative should be supported.

Find ways to break the isolation of people in the separatist regions. While a local elite might benefit from the current situation, ordinary people in the regions are suffering. The Russian barbed wire along the conflict lines serves to ensure they are left solidly Russian with Russian narratives (like the Berlin wall seven decades ago). In particular, contacts and travel over the conflict lines should be encouraged, and state services in Georgia, such as health care, facilitated for the inhabitants of the regions.



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