

The role of the OSCE in the conflict in Georgia

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Introduction

On August 7, 2008 after a few days of shooting incidents in the break away region of South Ossetia, the Russian Federation's military forces invaded Georgia. However, the invasion was preceded by an incident in April 2008: the downing by a Russian fighter of a Georgian unmanned aerial vehicle. This incident reported by the UN Observer Mission to Georgia was discussed during a special closed UN Security Council session in May 2008. With the situation in Abkhazia heating up, Germany, in its role of coordinator of the Group of Friends to UN Secretary General, launched a three-phase plan in July to de-escalate the situation in Georgia. Escalation however took place in yet another part of Georgia in August 2008.

Russia's motive for the invasion of Georgia was to protect the 'Russian' population in South Ossetia from the aggression of the Georgian military. Russian military forces moved in to occupy Georgian territory beyond South Ossetia and refused to withdraw to pre-war 'peacekeeping' positions even after having signed a ceasefire agreement stipulating this particular point. Diplomatic moves initiated by the EU French presidency, which brokered the 6-point ceasefire plan, came to a halt, the main obstacle being the refusal of the EU, Georgia, the US and the involved international organizations — UN and OSCE — to recognize the two breakaway regions of South Ossetia and Abkhazia. A prolonged negotiation did not yield any result since the 56 participating states did not reach consensus.

An informal meeting of the OSCE's foreign ministers on the island of Corfu on June 27-28, 2009 failed to reach consensus on an extension of the OSCE's mission mandate. The Russian Federation insisted on a new mandate for the Mission that would take into account the consequences of the August 2008 military conflict.¹ Opening a new separate OSCE mission in Tskhinvali, South Ossetia, as was the Russian proposal, would have meant a direct recognition of the independence of this region. The negotiation trajectory up to now is in a deadlock and there is little hope that the next negotiation round in Geneva coming September 2009 will yield any result. A positive development was the establishment of an international committee which was to investigate the origin of the August conflict. The EU-committee was established on the September 2008 initiative of Germany. At the time the proposal was welcomed both by Georgia and the Russian Federation. With both OSCE and the UN out of Georgia the only international observer mission left is the European Union Monitoring Mission (EUMM). Its mandate, which was to expire on September 30, 2009, has been extended until 14 September 2010.²

The OSCE mission was established in 1992 on the invitation of the government of Georgia and with the consent of the leaders of the breakaway regions of Abkhazia and South Ossetia. One would therefore conclude that there would have been a sound basis for a political solution to the situation. The reality has proved otherwise. The question, therefore, is what has been the effect of OSCE's presence in the country and given the constraints of the organization (no legal basis, decisions by consensus, increasing opposition from the part of CIS countries) what could it contribute to a durable solution for the situation in Georgia.³

1 Georgia: OSCE terminates its 17-year Georgian mission, J-Chr. Peuch, June 30, 2009, Eurasianet.org.

2 Zoltán Dujisin, *GEORGIA: EU Takes the Diplomatic Lead*, Inter Press Service International Association (IPS) Brussels, September 15, 2008 (www.ips.org; site visited on October 27, 2008).

3 W. Kemp, (ed.) *OSCE Handbook*, 3rd edition, Vienna 1999, p. 58.

The conflict in Georgia: a short history

At the end of the Cold War and the collapse of the Soviet Union, Abkhazia and South Ossetia declared their de facto independence from Georgia (1992 and 1991 respectively). Their independence has never been internationally recognized. The Georgian authorities annulled these unilateral moves and a violent conflict started which lasted from 1989 to 1992. At times, the different conflicts between ethnic groups in Georgia have been exploited by Russia. Apart from that, an important role in the previous and present conflict is played by the economic and military interests the region represents. This is the case for Europe, Nato and the United States on the one hand, and Russia on the other. The proximity of Georgia to the energy rich Central Asian region and the transport routes of energy through the Caucasus make it part of a very strategic region. NATO's increasing encirclement of Russia's south western sphere of influence puts the Russian leadership under political and psychological pressure. Notwithstanding its frozen conflicts, Georgia has been offered the perspective of NATO membership.

Russia has used economic and political instruments to keep Georgia under control ever since it became independent. Over the last decade, Russia has carried out military actions in Georgia of which the invasion of 2004 was most notable. The recent events in August 2008 are a consolidation of Russia's position in Georgia. The Sarkozy 6-point plan⁴ was signed by Russia on September 8, but afterwards Russia began to backtrack on its agreement to the ceasefire arrangements by contesting the legitimacy of the document itself, by not honoring the agreement whereas the withdrawal of its military forces is concerned, concerning the monitoring of the situation by EU observers and by not allowing humanitarian aid into the war torn areas. Russia pushed to include — next to Georgia, Russia, the OSCE, the UN and the EU — the de facto leaders of Abkhazia and South Ossetia to take part in the negotiations in Geneva on October 15 2008. Formal recognition of the de facto leadership of these regions has been the objective of the Russian Federation for more than a decade now.

OSCE's mandate

Hostilities between Georgia's central government and the two break away regions ended in 1992 with a ceasefire agreement. Peace keeping forces that were to monitor the military side of the agreement consisted of Russian and Georgian forces with assistance by forces from the two break away regions. Here, the involvement of both conflicting parties in a peace keeping mission represented an arrangement which was doomed to fail. OSCE and the UN set up their Georgian missions in South Ossetia and Abkhazia respectively at the request of Georgia to which representatives of the local administrations of South Ossetia and Abkhazia agreed. The OSCE mission was tasked to work towards a political framework in which a permanent political solution could be found. It was to conduct negotiations with all parties concerned, try to eliminate sources of tension, and liaise with the military commanders of the peace keeping forces tasked with border control and stabilization of the security situation on the two break away regions. Apart from its politico-military role, the OSCE also deployed activities through its economic and human dimensions.⁵

4 The elements are: (1) Do not resort to force; (2) Definitely cease hostilities; (3) Allow free access to humanitarian aid; (4) Georgian military forces must withdraw to their usual positions; (5) Russian military forces must withdraw to positions occupied before the start of hostilities. Until an international mechanism is put in place, Russian peacekeeping troops will implement the security measures; (6) Open international discussions over security and stability in Abkhazia and South Ossetia.

5 W. Kemp (ed.) OSCE Handbook, 3rd edition, Vienna, 1999.

Joint Control Commission

Analogous to the situation in Nagorno Karabach with the Minsk Group, a structure had been set up which was to serve as a forum for negotiations with all parties concerned: — Russia, Georgia, South-Ossetia and Abkhazia — on the different aspects of the situation. The Joint Peacekeeping Forces that came under the JCC's Military and Security working group, were dominated by Russian forces. The OSCE (nor any of the other 'outsiders' such as the UN and EU) had no voting rights in any of the JCC's working groups and consequently was in a weak position at the negotiating table. Georgia, as one of the major stakeholders in the conflict, tried a number of times to change the format of the JCC because it isolated Georgia and excluded participation of the West. It also provided a foreign nation that has de facto, invaded Georgia in the past, the legitimacy of the position of peacekeeper. Moreover, the Russian Federation was overrepresented on the Commission since it not only sat in as a full fledged commission member, but it was also represented through its membership of both UN and the OSCE. Between 2004 and 2005, in the framework of the JCC, no less than 15 protocols had been signed by all parties on the demilitarization of South Ossetia, from which Russia backtracked afterwards. The JCC thus had become part of the problem and by taking part in its Russian dominated and unbalanced representation the OSCE, was compromised rather than seen to fulfill its mediating role.

Effectiveness of OSCE in the conflict area: implementation of its mandate

The OSCE, which had both a mission in Tbilissi and a mission in Tskhinvali, was mandated to monitor the borders and the overall security situation in Georgia (and had great trouble in implementing its mandate). Its capacity was too limited which also goes for its political leverage. At the time of its establishment in 1992 the Mission had a total of 8 fte's. This number increased to 142 fte's (international as well as local staff) as per 1 February, 2008.⁶

Armed incidents had occurred throughout the years of the OSCE mandate, and were becoming more frequent and more serious before the most recent outbreak of the war in August 2008. A proper monitoring of the security situation (which includes monitoring of the borders with neighboring Chechnya and Russia proper) was hardly realistic since the OSCE's military observers were not armed and in too few numbers (the OSCE monitors all Georgia with the exception of Abkhazia which has been monitored since 1992 by the UN peacekeeping forces). The OSCE and the UN as well, were pushed aside by the sheer numbers and level of armament of the peacekeeping forces consisting of Russian, Abkhaz and South Ossetian military.

In fact, the OSCE tended to monitor only a part of South Ossetia excluding the Roki tunnel linking South to North Ossetia, which posed, in the end, a security risk for both Georgia and Russia. In June 2004, there was a rally of gunmen from Russia, Abkhazia and Transdnistria in Tskhinvali's central square, apparently followed by joint exercises of those militias in Java (just outside the zone that the OSCE is able to monitor). There were reports that through this unmonitored zone, South Ossetian vehicles were reported to have taken part in the attack on Beslan in 2004.⁷ Although these facts are not properly verified, the porous borders with Chechnya and Russia and the level of criminality in South Ossetia did (and most likely still do) make for a potential free zone in which lawlessness can thrive.

6 OSCE website (<http://www.osce.org/georgia/13265.html>; retrieved on July 1, 2009).

7 Vladimir Socor, JCC, 'Peacekeeping' formats in South Ossetia shown to be untenable, Eurasia Daily Monitor, Volume 2, Issue 1299 (October 26, 2005).

With regards to security enhancing programmes, the OSCE generated some success by establishing a Special Coordination Centre (SCC), a South Ossetia based law enforcement unit, trained through the programmes of the OSCE and involving cooperation of South Ossetia and Georgia. Unfortunately the OSCE has had to urge the two sides to agree on concrete measures to improve the efficiency of the SCC by addressing the growing criminality in the region, implying that on both sides, policemen were involved in crime and trade in goods between the Russian Federation and Georgia through South Ossetia. Even now with the cease fire agreement (EU-6 point plan) signed, OSCE observers that are mandated to be in the territory of Georgia are only allowed into South Ossetia from time to time and accompanied by Russian military. The EU on several occasions has pressed for access to the conflict zone albeit for humanitarian purposes. The Russian Federation up to now has refused.

Solving the recent crisis

At the outbreak of the recent war in Georgia the OSCE reacted quickly. On August 19, twelve days after the outbreak of hostilities, under the aegis of the Finnish presidency of the organization, all OSCE states agreed to deploy additional unarmed monitors to Georgia. The lead was then taken over quickly by the current EU presidency, Sarkozy, which launched a six-point plan on September 1 followed by diplomatic demarches, including a meeting on the level of heads of state in Moscow.⁸ Europe strove to solve the crisis as quickly as possible and by doing so discarded the instrument of the OSCE. The scope of political and economic interests between Russia and the EU had outmaneuvered the OSCE. Of course the leverage of meetings on a presidential level did have more problem solving potential than meetings between ministers of foreign affairs and it also circumvents the risk of a Russian veto in the OSCE. However, when negotiations came to a standstill after bickering over legitimacy, the contents of the six-point plan and the refusal to allow the de facto local leaders of South Ossetia and Abkhazia to take part in the Geneva negotiations, the OSCE has been back in the game. Since diplomatic relations between Russia and Georgia have been cut off, the OSCE now has become the only diplomatic channel where the two parties meet. Russia, in spite of its scepticism of the OSCE's role in Georgia, wants the organization to play a role in brokering agreements on the nonuse of force between Georgia and the two breakaway regions. Since this again, would mean an implicit recognition of the independence of these regions, the plan will most likely not work out and the proposal could almost be regarded as a pre-emptive attempt to corner the OSCE.

Conclusion

In Georgia as in other countries belonging to the former Soviet Union's sphere of influence, the OSCE is confronted with the foreign policy of an invigorated Russian Federation that wants to set the record straight of a decade of perceived economic, political and military humiliation by the West. Russia under Putin has begun to reassert its position as a major power by re capturing its sphere of influence and by playing the energy card. Such is the case in Georgia, too.⁹ The 'Kosovo-argument' was also put forward by Russia in this context and many observers regard the recognition of Kosovo's autonomy by Western countries as one of the motives for the military intervention of Russia.

8 Vanessa Mock, EU cranks up the pressure on Russia, September 8, 2008, Radio Netherlands, (www.radionetherlands.nl/currentaffairs/region/europe/08092008-eu-russia.)

9 Pavel B. Baev Russia assembles its allies and ponders the content of its 'privileged interests', Eurasia Daily Monitor, Volume 5, Issue 172, (September 9, 2008) Jamestown Foundation.

But the picture is bigger than 'just' the case of Georgia. Where Russia at the beginning of the decade seemed to have a cooperative attitude towards the OSCE, as it had towards NATO, this has changed now in line with the increasing ambition to play a significant role on the international scene. Russia presented its 'new ideology' regarding its 'sphere of privileged interests' in combination with its proposal for a new European security structure.

With the conflict over Georgia, the reality is that the search for a new cooperative relationship, be it through NATO, the EU or the OSCE, has given way to frictions over the lands between Europe and Russia. The impact of the Georgian conflict on its relations with Europe and the United States therefore signals a new phase in the East/West relationship.

On the level of the OSCE as an organization, Russia has challenged the OSCE on core tasks accusing the organization of bias and using double standards. Apart from the rhetoric there is some truth in that. There have been talks about reforming the OSCE in the past, but for various political reasons this has not materialized.¹⁰ Reforming the organization almost certainly involves renegotiating the organization's mandate. There is a risk in that but also a window of opportunity. It might take the wind out of Russia's sails since its criticism will not go away by itself. Also, with respect to the newer EU-members, reorganizing in the post Cold War era might give them a stronger voice. Certainly the leaders of these countries voiced a stronger opinion on Russia's heavy handed approach in Georgia than what the 'older' EU-members have put forward. The upcoming Kazakh chairmanship will therefore be most challenging for both sides.

As a regional organization the OSCE in Georgia has not been up to the challenges of the situation. Mutual interests of opposing parties have lead to a deadlock: European countries have economic interests that link them closely to Russia and, more often than not, security and human rights issues brought forward in the OSCE context have been sacrificed for the benefit of trade relations with the energy providing Russian Federation. The OSCE in this respect has less to offer than the EU does.

In spite of having agreed to OSCE principles, the OSCE has had little leverage to force the Russian Federation to comply with them. Its sanction instruments (Vienna and Moscow Mechanisms and expulsion from the organization) are not too impressive. However one could argue that even a stronger organization like the UN experiences difficulties with that.

The conflicts that take place in the territories of the former Soviet bloc countries are all part of the political and economic power play between the East and the West. Where, in the Cold War period, the OSCE (then CSCE) was well placed to serve as a mediating forum for the major powers that opposed each other, the member states are now faced with a different reality. Next to the US, the EU has become a major economic alliance, lacking however, a coherent foreign and defense policy. Nevertheless the Council of Europe has taken on a number of tasks of the OSCE especially those belonging to the OSCE's economic and human dimensions. NATO's enlargement and its security tasks under the aegis of the UN have 'dwarfed' OSCE's military and security tasks. Reconsidering the OSCE's position in view of the enlarged EU would therefore seem necessary.

As far as conflict prevention is concerned, it is clear that in a situation that occurred in Georgia in August, the

10 Arie Bloed, *CIS countries continue to push for a reform of the OSCE*, Chronicle Helsinki Monitor 2004, no.4, 2004, Arie Bloed, *OSCE reform requires bold decisions*, Helsinki Monitor 2005, no 4., 2005 and E. Bakker, *Nederland, de OVSE en Rusland*, Propekt, University of Amsterdam, 2003.

international organizations on the ground lacked manpower to do a proper job. More UN blue helmets on the ground therefore would have been absolutely necessary since there was and is a real danger of a spill over effect from equally volatile regions like Transdniestria and Chechnya. With the international organizations out, the Russian Federation has a freer hand in the region. The present status quo gives it all the room to pursue its own agenda. Russia is already lodging itself firmly in this strategically important region.

As for the break away regions, time does not work in their favor. The process of moving the ethnic South Ossetians and Abkhaz to the back seat is already going on. Nearby Ukraine — largely inhabited by Russians - harboring the peninsula of the Crimea is a potential next hot spot.

Unfortunately, a year and six rounds of talks later the humanitarian situation in Georgia on the whole has not improved. There are still more than 250,000 IDP's without any prospect of returning to their homes. The economic and environmental situation is quite bad.

On the diplomatic front no, progress had been made yet. The seventh round of the Geneva talks (September 17, 2009) focusing on security and humanitarian issues did not yield any result. The deadline of the Swiss led investigation committee into the origin of the August 2009 conflict is due 30 September 2009.

The Georgian conflict underlines the centrality of Russia's relations with its neighbors not only with regards to the United States but also with Europe. Europe and the US would do well to stick to the one security organization that is still in play. The OSCE would do well to gather its strength and discuss a new model for comprehensive security for Europe in the twenty-first century as was already agreed back in 1994 during the Budapest Summit. The OSCE still has an important role to play in bringing parties from Vancouver to Vladivostok to the negotiating table on an equal basis.



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