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The implementation of Resolution 1633 (2008) on the consequences of the war between Georgia and Russia

Committee Opinion[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr Andreas GROSS, Switzerland, Socialist Group

A. Conclusions of the Political Affairs Committee:

1. The Political Affairs Committee shares the views and concerns expressed in the report of the Monitoring Committee as regards the implementation of Resolution 1633 (2008) and the assessment of the situation given therein.

2. In addition, the committee wishes to make the following recommendations:

a. The Assembly should continue to support a resolution of the conflict between Georgia and Russia. To this end, it should continue its activity of parliamentary diplomacy and should encourage bilateral dialogue between parliamentarians from the two member states concerned.

b. The Assembly should try to exercise its leverage in order to facilitate successful negotiations over the re-establishment of an Organization for Security and Co-operation (OSCE) presence in Georgia as from next year.

c. The international community should not miss the opportunities that are open to secure a solution to the conflicts over Nagorno-Karabakh and Transnistria. The Assembly should be more active on these issues. It should also follow attentively the political situation in Ukraine, both internally and in the context of regional stability.

d. The Assembly should promote, with renewed energy and commitment, a spirit of dialogue and partnership amongst its member states, fully inclusive of Russia.

e. The Council of Europe and the Assembly should develop a role in the field of conflict prevention.

f. The Political Affairs Committee should follow the consequences of the war between Georgia and Russia in terms of regional stability, as demanded by the Bureau of the Assembly as a follow up to Resolution 1633 (2008), and should be seized for report on this issue.

B. Proposed amendments by the Political Affairs Committee:

The Political Affairs Committee decided to propose the following amendments to the draft resolution:

1. See Doc. 11800 tabled by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee).

Amendment A (to the draft resolution)

In paragraph 1 replace the sentence:

> *"On 2 October 2008, the Parliamentary Assembly adopted Resolution 1633 (2008) on the consequences of the war between Georgia and Russia"*

with the following sentence:

> *"The Parliamentary Assembly fully reaffirms its Resolution 1633 (2008) on the consequences of the war between Georgia and Russia, adopted on 2 October 2008".*

Amendment B (to the draft resolution)

In paragraph 12, after "this could include the establishment of a field presence in the two break-away regions, as demanded by the Assembly in Resolution 1633 (2008)" add the following words: "including an ombudsperson who could examine individual applications in cases of human rights violations".

Amendment C (to the draft resolution)

After paragraph 14, add a new paragraph as follows:

> *"Having considered the consequences of the war between Georgia and Russia on other so called 'frozen conflicts' in Europe, the Assembly calls on Council of Europe member states to intensify their diplomatic efforts in order to find solutions which avoid violent confrontation. At the same time, the Assembly should intensify its activities on these matters, in particular as regards Nagorno-Karabakh and Transnistria".*

Amendment D (to the draft resolution)

After paragraph 14, add a new paragraph as follows:

> *"The Assembly reiterates its commitment to play a role in the field of conflict prevention and, in this context, welcomes the establishment of an Ad hoc Sub-Committee on Early Warning Systems and Conflict Prevention in Europe within its Political Affairs Committee".*

C. Explanatory memorandum, by Mr Gross

1. Introduction

1. I would like to commend the rapporteurs of the Monitoring Committee for their work. I share their views and concerns as regards the implementation of Resolution 1633 (2008) and their assessment of the current situation.

2. The escalation of conflicts into all-out war between two Council of Europe member states raises a number of questions for the Council of Europe and the Parliamentary Assembly: why did we not manage to prevent this war? Did we pay enough attention to the conflicts between the two countries concerned? Did we overlook important developments? Are we not capable of influencing our own members to refrain from trying to resolve their conflicts through violence? Are there any other situations in Europe that could develop into inter-state violence in the future? How can we avoid it?

3. I shall focus my opinion on how to establish peace in the region and on what we should do now to avoid war in Europe tomorrow, and the day after tomorrow, on the basis of the lessons learned from the war between Georgia and Russia. In so doing, I will base myself on the interesting and far-reaching discussions that the Presidential Committee held both in Tbilisi and in Moscow, which went well beyond the analysis of the post-war situation to encompass future prospects to ensure regional stability.

2. The war is over. Conflicts are not

4. Even if military operations are over, the conflicts between Georgia and Russia which were the reasons behind the escalation of violence in August are far from being solved: on the contrary, as the report of the Monitoring Committee describes in detail, since the end of the hostilities there have been a number of incidents involving all sides. In fact, the number of these incidents seems to be rising, which increases fears of an escalation resulting in the reignition of a military conflict.

5. It was especially alarming to hear from some interlocutors in Moscow that there are signs of re-armament of the Georgian army, which would be an indication that Georgia is prepared to reopen the hostilities. I think we should do everything to prevent this from happening.

6. Although the second and third rounds of negotiations conducted under the aegis of the European Union in Geneva have been constructive in some respects, Russia has not withdrawn its recognition of the independence of Abkhazia and South Ossetia, as was demanded by the Assembly in its Resolution 1633 (2008). In addition, Russian troops continue to be stationed in Akhalgori and in the ethnic Georgian areas of Upper Abkhazia, two areas which were not directly affected by military operations during the war. Needless to say, Georgia refuses to accept a limitation on its territorial integrity.

7. Animosity between the parties has not vanished: as at the day of writing, Georgia has not yet restored internet accessibility to Russian websites on Georgian territory. It is, however, to be welcomed that, on 25 January 2009, Georgia restored the gas supply for the breakaway region of South Ossetia, which had been cut off since the beginning of the war. I think we should note that, since the start of the war, Russia never stopped the gas supply to Georgia.

8. Russia, for its part, voted against the renewal of the mandate of the OSCE in Georgia, which has been operational since 1992, with the result that, for this year, the OSCE will have to close down its widespread activities in the country. The explanation put forward by Russia for its refusal was that it could not accept any linkage between the OSCE activities in South Ossetia and the rest of Georgia, because Moscow has recognised the independence of Abkhazia and South Ossetia.

9. These are worrying signs that tensions are high and might flare up again. Europe cannot afford a repetition of the war, even more so when one considers the volatility of the wider region, where a number of other conflicts have not been resolved.

10. The status of the two break-away regions should not lead to further violence or even a war. Their future and their relations with their neighbours have to be the subject of diplomatic negotiation.

11. To take up an idea of my colleague David Wilshire, I would like to stress that in order to prevent fresh violence, we need flexibility on the status of the two regions; in order to be able to help those people who are suffering and ensure an appropriate humanitarian response, we also need flexibility as regards access to the two regions.

12. The expression “frozen conflicts” is misleading: it is not possible to ensure that a conflict which is “frozen” has no effects. The Secretary General of the Council of Europe is right when he wants to replace the expression “frozen conflicts” with “sleeping volcanoes”. This is what we are dealing with now: the consequences of the explosion of a sleeping volcano in Abkhazia and South Ossetia. In Nagorno-Karabakh, an explosion would be even more destructive and would cause even greater human suffering.

3. The conflict over Nagorno-Karabakh: prospects for a solution to the conflict closer as a positive side-effect of the war between Georgia and Russia?

13. Far from having a spill-over effect in South Caucasus, an encouraging consequence of the war between Georgia and Russia is that, in its aftermath, there have been signs that a solution to the conflict on Nagorno-Karabakh might be closer to hand. At least some of the states involved seem to understand that they now have to be more proactive.

14. During the war, both Azerbaijan and Armenia showed a sense of responsibility. Azerbaijan remained neutral and refrained from open criticism of Russia’s intervention. This attitude was perhaps due to the fear that Russia could have extended recognition to other separatist regions, including Nagorno-Karabakh.

15. Armenia, for its part, did not use Russia’s recognition of the independence of Abkhazia and South Ossetia as an opportunity to recognise the independence of Nagorno-Karabakh.

16. An explanation for this restraint is that the war between Georgia and Russia highlighted the strategic and economic vulnerability of Azerbaijan and Armenia: it temporarily halted all the transit routes of gas and oil through Georgia, therefore affecting Azerbaijan's energy exports. The economy of Armenia was affected even more because 70% of its exports normally flow through Georgia, as a result of the blockade by Turkey and Azerbaijan. Landlocked, Armenia found itself cut off from Russia, its main military ally with which it maintains strong economic ties. The only way to reach Russia by land from Armenia is now via Azerbaijan.

17. In the wake of this war, therefore, both Azerbaijan and Armenia might have a renewed interest in improving their relations, which requires the solution of the conflict over Nagorno-Karabakh. In addition, Armenia might have a renewed incentive to normalise its relations with Turkey and thus break its economic isolation. It is not a coincidence that straight after the war between Georgia and Russia, the Turkish President Abdullah Gül launched a new regional security initiative entitled "the Caucasus Stability and Co-operation Platform". Earlier, he had conducted the first ever presidential visit to Armenia, followed by meetings at the level of ministers for foreign affairs.

18. At the same time, the interest in a rapid resolution of the conflict is also felt more urgently by Russia, in an attempt to improve its relations with Azerbaijan, to find a remedy to the isolation of its main regional ally, Armenia, and to strengthen its position as a peacemaker in South Caucasus.

19. This is the background to the "Moscow Declaration", signed by the Presidents of Russia, Azerbaijan and Armenia under the auspices of the former, on 2 November 2008. The declaration reaffirms their commitment to resolve the dispute over Nagorno-Karabakh through political means.

20. It is now of primary importance for the parties to the conflict and for the Minsk Group of the OSCE not to lose momentum and to deploy all their efforts to secure a long-term settlement of the conflict. The Assembly, for its part, should also resume its activities on this question, in the context of the ad hoc committee on the implementation of Resolution 1416 (2005) on the conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference.

4. North Caucasus

21. The continued volatile and unstable situation in the North Caucasus, especially in Chechnya, Dagestan and Ingushetia, is a matter of concern for Russia, but also for the Council of Europe.

22. In recent months, despite the change of leadership in Ingushetia, there has been a deterioration of the security situation there, with murders, kidnappings and explosive devices going off.

23. The future of the North Caucasus depends, to a large extent, on whether the problems and conflicts existing in the wider region are resolved or aggravated. In the latter case, it is inevitable that the tendency will be towards an escalation of violence, terrorist attacks, and a growing divide from the rest of the Russian Federation, in political, cultural, religious and economic terms.

24. Perhaps, in the West, many observers underestimated the cultural and social links and loyalties between peoples from South and North Caucasus. These loyalties might have been one of the main factors as to why the Russian Federation answered so rapidly and with such determination to the attack on the Russian peacekeepers in Tskhinvali.

5. Transnistria and Ukraine

25. Contrary to initial fears voiced by some experts and the media, Moscow's recognition of independence was limited to the territories of Abkhazia and South Ossetia and did not extend to any other region with separatist ambitions, such as Transnistria.

26. Paradoxically, in the aftermath of the war between Georgia and Russia, the prospects for reaching a negotiated solution in Transnistria have improved, with the Moldovan Government reaffirming its full support for a non-violent, negotiated solution that offers Transnistria the broadest possible autonomy.

27. Russia should be motivated to exercise pressure on the Transnistrian leadership to accept the compromise, which would confirm that its actions regarding the unilateral declarations of independence by Abkhazia and South Ossetia are exceptional cases and in no way an indication of a "new", more aggressive foreign policy towards its western neighbours. To this end, the beginning of a new negotiating process was planned at the meetings that Russian President Medvedev held in Sochi with Moldovan President Voronin (25 August 2008) and in Moscow with the Transnistrian leader Smirnov (3 September 2008).

28. Similarly, Russia has given very convincing arguments proving that it has no interest in supporting the secession of part of the territory of Ukraine. However, preserving the unity of a country which is so divided from the social and cultural point of view is a daunting challenge for its leadership, which is itself very divided politically.

29. In the months to come, the Assembly should follow political developments in Moldova and Ukraine with particular attention. The relevant monitoring rapporteurs have to be proactive and formulate constructive recommendations. Ukraine also needs conceptual help on how to integrate its diverse groups into society and how to strengthen the unity of the state without putting into question the different identities of its people. Lessons from other multi-ethnic states might be of help.

6. A common future in partnership with Russia

30. I do not believe, as some politicians and scholars argue, that Russia's foreign policy has changed, that it has taken a confrontational turn. I am convinced that, in recent years, the "West" – both the United States and European countries – has made several mistakes. First of all, it has underestimated the importance of moving forward in real partnership with Russia, although there are no major European or global problems that can be resolved without involving Russia.

31. As Sir Roderic Lyne, a former British Ambassador to Russia, recently said: "There is no objective need for confrontation. President Medvedev declared at Evian that 'we are in no way interested in confrontation'. It would be the avenue of last resort, and would be expensive and damaging to all of our interests. We have a vital interest in the management of global problems. And the crises in the Caucasus and the financial markets have had the salutary effect of reminding us of our interdependency and of our ability to co-operate when we are forced to do so".[2]

32. In order to create the best conditions to build a common future in partnership, we have to learn to look at each other through the other's eyes. Real partnership does not prevent any partners from asking critical questions and making critical remarks if necessary.

33. In this sense, I would like to quote the analysis that a Russian expert has made of the events which finally led to the war between Georgia and Russia:

> *"In the historically short period of two decades in the late 20th and early 21st centuries, the world has seen tumultuous changes in all areas – in the economy, politics, law, information technologies, and in cultural and humanitarian exchanges. Globalisation processes and the ensuing growth in the interdependence of countries have speeded up, and room for multilateral diplomacy and the cross-border movement of people and capital has increased.*
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> *In the 1990s, newly independent Russia readily embarked on the path of domestic reforms and integration into the global economy, and established partner relations with NATO and the European Union, imposing on itself considerable self-limitations on conventional armaments and the strength of its armed forces. It is within recent memory that Russia co-operated with NATO within the framework of multinational forces to restore peace in the Balkans. NATO expansion to countries in central and eastern Europe and the Baltics took place relatively peacefully, although Moscow expressed its principled objection to such a western policy where there was no military threat to the East. At the same time, Russia and NATO built effective mechanisms for their interaction with a view to establishing a partnership on a strategic scale.*
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> *Already in the early years of Vladimir Putin's presidency, Moscow did not hesitate to lend its shoulder to the United States after that country was attacked by international terrorists. Russia offered support then not only in word but in deed – even sacrificing some of its national security interests in the central Asian region.*
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> *It was a time when both Russia and the West had illusory hopes for a conflict-free settlement of their differences on the basis of common interests in countering new global development challenges. Russia's political establishment displayed readiness for far-reaching compromises, given that the West reciprocated and showed its desire to duly assess the difficulties of the democratic transformations in Russia.*

2. Sir Roderic Lyne, *From the Megaphone to the Microphone*?, in Russia in Global Affairs, Vol. 6, No. 4, October-December 2008, pages 37-50.

However, conservative NATO representatives in the West took that as the consent of a weakened Russia to play the role of a 'junior partner' and as a 'golden chance' to westernising global development under the auspices of international security and co-operation structures, which were under a strong United States influence. […] The transition from an idyllic phase in the post-confrontation period to a politically correct showdown in Russian-western relations did not take place overnight. The two parties maintained the semblance of business co-operation for quite some time, while differences latently piled up between them in approaches to solving the major problems of world development. George W. Bush repeatedly assured Moscow that the United States did not consider Russia an enemy, while Moscow confidently said it was impossible to return to confrontation and that history would not repeat itself".[3]

34. And here is another quote, from a Russian expert on Russia's foreign policy, which we should take into account in order to be able to develop new common policies in partnership:

"Today's Russia does not offer anything – apart from its natural resources – that would deserve at least some interest, to say nothing of sacrificing one's life. Its soft power, non-aggressive attraction, and moral and ideological influence have dropped to zero. It does not promote either a democratic ideal (similar to the United States) or a fundamentalist ideal (similar to some Islamic countries and movements). It does not serve as a model of successful integration on the basis of democracy (like the EU) or a pattern of speedy development (like China […]). Russia is not a crucial and useful ally for anyone (the way Japan is for the United States) or anyone's bitter enemy (like Iran is for the United States).

In the meantime, an attempt to integrate Russia into Europe flopped, and that is why Russia must look for ways to consolidate its own soft power and seek things that it could offer to the rest of the world, albeit not on the Soviet scale of the past.

Russia's transition to a new foreign policy envisions a number of measures: to formulate basic national interests; to understand which of them correspond to the interests of other major international players in the field of world politics; to turn the areas of convergent interests into guidelines for Russian foreign policy attractiveness; and, by co-operating in those areas, to induce partners to concessions on the items where their interests are not identical to Russia's.

The sphere of Russia's fundamental national interests should not be interpreted too broadly, especially considering Russia's current position. It must incorporate solely the interests that are directly relevant for the future of the nation, the ones the nation should defend with all its might. The Russia of today does not seek to conquer the world or to subdue it with the aid of its ideology in the manner that the Soviet Union did, and that is why it has much more national interests. Russia's general objective today consists of speedy economic and social development, improving living standards so that they match those in the most developed nations, and ensuring political and social stability."[4]

35. The Council of Europe has an important role to play to rebuild a real and meaningful dialogue and mutual understanding between its member states.

36. The world needs to develop a new international architecture for security and co-operation to meet the new political realities. In this sense, the proposal made by Russian President Medvedev as regards a new European security pact deserves attentive consideration and a genuine response.

37. My hope is that the new United States administration will prove to have more empathy and vision than the previous one. In his inauguration speech, President Obama expressed his intention to have recourse to dialogue and negotiation rather than imposing United States decisions.

3. Alexander Aksenyonok, *Paradigm change in Russian Foreign Policy*, in Russia in Global Affairs, pages 66 onwards.
4. Alexander Lukin, *From a Post-Soviet to a Russian Foreign Policy*, in Russia in Global Affairs, pages 52-65.

7. Different scenarios for the long-term future

38. As Professor Egberg Jahn from the University of Mannheim wrote recently,[5] "one has to think to after tomorrow to prepare the tomorrow". This means that we have to look with boldness, imagination and vision, at all the possible scenarios that might happen in the long-term future, even if they sound provocative and unrealistic now:

– a first scenario could be that the recognition of Kosovo and Abkhazia will reshape international law and that the independence of these entities will be accepted politically, including by Serbia and Georgia, in the context of a comprehensive settlement in which some of these countries' main foreign policy objectives – such as EU membership or integration into a common security structure – will be achieved;

– a second scenario could be the definition of a new regional peace and security pact for the South Caucasus, negotiated by Armenia, Azerbaijan and Georgia, the European Union, Russia, the United States and Turkey. This pact could envisage the demilitarisation of some areas in the region;

– a third scenario could be that Armenia, Azerbaijan and Georgia, as well as Abkhazia and South Ossetia, become neutral states and entities, with their common security being guaranteed by the European Union, Russia and the United States, with or without forming new types of state federation;

– a fourth scenario could be that South Ossetia and Nagorno-Karabakh become regions jointly administered by Georgia and Russia and by Armenia and Azerbaijan respectively, with the security being guaranteed by the main players in the international community.

39. In order that such scenarios, which seem so unrealistic now, become more of a possibility, we have to be open for dialogue and discussion with all groups, all parties, all countries and all regions.

8. Developing a role for the Council of Europe in the field of conflict prevention

40. The Council of Europe was set up to ensure unity between the states in Europe. In August 2008, for the first time in the history of the Organisation, two member states engaged in full-scale war against one another. This was a shock for the Assembly, especially because we were not able to prevent this war.

41. I believe that one of the lessons to be learned from the war between Georgia and Russia is that the Council of Europe should develop a role in the field of conflict prevention, in order to prevent other situations of tension from escalating into all-out violence. As recognised by Resolution 1633 (2008) on the consequences of the war between Georgia and Russia, "without peace there cannot be genuine respect for democracy, human rights and the rule of law".

42. The Assembly can make a considerable contribution in this field, by promoting inter-parliamentary dialogue and conducting parliamentary diplomacy. In fact, there should be a standing structure within the Assembly with the task of following sensitive political situations and setting off an alarm bell well before violence breaks out. In this sense, the newly-created ad hoc sub-committee on early warning systems and conflict prevention in Europe should also continue its activities after the the Conference on early warning systems has taken place.

43. In this context, the Council of Europe should envisage its field presence in the two regions in the form of an ombudsperson who has the task of addressing complaints related to human rights questions, and reporting back to the Council of Europe in Strasbourg on such matters.

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Secretariat of the committee: Mr Perin, Ms Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner, Ms Alleon.

5. Egberg Jahn, *in Osteuropa 58*, Berlin, November 2008, pages 5-18.