

THE EUROPEAN UNION AND THE RUSSO-GEORGIAN WAR

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Summary:

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The Russo-Georgian war extends beyond the simple regional context of the Caucasus, which has already been remodelled by this conflict. The use of force by one State, Georgia, which claims to be moving towards European values and the accompanying project, raises a real question of principle for the European Union. For the latter the Russian reaction is also unacceptable and raises the issue of their partnership together. The Union must clearly point out the rules of international law to Russia. The European Union's answer to the activities undertaken by its large neighbour must be firm and yet responsible and it must look to the application of the law. Russia must be given the opportunity of returning to the use of acceptable modes of behaviour. In addition to this the EU must enhance its presence within the immediate neighbourhood – not by presenting rash promises of membership, but by providing additional and even exceptional human and financial support, for reconstruction and for all the populations involved. Europe should not have to feel dependent on Russia or to use economic force so that the latter adopts more appropriate behaviour that is in line with international practice and with European requirements.

I – The Russian-Georgian War – August 2008: chronology and results; interpretation and interests of the European Union

Two member States of the Council of Europe, one, the Federation of Russia - since 1996, the other, Georgia, - since 1999 - decided to resort to arms to settle their differences, minor in appearance, but old and even recurrent in view of the long history of this complicated region. Georgia says that the decision to use arms was forced upon them and that it had been provoked, the Russians say that on their part it was simply a protective reaction of the "Russian speaking minorities".

The rapid halt to the fighting was due both to the collapse of the Georgian armed forces because of the intensity and size of the Russian attack and to the celerity of European mediation under France's management. Diplomats know very well that crises are deliberately started during the calm summer or winter periods when reaction times of the analytical and negotiation apparatus are supposed to be much slower. However at an early stage Paris saw that the capricious and unpredictable Georgian president had fallen into a trap and this was confirmed by the order in which the main events then occurred.

Equally quickly it was seen that the crisis could not be apprehended and dealt with simply on a regional scale and that it included many other interrelated aspects: the

energetic show of force by Russia in a place Moscow continues to believe is its backyard, with the Black Sea and the Ukraine at the top of the list; another stage in the highly important energy game; an act of "revenge" against NATO and the European Union; the questioning of international law; hypothetical power struggles in Russia and more recently the upcoming American election.

The most fashionable interpretations can have as much influence as the reality of the field and these are subject to manipulation. Diplomatic experience shows that work undertaken in the wake of a specific, local crisis has, more often than not, bearing on other matters in addition to the settlement of the crisis itself – matters that have been filed in the so-called "frozen conflicts" box, whilst negotiation deals with more central issues. Hence in the present case the issue entails first and foremost the clarification or rather the re-assessment of the overall relationship – which is both multifaceted and contradictory - between the European Union and Russia from an objective standpoint; by doing this we run the risk of relegating the quest for negotiated settlement for the region in question to a much later date.

A – A Chronological Countdown of the Events

The political error on the part of the Georgian president in the face of the Russo-Ossetian trap together with the moral mistake he made in employing force during the night of 7th and 8th August against Ossetian civilians at the expense of other methods which would have been more in character with a democratic regime does not rule out the reality of the Ossetian provocations which started on August 1st (a police car blew up when it drove over a mine), two days after the end of the joint American-Georgian military exercise called Immediate Response. Provocation was followed by Georgian riposte and then the evacuation of part of the population of the town of Tskhinvali on 2nd and 3rd. The Caucasus 2008 exercise by the Russian army in the Northern Caucasus that started on 15th July ended on 2nd August with the participation of 8,000 soldiers who evidently remained on alert. The cease-fire that was negotiated on 4th and confirmed on 7th was not respected. The decision to bombard the town of Tskhinvali with multiple rocket-launchers was taken in the night of the 7th by the Georgian president in response for the crossing of the Roki Tunnel by Russian troops and mercenaries from the Northern Caucasus. It is certain that only 15 hours passed between the start of the Georgian army's operations and the arrival of the tanks of the 58th Russian army in the town on 8th August. In this the best informed experts see proof that not only was the operation planned but that troops were ready to be deployed (with the marine and the parachute regiment in Abkhazia this totalled nearly 15,000 men in all). We now know what followed: surprised at how quickly the Russian army advanced, the Georgian armed forces abandoned their positions in Ossetia after being conquered by a Blitzkrieg as from 10th; they retreated towards Tbilisi leaving access to Gori open. At the same time Abkhazia was invaded and in both regions there was a series of advances beyond the enclaves towards the ports, barracks and towns, and along the main roads and railroads.

It is therefore clear that each side chose escalation from the start: for Georgia, to make obvious that Russia had a neo-imperialist behaviour, for Russia to make NATO countries understand that decidedly the Georgian president was a totally unreliable firebrand.

B- Direct Results of the Russo-Georgian War

a) Locally the two separatist provinces have achieved what they have been trying to achieve since the start of the 1990 – their final withdrawal from Tbilisi's sovereignty. After the *manu militari* expulsion of the Georgian and Armenian populations after the armed conflict in 1991, the Abkhazian minority at the time (18% in 1989) has taken its revenge on the strategy to make their territory Georgian, undertaken by Beria since 1931. The same applies for the South Ossetians and their military protectors with 5,000 Georgians who now run the imminent risk of being brutally turned out of their valleys in the area of Akhagori. However the possibility of North and South Ossetia merging to become an independent entity can be excluded. The non-respect by Russia of the

territorial integrity principle, breaking with a well established diplomatic doctrine, heralds a change in position which cannot be applied to itself however.

b) Regionally the independence of these two territories acknowledged by Moscow makes it possible for it to justify its long term military presence and to extend de facto the Russian border much further south of the Caucasian chain of mountains, providing Russia with total control of the key route through the Roki Pass, a view over the major road in the Cross Pass between Tbilisi and Vladikavkaz and also control of over 200 km of the eastern coastline of the Black Sea. The Russians' strategic border has truly been moved towards the south. The western part of the Baku-Tbilisi-Supsa corridor is now in firing range of the Russian army. The strategic gain is quite clear – especially since neighbouring Armenia is its objective ally. It is the secular continuation of the Russian policy in the southern Caucasus, which has always been presented as being a means to vehicle protection and stability in what is called Transcaucasia, an area of security in the face of Turkey and Iran (even though some of the Abkhazians are part of a Muslim diaspora active in Turkey, Syria and Jordan). There will be no return to how things were before. The possible accession by Georgia to NATO will not be of such strategic value. It will be interesting to look into Turkey's policy, which is directly concerned by this new power struggle (the plan by the Turkish president to visit Erevan in September: will Ankara decide to re-open its border and help to open up Armenia? Turkish criticism of the obstacles made with regard to its trade).

c) From a geo-economic point of view the south Caucasian corridor was presented by Washington as being the ideal, alternative route to the Russian network to export gas and oil products from the Caspian Sea and Central Asia. Three pipelines are in use there:

- the Baku-Supsa oil pipeline, opened in 1998 to export the first Azeri offshore oil, with a capacity of 150.000 barrels per day, owned by AOIC (a consortium led by BP). It was closed for maintenance after the opening of the BTC in 2006 –it is now ready to open again.

- the BTC (Baku-Tbilisi-Ceyhan, under western companies control) exports 850.000 barrels per day i.e. 1% of world demand. It was closed on 4th August after an arson attack in Turkey that was claimed by the PKK but out of its normal area of operation. It was re-opened on 25th August.

- the BTE (Baku-Tbilisi-Erzorum), or the South-Caucasian gas pipeline runs parallel to this and exports the gas of Shah Deniz towards Turkey and Greece. It was closed temporarily during the fighting in Georgia and after technical problems encountered by the BTC. We should note that Lukoil is one of Shah Deniz's partners, owners of the gas pipeline. The railways ensuring the transport of oil from Azerbaijan (which controls the new terminal port of Kulevi) and Kazakhstan (which holds the port of Batumi) were affected (a bridge was destroyed, lines mined) but not the ports; these have now been repaired.

The Russian message addressed to investors, starting with the European project of Nabucco, is that transit via Georgia is now risky since it is no longer reliable. During the crisis Gazprom put forward an alternative route to Azerbaijan. But the situation can be viewed differently: if the Georgian route is now being monitored by Russia it is vital for the EU to make contact again with Iran, the only supplier able to make Nabucco profitable. The EU's autonomous interests are clearly at stake.

d) In Central Asia it is highly likely that the states will continue to strive to rid themselves of Russia's grip; this will be to China and Iran's benefit. In addition to this the serious problems of minorities and borders they will have to face will not encourage them to fall in line with Moscow's position. China will not risk moving away from its policy to reject separatism by approving the acknowledgement of the two Georgian enclaves; it will maintain a neutral, embarrassed attitude and push towards the advantages it can gain from the countries rich in raw materials in Central Asia.

C - Interpretations of the Crisis

What is the nature of this crisis? There is no substance in believing that the August war heralds a major turning point in the international system and that it is now entering a long term phase of crisis. This supposes in effect that other States would resort to behaving like the Russians whose employment of brute force has permanently damaged its image. This is not the case. But the focus is now on Eastern Europe.

In reality and without underestimating the seriousness of the brutal use of force – what has just happened is more a "reminder" of what the Russians intend to do. Russian pressure on former Soviet republics has never ceased: the closure of the oil pipelines in the Baltic countries, cyber-attacks in Estonia, offensive policies with regard to "fellow countrymen", propaganda and defamation campaigns, structural tension with Poland, constant and increasing interference in the Ukrainian political arena, instrumentalisation of tension in Moldova, the decline in relations with the UK and as a backdrop, a strategy to influence via financial investments and the purchase of allegiances in political parties in some EU countries and in the Ukraine, the rhetoric over energy and rivalry between personalities. The key word in this strategy to spread its influence is "kupim" – "we will buy". Is this a modern reminder of Lenin's statement: "they will buy us the rope we will hang them with"?

D- The European Union's Interests

If we look at what has to change in the Euro-Russian relationship European interest lies in coming to an agreement between Member States on a realistic, firm, intelligent policy:

- being realistic, this means maintaining a consensus - even though this might be implicit - on the need to have a common, institutionalised policy with regard to Russia; this implies not believing that there has been a return to the Cold War or to the 1930's. The priority lies in giving as little ground as possible to the strategy of "divide and rule", which implies that the old Member States understand the perceptions and security interests of the new Member States and that the latter understand that it is in their own interest to have a structured relationship with Russia and not a single position but rather a synthesis of national positions and interests that are shared long term;

- being firm, this means challenging the idea of limited or weak sovereignty which Moscow continues to want to force on the former Soviet republics, re-asserting the freedom of choice of States in their alliances, not accepting attacks made on international rules and the use of force. This may be achieved by the decisive enhancement of the neighbourhood policy in eastern Europe and why not for example by the establishment of advanced relations with the Ukraine, Moldova and Georgia or of an ad hoc formula of associate States;

- being intelligent, to protect what has been achieved in the Euro-Russian relationship and to continue work in deploying European standards which will achieve change long term, discarding pretensions that consider Russia as a land to be converted. The European Union will form its strategy according to Russia's strategic orientations, either by helping it to integrate the world economy with an obligatory but normal partnership or by containing its old-fashioned, neo-imperialistic practices which are an attempt to restore its power by influencing areas on its borders, at the risk of isolating itself. The situation in the Caucasus must not be pushed to one side: UN initiatives, the re-initiation of discussions in the dispute between Armenia and Azerbaijan, encouraging Turkey to start dialogue with Armenia, preparing a regional conference directed towards the quest for regional integration. In Central Asia, in spite of the danger of losing western prestige, the European strategy, prepared under the German presidency, will have to be continued tenaciously.

A blend of these three requirements would be a guarantee of credibility for the Europeans. The European Union should above all rid itself of the kind of inferiority complex it feels with regard to Russia that notably emerges in a defeatist rhetoric about energy dependency whilst the reality lies in interdependency; it should stop

underestimating its strength and its advantages in the face of a neighbour whose population is three times smaller and which will be in transition for a long time to come.

II – What might the European answer be to Russia?

War is not the legitimate continuation of political objectives by other means.

The European Union was created in opposition to Clausewitz and the warring continent was successfully pacified. The refusal to use force to settle international disputes and the rejection of direct conflict and military operations are part of the very spirit of the message and values born by the European Union. The conflict in Georgia involves Europe directly. Its vital interests are in the balance since stability and peace are being threatened on its doorstep. Its role in the world over the next few years depends on how it reacts.

By turning to law it must firmly condemn the unilateral acknowledgment of independence of the two Georgian regions, it must demand an explanation for the series of events that have occurred since August 7th, it must invest itself entirely in the field beyond its borders by using all the means available to it in order to stabilise its neighbourhood.

A – In support of international law

For the first time ever Russia deliberately and voluntarily waived international law. Georgia's territorial integrity, within its internationally acknowledged borders, is an intangible right confirmed by the UN Charter, all conventions and international organisations, Russia included, since the Final Act of the Helsinki Conference, ranging from the NATO-Warsaw Pact Agreement of 19th November 1990, to the great number of resolutions adopted at the UN Security Council every six months since 1993¹. It has not therefore respected its own commitments notably the six point agreement that the French Presidency of the EU had made adopted by the belligerent parties on 12th August 2008. Its unilateral action, undertaken without consulting the Security Council, who had been asked to look into the issue, without informing the Organisation for Security and Co-operation in Europe, nor without consulting its partners, reveals a serious disrespect of the rules governing international relations, unprecedented in recent history on the part of a Security Council member. As Nicolas Sarkozy says "this decision that unilaterally aims to change Georgia's borders is quite simply unacceptable."²

The comparison with Kosovo, although it is an easy one to make politically is neither exact nor pertinent from a legal point of view. The international intervention to put a stop to the ethnic conflict in the Balkans is based on a Security Council resolution³, which was necessary, in the heat of the moment, to put a stop to the exactions inflicted by one State on a minority that was then placed by the same means under UN protection which finally had to be stopped.

Whatever the reason for the Russian intervention it is illegal even though it was the Georgians who started the fighting. The latter say that they were the victims of repeated, serious provocation which does seem to be true. But they were just as wrong to take unilateral military action. This behaviour is not in harmony with European values or rules.

The European Union could pride itself if it were to provide real legal follow up to these breaches of the law. We might for example temporarily suspend Russia and Georgia from the Council of Europe whilst we wait for the results of an international enquiry into the reality and the sequence of events. The Union might request this and organise the enquiry since the Council of Europe embodies European Law.

¹ For example the resolutions 1615 (2005), 1656, 1666 and 1716 (2006), 1781 and 1752 (2007), 1808 (2008), that all reaffirm " the commitment of all Member States to the sovereignty, independence and the territorial integrity of Georgia within its internationally acknowledged borders".

² Speech delivered to the Conference of Ambassadors of France, Paris 27th August 2008..

³ Resolution 1244 of 10th June 1999

B – Frank, clear political condemnation.

Russia's action must be condemned in the most severe manner possible – both for its exaggerated military reaction that could never be that of a major responsible power, and for its unilateral acknowledgement of separatist territories. In its move to recover its status in the international arena it has for months repeatedly used force, increasing pressure on democratic European States, themselves often undergoing reconstruction, without hesitating to use all the arms available in terms of blackmail and by exacerbating ethnic or linguistic differences. The massive distribution of Russian passports to former Russian speaking inhabitants of the USSR is in this respect a dangerous act that can only increase tension and ultimately justify further intervention.

The European Union must clearly show Russia that this attitude is unacceptable and that it may have direct impact on the visa regime imposed on Russian citizens, since nationality and these documents no longer present the required administrative guarantees. Given the consequences for the European Union and for the Schengen Area the constitution of an EU-Russia Commission to look into the conditions in which these documents are being delivered may be suggested to Russia.

In addition to this the European Union cannot continue its political relations with Russia as if nothing has happened. Its own credibility as a mediator comes into question. It must therefore respect the agreement of 12th August.

To this end finally Europe might freeze all ongoing co-operation discussions, notably those that aim to restore the Co-operation and Partnership Agreement of 1995 that came to an end in 2005, as long as the six point agreement is not totally respected, i.e. as long as Russian forces have not withdrawn to the lines they held before 7th August.

C – A strong European presence in the field

Peacekeeping forces on Georgia's border must be made truly international as quickly as possible. Recent events and the present situation show that Russia opted for war and could not be left alone in a situation where two sides have to be separated. The European Union cannot be satisfied with the simple dispatch of civilian observation missions; it must work, notably at the UN and with the OSCE **to put together a real international peace force including European Union troops in the field.**

European Union humanitarian action must be of consequence and involve the entire region. The EU, which has been indifferent to Georgian problems for too long, must not only show solidarity towards Georgia it must also provide its help and assistance to all of the displaced populations including those in South Ossetia and Abkhazia. This would be its contribution to relieving the tension.

More generally the presence of European aid and assistance missions must be enhanced in regions where "frozen conflicts" or potential battles, might develop and degenerate after Georgia. **The European Union must increase its civilian and financial presence in the Ukraine and all of the country's regions.**

D – What kind of policy can European adopt with regard to its neighbours?

It is not up to Russia to dictate its desires to sovereign States which would like to join NATO or the European Union. The European Union must be very clear on this. But we have to admit that in the absence of any real European achievements on the Union's borders in terms of fighting poverty and in favour of economic development populations find themselves divided, pushed into making totally irrational decisions. Joining NATO

and even the EU is only seen as a guarantee of security against Russia. This path can only lead to the type of crisis we have just witnessed.

Enlargement?

Joining the EU primarily means accepting its values and its rules. To enter you have to behave like a 21st century European with regard to your own minorities, citizens and neighbours. One does not just join to protect oneself from an enemy or to belong to one camp opposed to another.

Indeed precipitating membership, which the major European diplomacies have wisely kept at a moderate pace until now, will simply draw the EU into one camp or another; and yet it is the only one, if it remains objective, with principles that have apparently been accepted⁴ by all parties; it is the only one to be in a position to appease ethnic tensions and minority issues and to organise the quest for pacific solutions to disputes between States. NATO and the EU would be obliged to create lines of defence that they may not be able to maintain; in any case this would add to the tension with an increasingly difficult Russia whilst European policy ordinarily aims achieve the opposite. Those who encourage increasing the pace of the enlargement of both entities⁵ do not seem to perceive all of the consequences this might have since the solidarity and mutual defence clauses are not automatic in their application. Who in the European Union would be ready and who might reasonably commit to military action in Central Asia, the Caucasus or on the borders of Russia?

...Or a real neighbourhood policy?

The European Union has been incapable of developing a neighbourhood policy nor a visible, effective profile in the Southern Caucasus. If it had had greater presence in Georgia then the latter would not necessarily have launched into the present battle, which was encouraged by poor advisors; the Ossetians and Abkhazians would not have been left to their own devices wallowing in poverty and organised crime and they might not have thrown themselves into the Russians' arms. The lesson has to be learnt with regard to other areas of tension, especially in the Ukraine.

Before considering membership we should offer the Ukrainians, whatever their opinions or their language, real aid, in the field to reduce the divisions in the country and to develop all of its regions.

In Georgia the European Union must make an exceptional effort to rebuild and provide humanitarian aid to displaced populations including in Abkhazia and South Ossetia. It has to make a special effort for Georgia, which has been badly hit by the brutality of a military attack that dates back to another age – it has to help the country rebuild its infrastructures, its civilian services and its army as quickly as possible.

E – The use of economic power

The European Union has considerable economic power especially in comparison with the living standards in the regions in hand. Its wealth is three times that of Russia. It must use this economic strength, not in the way it has wanted to in the past i.e. by democratising Russia and making it adopt our values, which it evidently does not share, but by making it respect certain rules, for example those included in the conventions it has signed as a member of the Council of Europe or with the European Union.

We dreamt of achieving the unification of the continent based on our values from the Atlantic to the Urals. It was probably slightly optimistic or much too early! We should be satisfied simply to promote them and make our partners respect them when they deal with us.

⁴ Russian President, Dmitri Medvedev, justified the Russian attack basing it on the need to prevent genocide and ethnic cleansing (Financial Times and LCI, 26th August 2008)

⁵ Declaration made by the European Commissioner for Enlargement, Olli Rehn, to the Finnish Ambassadors Conference, 27th August 2008.

The European Union must now be a more demanding partner with Russia in economic matters. Above all it must stop talking of its fears about energy supplies. Russia does not have another privileged client other than the European Union who is its leading supplier and its best client in terms of energy. Interests are therefore common and it is obvious that we depend on each other. Economically the European Union is not, with regard to Russia, in a weak position. Europe leads the situation; it is not the opposite. The massive distribution of humanitarian aid and reconstruction to the benefit of the victims in the present conflict would be proof of this. **This should be of an exceptional nature in terms of the amount and volume provided.**

Conclusion:

European Union interests lie primarily in the protection of its Member States then in the stabilisation of its borders and finally in the prosperity of the continent – this means improving living conditions of neighbouring populations, a condition for peace, the final goal for any common European diplomacy; and this must remain so. We must be intransigent with regard to these interests and demand that our partners respect them in their relations with us.

Thanks to the French presidency with the support of the UK and Germany the European Union found itself in a position of being the only one able to bring about a ceasefire in Georgia. It must now use this position and its capacity as mediator and main actor to work for peace and settle relations between States across the entire European continent. It is more certain that by adopting a more active, a certainly more determined, firmer diplomatic method rather than adopting a new Treaty –however necessary this might be – or perpetually or rashly enlarging – with more commitment in the field, and better funding that the European Union will be able to remain true to its message and above all best defend its own interests.

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