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# The consequences of the war between Georgia and Russia

**Committee Opinion**[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr Göran LINDBLAD, Sweden, Group of the European People's Party

## A. Conclusions of the committee:

The Political Affairs Committee decided to propose the following amendments.

## B. Proposed amendments by the Political Affairs Committee:

*Amendment A (to the draft resolution)*

In paragraph 1, after "The Assembly is firmly committed to" add the words "the pursuit of peace,"

*Amendment B (to the draft resolution)*

After paragraph 29, add a new paragraph as follows: "with a view to minimising the risk of further outbreaks of violence involving its member states, the Assembly should play a role in the field of conflict prevention and resolution, as without peace there cannot be genuine respect for democracy, human rights and the rule of law. It decides, therefore, to ask the Bureau to study mechanisms by which it could conduct parliamentary diplomacy in the context of frozen conflicts in Europe and other situations liable to undermine peace and stability."

*Amendment C (to the draft recommendation)*

In paragraph 3.2, after "both Georgia and Russia, including" add the following words: "the enhanced monitoring of the commitments and obligations of the two countries, as recommended by the Swedish Chairmanship of the Committee of Ministers,".

## C. Explanatory memorandum, by Mr Lindblad

### 1. This war: a reason for alarm

1. An all-out war in Europe, more than 600 casualties, 192 000 displaced persons and uncountable suffering and destruction.

1. See Doc. 11724 tabled by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee).

2. Europe must be worried. Not only because it did not manage to prevent this war but also because the conflict is far from being over: ethnic Georgians in South Ossetia suffer violence and abuses against which Russian forces fail to protect them; part of the Georgian territory, including outside South Ossetia, is subjected to a military occupation by Russian forces; South Ossetia and Abkhazia have declared their independence from Georgia; Russia has given its blessing to these declarations and concluded co-operation agreements with South Ossetia and Abkhazia, including in the field of defence; the Geneva conference foreseen by the EU-brokered ceasefire to discuss mechanisms to ensure security and stability in the region will only be a technical meeting, as no agreement could be found on the format of the conference.

3. We are a very long way away from cooling down the burning ashes of this war. It is for all of us in Europe, including PACE, to work with alacrity to create the preconditions for lasting peace.

## 2. Each one has its share of responsibility

4. Once hostilities erupted in Georgia in August this year, our Assembly decided that it was necessary to clarify the facts and identify each player's responsibilities. To this end, the Bureau of the Assembly established a delegation which visited Moscow, Tbilisi and South Ossetia last week, of which I was a member. At the same time, the decision to initiate enquiries was taken both by the Georgian and by the Russian parliaments, whilst Georgia lodged cases against Russia before the European Court of Human Rights, the International Court of Justice and the International Criminal Court.

5. Establishing the facts, through commissions of enquiry or through the work of courts of law, is certainly important. But politics can also give an interpretation of the facts and judge responsibilities:

– there is a responsibility for causing the war, which is the most difficult aspect to define. Once and if evidence were to prove the exact sequence of events in the night between 7 and 8 August, it would be possible to say who the aggressor was that night. And yet, it would be unfair to attribute to this aggressor the entire responsibility for the war as that night was the culmination of a process which had started long before;

– there is a responsibility for the way in which the war was conducted which, as described by the PACE Committee on Legal Affairs and Human Rights, falls on both countries as the scale of their military action, the targets and the kind of weapons employed were disproportionate to the aim which the parties claimed to pursue;

– there is also a responsibility for creating the conditions for a peaceful, lasting and lawful settlement of the conflict, which implies complying with the terms of the ceasefire, protecting civilians against violence and human rights violations in the areas subjected to a country's de facto control, and refraining from any act acknowledging the mutilation of Georgia's territorial integrity outside a peaceful negotiation process. This responsibility falls mainly on Russia.

6. In addition to the parties who directly participated in the conflict, the Council of Europe should also accept its part of responsibility: either we grossly miscalculated the risks of an open conflict, in which case we are to blame for our short-sightedness; or we saw it coming but we did not have the courage or the means to exercise more pressure on the countries involved, that are our own members. In either case, our Organisation has a duty now to contribute to the creation of conditions for a peaceful, durable and lawful settlement of the conflict.

### *2.1. The run-up to the war*

7. In the months preceding the outbreak of the hostilities there had been signs indicating a deterioration of the situation:

– repeated provocations, or acts perceived as such, from both sides;

– continued skirmishes and exchanges of fire between the Georgian forces and the South Ossetian militias;

– a lull in the negotiations for the settlement of the conflicts, which each part attributes to the lack of interest of the other side;

– the announcement made by the Russian authorities in April 2008 that they would establish formal relations with the separatist de facto authorities in Tskhinvali and Sukhumi;

– the strengthening of Russian military forces in the region, in terms of troops and material.

8. In addition, the quest for a peaceful solution was inherently hindered by two fundamental obstacles:

– the peacekeeping mechanism established by the 1992 Sochi agreement was not workable. This agreement resulted in entrusting Russian, Georgian and South Ossetian troops with peacekeeping tasks.[2] It was predictable that, if tensions surpassed a critical threshold, these troops would drop their peacekeeping uniforms to wage war against each other;

– similarly, it was not difficult to predict that the unilateral bestowing of Russian citizenship on the majority of the population of South Ossetia could be used by Russia to legitimise the use of force to protect its citizens.

### *2.2. The war*

9. Both Russia and Georgia accuse the other side of having acted on the basis of a premeditated plan. Proving the veracity of these claims goes beyond the capacity of the Assembly. However, comparing the sequence of events on the night of 7 August presented by the two parties, the key fact which remains to be ascertained is whether:

– the Russian 58th Army was brought into South Ossetia in response to the indiscriminate and massive shelling of Tskhinvali by the Georgian artillery – as the Russian authorities maintain – or;

– the shelling of Tskhinvali was in reaction to the massive arrival in South Ossetia of Russian military contingents – as the Georgian authorities argue.

10. So far no objective, independent and conclusive evidence, such as satellite photographs, has been put forward in support of either line.

### *2.3. The aftermath of the war*

11. The behaviour of the two sides after the conclusion of the ceasefire is also important in order to pinpoint responsibilities:

– Russian troops failed to comply with the commitment to withdraw immediately to the positions they held prior to the hostilities. According to the EU-brokered ceasefire implementation agreement, their withdrawal should now be undertaken by 10 October. However, the Russian authorities declare themselves ready to withdraw their troops to be replaced by EU monitors only from the so-called "buffer zone", while they argue that, since Abkhazia and South Ossetia are now two independent states, the deployment of monitors in their territories is their sovereign decision. Similarly, the withdrawal or deployment of troops is a separate issue regulated by bilateral agreements;

– in this context, Russia's recognition of the two separatist regions as independent states defies European values and standards and makes the return to the situation *quo ante* more difficult to attain;

– Russian troops still de facto present in the so-called "buffer zone" and South Ossetia are failing in their responsibility for protecting people against violence, human rights violations and ethnic cleansing.

## 3. Kosovo as a precedent: a prediction or an announcement?

### *3.1. Russia's recognition of the independence of Abkhazia and South Ossetia*

12. Russia's recognition of Abkhazia and South Ossetia as sovereign and independent states is contrary to international law and a politically unacceptable act for a member state of the Council of Europe to commit.

13. Given the gravity of this decision, I cannot but express disconcertion at the fact that both chambers of the Russian Parliament unanimously voted resolutions asking President Medvedev to recognise the independence of the two breakaway regions. I consider such unanimous support as a sign of the inability of Russia's elected representatives to interact with the executive in a democratic manner and to question their government's positions in foreign policy.

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2. According to the wording of the agreement, it should have been CIS, Georgian and North Ossetian troops. However, the CIS was represented by Russia, while North Ossetian troops were composed of South Ossetian militia.

14. The promptness with which recognition was declared makes me think that the script had already been written before. Indeed, in the previous months, there had been numerous statements by high-ranking Russian officials indicating that "the declaration and recognition of Kosovo's independence will force Russia to adjust its line regarding Abkhazia and South Ossetia, where the majority of the population has Russian citizenship".[3]

15. The prediction that the independence of Kosovo would be used as a precedent eventually came true. I cannot help asking myself if, rather than a prediction, this was an announcement that Russia would consider itself free to rely on Kosovo as a precedent: only two months after the declaration of independence by the Kosovo Assembly, Moscow announced that it would drop the embargo against the de facto authorities in the two separatist Georgian regions and that it would establish formal relations with them.

16. In Moscow, I had the opportunity to hear the arguments in support of the independence of Abkhazia and South Ossetia:

– these regions have a history of statehood and neither of them was part of Georgia at the time of the Soviet Union;

– the population of these regions wants, and is ready for, independence; in addition there are functioning institutions in place;

– after the genocide attempt by the Georgians against the population of these territories, it is inconceivable that they could return under Georgia's sovereignty.

17. With all due respect for the South Ossetian and Abkhaz victims of this war, I think that labelling the Georgian attack against Tskhinvali as attempted genocide is a deliberate exaggeration, which is used to justify Russia's disproportionate military intervention, advance political objectives and manipulate the public opinion. At the same time, any comparison with Kosovo does not hold water:

– Kosovo unilaterally declared its independence following more than two years of painstaking negotiations, after that a UN envoy had recommended independence as the only possible outcome, and after a deadlock had emerged in the UN Security Council due to Russia's refusal to accept the solution recommended by the envoy;

– Kosovo's independence should be seen in the context of the dissolution of the former Yugoslavia;

– Kosovo declared its independence after nine years of international administration during which the sovereignty of Serbia over this territory was purely formal;

– Kosovo Albanians had been subjected to ethnic cleansing at the hands of Serbia, which made it inconceivable for them to return under Serbia's sovereignty.

18. In the light of some remarks I heard in Moscow about the fact that people in South Ossetia hold Russian citizenship, that South Ossetians feel that they are one single people with the North Ossetians, that they were living in a single state at the time of the Soviet Union, and that there is an excellent understanding between them and the Russians, both being Slavs, I would not exclude that the script continues with the outright incorporation of the self-declared independent republic of South Ossetia into the Russian Federation, and its merging with North Ossetia.

### *3.2. More consequences in Russia's near-abroad?*

19. During the meetings in Moscow, our delegation was repeatedly told that Abkhazia and South Ossetia are unique cases and that Russia cannot see any other situation presenting similarities. Will these cases be used as precedents? I do not know if we can say so for sure.

20. The first obvious danger is that the declaration of independence by Abkhazia and South Ossetia will inspire other regions, such as Nagorno-Karabakh, to do likewise. Such a gesture would most probably entail an armed conflict between the two states concerned. Besides, the potential risk of enlargement of such a conflict to neighbouring countries, one of which is a NATO member, should not be underestimated.

21. Secondly, even if Russian officials in Moscow assured us that they do not have any interest in seeing any further changes of borders in Europe, Russia's closest geographical neighbours are preoccupied: in Crimea, where the great majority of the population is ethnic Russian, the process of "passportisation" has

3. Statement of Foreign Minister Lavrov on 15 February 2008.

already started. It has been going on for some time in the separatist region of Transnistria, as well as in the Baltic states, where Russians are a sizeable minority which, according to Moscow, suffers from severe discrimination.

22. Certainly, one of the consequences of the recent war between Russia and Georgia is that all the former members of the USSR have received a strong warning that they should respect Russia and its strategic interests. This attitude is reminiscent of the "near-abroad policy" – which Russia took the commitment to abandon upon becoming a member of the Council of Europe – and the doctrine of limited sovereignty for the countries belonging to the sphere of influence – or interest – of a global power.

23. It is inevitable for a global power to have strategic interests; the problem is how such interests are pursued. Members of the Council of Europe should co-operate with one another in a constructive and friendly spirit but, as the Speaker of Parliament of Georgia said during the meeting with our delegation, how is it possible to have friendly and good neighbourly relations with a big and powerful country which disputes the sovereignty, the territorial integrity and the freedom of choice of the other?

### *3.3. Consequences in the Russian Federation?*

24. Russia might also have underestimated the consequences of the recognition of the independence of Abkhazia and South Ossetia within the borders of the Russian Federation: will Chechen separatists rely on these precedents to give more strength to their demands? Are not there risks of further turmoil in Dagestan and Ingushetia? What arguments would Russia use then? Would it still call for the preservation of the territorial integrity of sovereign countries?

## 4. Strategic interests: defence and energy

### *4.1. Defence*

25. Russia has always made clear its discontent with NATO's expansion and with the close ties that the United States have established with some of its neighbours, especially Georgia, but also central Asian countries which have accepted to host US military bases or to make them available to them.[4] Similarly, it has repeatedly complained about the high expenditure of Georgia in armaments and military equipment, and for the role played by the United States in training and modernising the Georgian army.

26. The recent war has had immediate strategic advantages for Russia in the field of defence, namely:

– the guarantee of having military bases in Abkhazia and South Ossetia and the dismantlement of Georgia's military capability;

– in addition, despite the establishment of the NATO-Georgia Commission straight after the conflict, the war might have instilled doubts in some NATO members about the wisdom of expanding NATO membership to states such as Georgia and Ukraine, for fear of being dragged into an armed conflict due to the reckless behaviour of some political leaders. The war, therefore, might have led to a set-back to some European countries' aspirations to NATO membership.

27. On the other hand, the war has also had the effect of catalysing the positions of those European states which want the West to stand against Russia's "imperialist and revisionist policy in the East of Europe", such as the Baltic states and Poland.[5] It is not irrelevant that, on 14 August, Poland and the US signed an agreement on the deployment of the missile-shield on Polish territory. A few days later, amidst declarations from Russian military officials that the Baltic Fleet based in Kaliningrad would be equipped with nuclear warheads, Russia tested a stealth rocket which could penetrate the US shield. This confrontational attitude on the part of Russia is inexplicable, as the missile-shield is not directed against Russia itself but at other non-European countries such as Iran. On the other hand this flexing of muscles cannot but lead to an arms race and, eventually, convince even more European countries that perhaps it is exactly against Russia that they should be protected.

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4. Kyrgyzstan hosts a US military base in Manas while, in Uzbekistan, the Americans have the use of the Ternez military base.

5. Joint declaration of the four presidents, 9 August 2008.

### *4.2. Energy*

28. Georgia has a pivotal role as a transit country for transporting Caspian oil to world markets, bypassing Russia. In addition, gas from Azerbaijan and central Asia transits to Europe through the Baku-Tbilisi-Ceyhan (BTC) pipeline, the Baku-Tbilisi-Erzurum pipeline, and by railroad, to be shipped from Georgian ports such as Poti. Georgia also imports gas from Azerbaijan through the Baku-Supsa pipeline and imports gas from Russia to be transited to Armenia.

29. When the hostilities broke out, the BTC pipeline was shut down because of an unrelated incident. Then, also the other pipelines were shut down as a precautionary measure, while exports by sea were severely hampered by the bombing of the port of Poti and the naval blockade imposed by the Russian navy. After the formal cessation of the hostilities, the rail route from Azerbaijan was also shut down because of an explosion in the vicinity.

30. Energy is central to the recent war, at least in four respects:

– as one of the main world suppliers, Russia's confidence in its international relations is bolstered by European dependency. On previous occasions, Russia has shown that "it can close the tap", which is an enormous means of pressure;

– due to the evident volatility of the security situation in the region, customers and investors might tend to be more wary of Georgia as a reliable transit country, which, on the one hand, negatively affects Georgia's economy and, on the other hand, increases reliance upon Russian routes;

– the energy dependency on Russia is an element which divides European states in their foreign policy towards this country. It has not gone unnoticed during this crisis that countries which are more dependent tend to be less critical than the others, and are less prepared to agree to the enforcement of sanctions. This divide undermines the unity of a common European position and diminishes its strength;

– the simultaneous closure of all Georgian transit routes has led another country in the region, Azerbaijan, to abstain from taking an open position.

## 5. A new cold war?

31. It is not uncommon to hear comments arguing that the West and Russia are engaged in a confrontation on the world scene and that a new cold war has started. I must say that I do not believe in this interpretation; in fact I think that it is dangerous.

32. We should be careful not to be dragged into cold war stereotypes or a cold war mentality, with mutual accusations between Washington and Moscow of wanting to change the world's geopolitical and strategic balance and Europe being caught in between. The risk of this kind of discourse is the re-emergence of a deep dividing line in Europe. This is contrary to the very essence of the Council of Europe and we should act to prevent this.

33. On the other hand, I agree that it is necessary to consider the wider geo-political implications of this war and its consequences for the maintenance of peace. Some European countries, led by France – the current holder of the EU Presidency – have initiated a reflection on the future of transatlantic relations, with a view to putting forward a single European vision for it. In this process of reflection, it will be important to take account of Russia's concerns regarding the current framework of European security and discuss its proposal for a new collective treaty on European security.

## 6. What the Council of Europe should do

34. It is also incumbent on the international community, including the Council of Europe, to ensure that the consequences of the war are, in so far as possible, redressed and that there are no further consequences.

35. The Council of Europe, therefore, should draw some lessons from its inadequacy in preventing tensions between its member states from escalating into war. In so doing, it should critically reflect on its activities and means of exercising leverage, in the light of the fact that it is composed of countries with different and sometimes opposed strategic interests, one of which is a global power.

36. In my view, the Council of Europe should:

– be firm as regards its principles and values while preserving dialogue with all the parties involved in the war;

– establish an enhanced monitoring procedure by the Committee of Ministers of Russia's and Georgia's commitments and obligations, as proposed by the Swedish Chairmanship of the Committee of Ministers;

– enhance co-operation with the countries concerned, with a view to strengthening the implementation of democracy, human rights and the rule of law;

– equip itself to act swiftly and flexibly to prevent tensions between its member states from escalating beyond a critical level. For instance, PACE could set up ad hoc committees of parliamentarians drawn from different PACE committees with different specialisations, with the task of parliamentary diplomacy, to promote the implementation of previous PACE resolutions, or to mediate between the parties. In a nutshell, the Council of Europe, and its Assembly, should develop a role in the field of conflict prevention;

– naturally, having a role in the field of conflict prevention implies having the political courage to address frozen conflicts and other conflict situations affecting the close national interests of some member states, including "old democracies";

– envisage a new system of sanctions, which enables the Organisation to exercise leverage without excluding the country which is sanctioned from dialogue.

**7. Conclusions of the rapporteur**

I share the main views expressed by the rapporteurs of the Monitoring Committee. However, I would like to add the following considerations:

– both Georgia and Russia share a part of the responsibility for the conflict and the prospects of its solution;

– at the same time, this share of responsibility is not equal, weighing more heavily on Russia, namely as regards its line of conduct after the cessation of the hostilities;

– Russia should withdraw the recognition of the independence of the two breakaway regions of Abkhazia and South Ossetia;

– the territorial integrity of Georgia cannot be questioned, cannot be subjected to any negotiations, and must be preserved by refusing to do anything which might lead to the acquiescence of the secession of parts of Georgian territory;

– in its foreign policy, Russia should refrain from any temptation to consider its neighbouring countries as having limited sovereignty: each state should be free to choose its alliances and its course of foreign affairs;

– Russia should immediately put an end to its policy of granting passports to citizens of other member states who have not requested it;

– Russia should refrain from using citizenship and energy as means to advance its political objectives;

– the Council of Europe should acknowledge its responsibility for not having being able to prevent the war;

– the Assembly should:

  - preserve dialogue with all the parties involved in the war;

  - develop an active role in the field of conflict prevention and conflict resolution and, to this end, set up mechanisms for parliamentary diplomacy;

  - address systematically the question of frozen conflicts in Europe;

  - envisage a new system of sanctions, which enables the Organisation to exercise leverage without excluding the country which is sanctioned from dialogue.

Reporting committee: Committee on the Honouring of

Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee).

Committee for opinion: Political Affairs Committee. Reference to committee: Reference No. 3489 on 29 September 2008.

Opinion approved by the committee on 1 October 2008. See Resolution 1633 and Recommendation 1846 (35th Sitting, 2 October 2008).