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## The Failure of the OSCE Mission to Georgia – What Remains?

### *Introduction*

On 30 June 2009, the final few staff members of the OSCE Mission to Georgia officially concluded their work.<sup>1</sup> It was the end of a mission that had lasted for 17 years, whose major turning point had been the Five-Day War of August 2008. The locus of this military conflict was the Georgian-South Ossetian conflict area. The OSCE Mission had the task of observing the conflict between Georgia and secessionist South Ossetia and supporting efforts to achieve a peaceful settlement. In nearly two decades, however, it proved impossible to achieve a viable agreement that was acceptable to all sides – an agreement that could resolve the differences not only between the South Ossetians and the Georgians, but also between Georgia and Russia. Following a phase of relative stability, the Mission could not prevent the escalation of the situation in the conflict zone from 2004 – leading ultimately to war.

The reasons for this lie partially in the complex circumstances of the conflict. At the same time, however, the Mission and the OSCE as a whole lacked effective instruments. The participating States should have imposed pressure not only on the parties to the conflict, but also on Russia, which plays the role of leading mediator in the South Caucasus, as well as being a party with its own interests. More than the other Georgian breakaway province of Abkhazia, South Ossetia was seen primarily as a region of local conflict. Yet international political decisions, including the recognition of the independence of Kosovo and the NATO summit in Bucharest, affected the South Caucasus. International awareness of this was also heightened by the reports issued by OSCE observers. Several diplomatic initiatives were subsequently launched. However, all were placed on hold at the end of July 2008 for a number of reasons, while the situation in South Ossetia escalated in the run-up to the outbreak of open war.

The Five-Day War was a serious setback for the OSCE Mission to Georgia. Following the evacuation of the military observers from their office

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Note: The current contribution was made possible by a week-long research visit to the Prague OSCE Archive in March 2010. The non-public documents viewed there are cited with the label “rest.” for restricted. Further information was gathered from interviews with former staff members of the OSCE Mission, which were held in Tbilisi and Vienna between August 2008 and Summer 2010.

1 The mandate of the OSCE Mission to Georgia expired on 31 December 2008. Twenty of the Mission’s military observers continued their observation activities in the areas adjacent to South Ossetia until 30 June 2009 under a separate mandate (PC.DEC/861 of 19 August 2008, extended until 30 June 2009 by PC.DEC/883 of 12 February 2009). Other OSCE staff were involved in the Mission’s closure at this time.

in the South Ossetian capital, Tskhinvali, on 8 August 2008, they were prevented from returning to South Ossetia. All the OSCE's efforts over the years to build confidence between Ossetians and Georgians, to work together with other international organizations to build up the economy and infrastructure, and to develop civil society were negated. Finally, the years of unsuccessful mediation had left the Mission exhausted and weakened. The appearances of the Finnish OSCE Chairman-in-Office and the Mission leadership failed to improve the Mission's standing. Russia was particularly critical of the lack of information provided. Ultimately, by recognizing the independence of South Ossetia and Abkhazia, Russia created a new status quo, and, by demanding two separate missions, attempted to have this accepted within the OSCE. Since no compromise with the other participating States was possible on this basis, the Mission's mandate expired on 31 December 2008.

### *Conditions on the Ground*

The centre and the origin of the OSCE Mission to Georgia was the effort to support a political settlement of the Georgian-South Ossetian conflict. South Ossetia, which is roughly the same size as the English county of Essex, is situated on the southern face of the Greater Caucasus. The main ridge of this range divides the area from North Ossetia on the Russian side of the mountains. As a result of Russian and Soviet policy, as well as Georgian efforts to achieve independence, the Ossetian people came to be split, for administrative purposes, between the northern and the southern Caucasus. The conflict between Ossetians and Georgians is rooted in history.<sup>2</sup> At the same time, however, the two peoples had social and economic contacts and there had been many mixed marriages.<sup>3</sup> Many Ossetians settled outside South Ossetia, while there were ethnically Georgian villages around the capital Tskhinvali, and in the eastern Akh'algori Valley. Furthermore, the mountainous landscape makes a clean division along ethnic lines difficult.

When South Ossetia declared its independence from Georgia during the collapse of the Soviet Union, war broke out. This conflict was brought to an end by a ceasefire agreement signed in Sochi on 24 June 1992 and mediated by Russia. Georgia and Russia agreed that the ceasefire would be monitored

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2 Cf. Marietta König, Der ungelöste Streit um Südossetien [The Unresolved Dispute over South Ossetia], in: Marie-Carin von Gumpenberg/Udo Steinbach (eds), *Der Kaukasus* [The Caucasus], Munich 2010, p. 125; David Berdzenischwili, Georgiens größtes innenpolitisches Problem [Georgia's Largest Domestic Problem], in: Heinrich-Böll-Stiftung (ed.), *Diaspora, Öl und Rosen. Zur innenpolitischen Entwicklung in Armenien, Aserbaidschan und Georgien* [Diaspora, Oil, and Roses. Domestic Developments in Armenia, Azerbaijan, and Georgia], Berlin 2004, p. 45. During Georgia's first period of independence (1918-1921), a war with South Ossetia left several thousand people dead.

3 Author's interviews with residents of villages near South Ossetia from Perevi, Nikosi, Khurvaleti and Ergneti between 2008 and 2010. Cf. Thomas de Waal, *The Caucasus. An Introduction*, Oxford 2010, p. 224.

by a Joint Control Commission (JCC). The Commission initially included representatives of the conflict parties – South Ossetia and Georgia – and the mediators – Russia and North Ossetia. A Joint Peacekeeping Force (JPKF) with Russian, Ossetian, and Georgian troops in equal proportions was established to maintain stability in the conflict zone.

### *The Role of The OSCE*

Against this background, in the summer of 1992, Georgia asked the OSCE<sup>4</sup> to send observers. The Mission was finally launched on 3 December 1992 with a staff of eight. According to a decision of the Committee of Senior Officials of 6 November 1992, its task was to promote negotiations between the conflict parties aiming at a peaceful political settlement. In 1994, the Permanent Committee (today's Permanent Council) expanded and focused the Mission's mandate. Its tasks now included actively participating in the JCC, monitoring the activities of the JPKF, gathering information on the military situation, and examining breaches of the ceasefire. The OSCE was also supposed to be involved in seeking a solution to the question of the status of South Ossetia.

The Mission was further tasked with supporting efforts to resolve the conflict in Georgia's other separatist region of Abkhazia, which was primarily the responsibility of the United Nations Observer Mission in Georgia (UNOMIG). Additional aspects of the OSCE's role included helping Georgia to establish a democratic state under the rule of law, promoting the observance of human rights, and co-ordinating its work with other international organizations, such as the UN, the EU, and the Council of Europe.

In the years that followed, the Mission was continuously expanded. In 1999, following the war in the North Caucasus republic of Chechnya, it was given the task of carrying out patrols along the Georgian-Russian border. The mandate for this expired in 2004, and programmes to train border guards and border police began during the following year and were completed by 2007. At its greatest extent, in 2008, the Mission had 183 staff members, 137 of whom were local. The revised budget for 2007 was 9,217,200 euros.<sup>5</sup>

### *Initial Conditions for the Mission*

A prerequisite for the mandate of the Mission was the application to Georgia of the principle of territorial integrity, which Russia also broadly supported.

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4 Technically the CSCE (Conference on Security and Co-operation in Europe), which was renamed the OSCE on 1 January 1995.

5 Cf. Organization for Security and Co-operation in Europe, The Secretariat, Conflict Prevention Centre, *Survey of OSCE Field Operations*, SEC.GAL/183/10, 29 October 2010, pp. 82-87. For details of the budget, see: <http://www.docstoc.com/docs/50259902/DECISION-No-844-OSCE-2007-YEAR-END-UNIFIED-BUDGET-REVISION>.

The South Ossetian leadership also recognized that this was a condition when it agreed to the creation of the Mission an exchange of letters on 1 March 1993.<sup>6</sup> However, from the very start, they demanded independence from Georgia and union with North Ossetia, which would also have meant that South Ossetia became part of the Russian Federation. A fundamental issue for the Mission was therefore the need to convince the South Ossetian side that its activity was neutral. At the same time, it had needed to be seen to take South Ossetian demands seriously without appearing to call the premise of Georgia's territorial integrity into question.

A second disadvantage for the OSCE Mission was its position in relation to the JCC, which it had only joined after the latter's establishment. While the Mission did initiate a number of JCC meetings, the Commission remained more or less tightly under Russian control. Thus, in Moscow on 31 October 1994, on Russia's initiative, Russia, North Ossetia, South Ossetia, and Georgia expanded the remit of the JCC to cover all aspects of conflict management. The Foreign Ministry in Moscow was initially only willing to consider a role for the OSCE Mission as a co-operation partner. Only when Georgia, alongside South Ossetia, insisted, was it eventually agreed that the OSCE Mission should actively take part in the Commission.<sup>7</sup>

### *Attempts at Mediation*

The OSCE Mission launched its own initiatives independently of the JCC. In May 1994, for instance, it succeeded in bringing representatives of Georgia and South Ossetia to the negotiating table. In September 1994, the Mission presented its own draft on the future status of South Ossetia. It contained the proposal that South Ossetia be granted autonomous status within a Georgian federation. This proposal was rejected by South Ossetia, as was a further one put forward, largely under Russian guidance, in 1995. There was also much scepticism in Georgia regarding the suitability of a federal solution for the country.

Nevertheless, the situation in the conflict zone stabilized from 1992. There were no more interethnic clashes. Three meetings between the Georgian president, Eduard Shevardnadze, and the de facto president of South Ossetia, Lyudvig Chibirov, between 1996 and 1998 spoke for the growing level of trust that existed between the conflict parties. From 1997, a group of political experts, including OSCE representatives, drafted a document on a long-term resolution of the conflict. In 1999, they agreed on four basic principles for a "preliminary document". In 2000, this document was signed by both

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6 Cf. OSCE, *Survey of OSCE Field Operations*, cited above (Note 5), p. 84.

7 Cf. Hansjörg Eiff, *The OSCE Mission to Georgia and the Status of South Ossetia*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2008*, Baden-Baden 2009, pp. 35-43, here p. 39.

conflict parties in Baden, Austria. Representatives of Russia, North Ossetia, and the OSCE Mission were also present. This “Baden Document” is the largest single step so far taken towards resolving the conflict. While further meetings of the experts did take place, no more progress was made. The last meeting, held in Den Haag in 2003, was the first to end without the signing of a joint concluding document.

One reason for the cooling off in relations can be found in the results of the South Ossetian presidential elections of November and December 2001. The poll, which did not enjoy international recognition, was won by Eduard Kokoity, a businessman with Russian citizenship. He adopted a hostile approach to Georgia, and failed to act against smugglers.

This latter fact is significant because the economic structures prevailing within the conflict zone were partly responsible for the lack of substantial progress towards achieving a political resolution and resolving the status of South Ossetia during the years of relative peace between the end of the war and the start of the new millennium. On both sides of the conflict line, there was simply too much profit to be made from the smuggling of goods. For the population of economically devastated South Ossetia, in particular, the illegal trade in petrol and agricultural products became a key means of making a livelihood. A network developed between Russia, South Ossetia, and Georgia that, thanks to its criminal basis, was of questionable value for the security of the conflict region.<sup>8</sup>

During this period, it became clear that an international mission with limited means to impose sanctions or offer incentives has little chance of achieving any progress if the conflict parties are not willing to co-operate. Above all, it will have little chance of achieving anything as long as parties such as South Ossetia stand to gain from the continuation of the status quo, which sees them inching gradually towards de facto secession as the years pass. The South Ossetian leadership was thus not only blocking efforts to resolve the conflict, it had also learned to exploit differences between the various factions within the Russian leadership involved in Caucasus policy.<sup>9</sup>

#### *Russia as Mediator and Actor in the South Caucasus*

Russia was never merely a mediator. The Kremlin continues to consider Russia's neighbouring states to constitute a sensitive zone in which it can assert its privileged interests. It has cast itself in the role of protector of separatist regions and aggressively pursues its security interests in the Caucasus. This

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8 Cf., e.g. Roy Reeve, The OSCE Mission to Georgia and the Georgian-Ossetian conflict: An overview of activities, in: *Helsinki Monitor* 1/2006, pp. 57-68; Marietta König, The Georgian-South Ossetian Conflict, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 237-249, here: p. 244.

9 Cf. Eiff, cited above, (Note 7), p. 36; interviews with OSCE staff.

became clear during the war in Chechnya, for instance, when the Russian government strongly accused Georgia of harbouring Chechen rebels and Islamic extremists. Moscow pursued its demands for a joint military operation on Georgian territory forcefully, introducing a visa requirement for Georgian citizens in 2000, for instance.<sup>10</sup> In 2002, Russia bombed the Pankisi Valley in north-east Georgia.<sup>11</sup> It is inhabited by Kists, a people related to the Chechens. Many Chechens took refuge there during the war. On the request of Georgia, the OSCE reacted by expanding its Mission: In December 1999, the Permanent Council established the Border Monitoring Operation (BMO) at the Chechen section of the Georgian-Russian border, which was later extended to take in the Ingushetian and Dagestani sections of the Georgian-Russian frontier. After Russia voted in 2004 in the OSCE Permanent Council against extending the BMO mandate, the Mission ran training programmes for Georgian border troops and border police.

In its status reports, the OSCE Mission succeeded in refuting many accusations put out by Russia. However, the leading OSCE expert Victor-Yves Ghebali criticized the Organization in 2004 for failing to react to the attempted intimidation by the then Russian President, Vladimir Putin, in 2002. He had threatened to apply “Russia’s legitimate right to self-defence” on Georgian territory. According to Ghebali, it was the determined opposition of the US government that ultimately stopped Russia from marching into Georgia, not the OSCE.<sup>12</sup>

#### *Russian Military Bases on Georgian Soil*

Ghebali criticized as similarly half-hearted the OSCE’s policy regarding the Russian troops that had remained in Georgia after the disintegration of the Soviet Union. Russia had agreed to a reduction of troops and equipment at the OSCE Summit in Istanbul in 1999. However, the relevant negotiations between Georgia and Russia became bogged down. The last Russian soldiers only finally withdrew from Georgian-controlled territory in 2007. The role of the OSCE Mission here was to offer both parties a forum for dialogue without taking sides itself. Projects implemented by the OSCE Mission that were aimed at the neutralization and decommissioning of Cold War remains such as rocket fuel and obsolete weapons were deemed a success.<sup>13</sup>

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10 Cf. Hans-Georg Heinrich, OSCE Conflict Management in Georgia: The Political Context, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 211-215, here: p. 213.

11 Cf. Volker Jacoby, The OSCE Mission to Georgia, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 163-170, here: p. 165.

12 Cf. Victor-Yves Ghebali, The OSCE Mission to Georgia (1992-2004): The failing art of half-hearted measures, in: *Helsinki Monitor* 4/2004, pp. 280-292, here: pp. 288-289.

13 Cf. Jacoby, cited above (Note 11), p. 166.

In view of the fact that the OSCE has been engaged in a process of transformation since the end of the Cold War, and given that securing a consensus among 56 participating States is no easy matter, Victor Dolidze gives a positive evaluation of the work of the OSCE in the withdrawal of Russian troops from Georgian territory.<sup>14</sup> Dolidze was Georgia's ambassador to the OSCE from 2005 to 2008. He also considers that the deployment of election observers was very helpful to Georgia.

### *The Role of the OSCE in the So-Called Rose Revolution*

One of the most momentous elections in recent Georgian history was that of a new parliament on 2 November 2003. As a result of massive corruption, years of political stagnation, and deteriorating living conditions, President Shevardnadze found himself facing growing mistrust and criticism among the population. There was a widespread expectation that he and his party colleagues would use systematic fraud to retain power at least until the 2005 presidential election.

There was therefore great scepticism among international organizations and diplomats in Tbilisi as to whether the Georgian leadership under Shevardnadze could be persuaded to refrain from vote rigging. The OSCE's options for intervention were restricted by the fact that the Organization was in the country at the invitation of the Georgian government. Nonetheless, the possibility of creating a counterweight to the existing power structures by strengthening civil society was recognized, with the proviso that "while this may involve a certain amount of subversion, it is vital that it be carried out impartially".<sup>15</sup> Civil society structures were already in existence: The small but powerful youth movement *Kmara* ("Enough") emerged in the spring of 2003. It was associated with Mikheil Saakashvili's United National Movement. In contrast to claims made by Shevardnadze's government, neither was funded by Russia, but by organizations such as George Soros's Open Society Institute (OSI), USAID, and the National Democratic Institute (NDI).<sup>16</sup>

On the day after the election, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) played a key role in the evaluation of proceedings.<sup>17</sup> Its conclusions were unambiguous: Even though significant pro-

14 Interview carried out by e-mail on 16 April 2010.

15 Jacoby, cited above (Note 11), p. 169.

16 Cf. Lincoln A. Mitchell, *Uncertain Democracy. U.S. Foreign Policy and Georgia's Rose Revolution*, Philadelphia 2009; Matthew Collin, *The Time of the Rebels. Youth Resistance Movements and 21st Century Revolutions*, London 2007, pp. 61ff.

17 Cf. Mitchell, cited above (Note 16), pp. 44-45, 147. According to Mitchell, the Open Society Institute contracted the US-based Global Strategy Group (GSG) to carry out election observation and conduct a follow-up survey (p. 57); USAID financed the independent Georgian International Society for Fair Elections and Democracy (ISFED) and the NGO Georgian Young Lawyers Association (GYLA), which also carried out election observation (p. 45). The entrepreneur Erosi Kitsmarishvili also paid for exit polls. Though numerous incidents were noted on polling day and official results differed considerably

gress could be observed in several aspects of the electoral process, a number of commitments attached to OSCE participation had not been fulfilled and nor had other international standards. Inaccuracies in the voter list had impinged upon universal and equal suffrage and lessened voters' confidence in the state authorities.<sup>18</sup> After the bloodless revolution of 22 November 2003, the OSCE and its international partners needed to react quickly. Early presidential elections were called for 4 January, and a new parliament was set to be elected on 28 March 2004 – also ahead of schedule. The newly elected government under Saakashvili also set about implementing a programme of rapid reforms.

ODIHR observed that “notable” progress had been made at the presidential election in comparison to earlier elections, with “commendable” progress being observed at the parliamentary poll. In view of the situation after the events of November, however, the election observers' reports noted that the consolidation of the democratic electoral process could only be fully tested in later elections in which there was more political competition.<sup>19</sup> That ODIHR was right to be sceptical became clear in the 2008 pre-term presidential and parliamentary elections. They showed that the opposition was at a disadvantage compared to the governing National Movement and President Saakashvili, as a result, for example, of the use of state funds.<sup>20</sup>

After the regime change of 2003, the important thing was rather to support the implementation of democratic reforms, for which there was no longer a shortage of international assistance. Instead there was competition, which produced an increased need for co-ordination between the various

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from those of independent organizations, Shevardnadze was not prepared to allow a recount or to make any other concessions. This made it possible for the opposition to mobilize enough people to bring about his peaceful overthrow (p. 61).

- 18 Cf. OSCE ODIHR/OSCE Parliamentary Assembly/Council of Europe Parliamentary Assembly/European Parliament, International Election Observation Mission, Parliamentary Elections, Georgia – 2 November 2003, *Statement of Preliminary Findings and Conclusions*, Tbilisi, 3 November 2003, p. 1, at: <http://www.osce.org/odihr/elections/georgia/13138>.
- 19 Cf. OSCE ODIHR/OSCE Parliamentary Assembly/Council of Europe Parliamentary Assembly/European Parliament, International Election Observation Mission, Presidential Election, Georgia – 4 January 2004, *Statement of Preliminary Findings and Conclusions*, Tbilisi 5 January 2004, p. 1, at: <http://www.osce.org/odihr/elections/georgia/19598>; OSCE ODIHR/OSCE Parliamentary Assembly/Council of Europe Parliamentary Assembly/European Parliament International Election Observation Mission, Repeat Parliamentary Elections, Georgia – 28 March 2004, *Statement of Preliminary Findings and Conclusions*, Tbilisi, 29 March 2004, p. 1, at: <http://www.osce.org/odihr/elections/georgia/27650>.
- 20 Cf. Council of Europe Parliamentary Assembly/OSCE Parliamentary Assembly/OSCE ODIHR/European Parliament/NATO Parliamentary Assembly, International Election Observation Mission, Georgia – Parliamentary Elections, 21 May 2008, *Statement of Preliminary Findings and Conclusions*, Tbilisi, 22 May 2008, pp. 2, 4, at: <http://www.osce.org/odihr/elections/georgia/32017>; Council of Europe Parliamentary Assembly/OSCE Parliamentary Assembly/OSCE ODIHR/European Parliament, International Election Observation Mission, Georgia – Extraordinary Presidential Election, 5 January 2008, *Statement of Preliminary Findings and Conclusions*, Tbilisi, 6 January 2008, pp. 1, 5, at: <http://www.osce.org/odihr/elections/georgia/30206>.



international organizations.<sup>21</sup> There was intense co-operation between the OSCE, the UNDP, the UNHCR, and the EU, the latter being the major donor institution in Georgia for economic rehabilitation projects in South Ossetia. At an OSCE donor conference in June 2006, during the Belgian Chairmanship, the participating States pledged ten million euros for technical aid projects.<sup>22</sup>

*The Deteriorating Situation in the Ossetian-Georgian Conflict Area from 2004*

If the change of regime in Tbilisi initially led to hopes of an improvement in Georgia's democratic development, it soon became clear that tensions with the conflict regions were increasing under Saakashvili's government. In January 2004, before he was even sworn in as president, Saakashvili declared the restoration of Georgia's territorial integrity to be his life's goal, promising to do his "utmost".<sup>23</sup>

After the government in Tbilisi had brought the region of Ajaria, which lies on the Black Sea coast, in the south-west of the country, under its control without violence, it turned its attention to the conflict in South Ossetia. Offering a considerable degree of autonomy, Tbilisi focused on dialogue and economic incentives as a way of combating the "Russification" of the region, which Russia had encouraged by waiving the visa requirement for South Ossetians, granting them Russian passports, and promising to pay pensions.<sup>24</sup>

However, these attempts at tightening links were thwarted by the deployment of Georgian Interior Ministry troops in May 2004. They established checkpoints and blocked roads, which led to the collapse of the smugglers' market located between the Georgian village of Ergneti and the South Ossetian capital of Tskhinvali, which was run jointly by South Ossetians and Georgians. The South Ossetian reaction was violent, and the heaviest fighting since the start of the ceasefire broke out. The deployment, which the Geor-

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21 Cf. author's interviews with staff of international organizations. Cf. also Levan Mikeladze, Georgia and the OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 93-104, here: p. 93, 95; on co-operation with the UN in the Abkhazia conflict resolution process, see also Heidi Tagliavini, Conflict Prevention and Conflict Management in Georgia – The Activities of a Personal Representative of the OSCE Chair, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 201-210, here: pp. 208-209.

22 Cf., Marietta König, Not Frozen but Red Hot: Conflict Settlement in Georgia Following the Change of Government, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2006*, Baden-Baden 2007, pp. 85-96, here: p. 88.

23 Georgia Has a New President, in: *Civil Georgia*, 25 January 2004, at: <http://www.civil.ge/eng/article.php?id=6098>. Over the years, it became evident that Saakashvili's close leadership circle contained both reasonable politicians and hardliners and that the president was sometimes closer to one faction, sometimes to the other.

24 Cf. König, cited above (Note 8), p. 239.

gian government had initially declared was an attempt to generate stability and economic growth, was condemned by the South Ossetian leadership as “pure provocation” and by Russia as endangering efforts to resolve the conflicts in Georgia. As a consequence, regular shipments of military equipment began to be transported from North Ossetia into South Ossetia via the Roki Tunnel. This negated the successes of the small arms decommissioning programme run by the OSCE Mission together with the JPKF, which had offered funding for local microprojects in return for the relinquishment of such weapons. The tensions in the summer of 2004 also prevented the establishment of a South Ossetian-Georgian joint police centre in Tskhinvali. From this point on, explosions, gunfights, and abductions became regular occurrences.

On Russia’s initiative, a meeting of the JCC was held in Moscow on 30 June. Georgia called for the deployment of more OSCE military observers and the creation of an observation post at the Roki Tunnel to stop the runaway cross-border trade in arms. The latter proposal was not implemented in the lifetime of the Mission. Both the Georgian and the South Ossetian sides accused the OSCE of achieving nothing by relying on monitoring and reporting alone.<sup>25</sup> Nevertheless, in the summer of 2005, the OSCE Mission did succeed in persuading Georgia to close a training camp for reservists that had been established in the conflict zone in 2004.<sup>26</sup>

In subsequent years, the situation in the Georgian-Ossetian conflict zone deteriorated, as did relations between Russia and Georgia. Georgia’s negotiation offers were treated with growing scepticism by both South Ossetia and Russia. While Georgian attempts to mediate, such as the overtures made by the then minister for conflict resolution issues, Giorgi Khaindrava, and then prime minister, Zurab Zhvania,<sup>27</sup> were welcomed, they were not taken seriously, as the principle actor was believed to be the Georgian Interior Ministry. Again and again, Georgian security forces were observed to be on the move in the conflict zone, disguised as tax or financial police. This was increasingly the case after Dmitry Sanakoev<sup>28</sup> established a separatist adminis-

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25 Ibid. p. 248.

26 Cf. Reeve, cited above (Note 8), p 62.

27 This is also true of Irakli Alasania, who was responsible for relations with Abkhazia. He was, however, relieved of this task in June 2006 and sent to New York as Georgia’s permanent representative to the UN. Zhvania died in 2005 in an accident with a faulty gas heater, which has not been explained to this day. Khaindrava was deposed in July 2006. He later claimed that he had seen plans for a military campaign in the possession of the then deputy minister for security, Gigi Ugulava. Cf. de Waal, cited above (Note 3), p. 202. Minister for defence Irakli Okruashvili apparently also had plans for a military intervention in South Ossetia. Cf. Ronald D. Asmus, *A Little War that Shook the World: Georgia, Russia, and the Future of the West*, New York 2010, pp. 79-80, 172. Okruashvili resigned in November 2006 and is currently attempting to organize opposition to the government from Paris.

28 A presidential election was held in South Ossetia in November 2006. While Eduard Kokoity won in towns or villages inhabited by South Ossetians, the former South Ossetian prime minister, Dmitry Sanakoev, who had been asked to stand by the Georgian government, won the support of the Georgian villages in a parallel poll. Sanakoev resided

tration for the Georgian villages in South Ossetia in 2007. Abkhazia and South Ossetia were concerned at the fact that Georgia was spending more each year on arms and the security forces.

At the same time, it became ever clearer that the conflicts over Abkhazia and South Ossetia could not be separated from developments in the international arena. The positive reaction of many West European states and of the US to Kosovo's efforts to achieve independence had a particularly critical effect. One result was to damage the Abkhazian and South Ossetian conflict resolution processes with Russia and South Ossetia no longer recognizing agreements that had been negotiated previously.<sup>29</sup> Experts also consider the establishment of Georgian parallel governments in the Abkhazian Kodori Valley<sup>30</sup> and South Ossetia to be an attempt by the government in Tbilisi to make the recognition of the two territories by Russia more difficult.

Tensions were further ratcheted up as a result of Georgia's strongly pro-Western orientation, including its desire for NATO membership. The Georgian government exacerbated this by painting Russia in an anti-Western light. It believed that it had the support of the US government under George W. Bush, which was vehement in its support of Georgia's wish to join NATO. As a step towards NATO membership and in preparation for participation in operations in Iraq, Georgian troops were trained by the US army.<sup>31</sup> For its part, Russia fanned the flames not only with words but also by moving steadily towards recognizing the independence of both Abkhazia and South Ossetia. Moreover, in the spring of 2008, Russia deployed additional troops in Abkhazia, and a number of incidents occurred that stoked fears of an open military confrontation. In retrospect, 2004 can be seen as the start of the escalation that ended in war in 2008.

#### *The OSCE Mission under Pressure to Act*

The initial escalation in South Ossetia and Abkhazia placed the OSCE under pressure and exposed the limitations of its freedom to act more starkly than in previous years. In the ever more heated atmosphere that prevailed in the

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at the time in Kurta, a village a few kilometres north of the South Ossetian capital, Tskhinvali.

29 Cf. Marietta König, *The Effects of the Kosovo Status Negotiations on the Relationship Between Russia and the EU and on the De Facto States in the Post-Soviet Space*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2007*, Baden-Baden 2008, pp. 37-50, here: p. 44.

30 In 2006, in an operation targeting the leader of a criminal gang, Georgian security forces had occupied the upper Kodori Valley, which they designated a district of Georgia and renamed "Upper Abkhazia". The previously existing Abkhazian government in exile, which represented the Georgians that had fled Abkhazia, moved its seat there.

31 The first US soldiers came to Georgia on Shevardnadze's invitation as early as 2002 to train Georgian security forces, who carried out operations in the Pankisi Valley against alleged North Caucasian fighters and Islamic extremists. This was Georgia's reaction to Russian allegations that the government in Tbilisi supported terrorism.

spring of 2008, the Mission's primary task was to provide the best possible information on developments in the Georgian-South Ossetian conflict zone. For this purpose, the Mission could at the time deploy eight unarmed military observers – three in the office in Tskhinvali that had been opened in 1997, and five in the Georgian sector of the conflict zone. The OSCE agreed upon the deployment of an additional nine observers, but this was rejected by South Ossetia. The eight observers were faced with several hundred Russian, South Ossetian, and Georgian peacekeeping troops. The Russian and South Ossetian units had the advantage over the OSCE of being able to look down upon the plains around Tskhinvali and the Georgian villages on both sides of the border from the South Ossetian mountains. The OSCE observers carried out patrols within the conflict zone. They were, however, not allowed to travel north of Tskhinvali to the Roki Tunnel. When violent incidents occurred, the observers were generally invited by JPKF headquarters in Tskhinvali to take part in joint inspections. These usually took place hours later and were often already attended by mine clearance units. Co-operation with the Russian commander of the JPKF, Marat Kulakhmetov, functioned well, including in the exchange of prisoners between the conflict parties.

One problem that emerged was the growing difficulty, particularly after 2004, in distinguishing regular Georgian and South Ossetian members of the peacekeeping forces from other security forces. Both sides circumvented the regulations governing the permissible numbers and equipment of armed units within the conflict zone by declaring them to be police: militia members in the case of South Ossetia, financial and tax police in Georgia's case. This issue was raised by OSCE observers at JCC meetings, particularly during Roy Reeve's tenure as Head of Mission, but no agreement was ever reached. Russia wanted a package deal that included a declaration of non-violence from Georgia, but this ultimately proved unacceptable to the Georgian side. As a further consequence of the difficulty of distinguishing peacekeeping forces from other forces, particularly on the South Ossetian side, it must also be assumed that the peacekeeping troops were increasingly failing to perform their actual stabilizing function and were instead becoming ever more involved in the armed incidents. Georgian and South Ossetian peacekeepers are said to have been involved in firing incidents as early as the clashes of 2004.<sup>32</sup> Similar events were reported in July 2008.<sup>33</sup> Georgia withdrew its personal from the JPKF's joint headquarters in Tskhinvali on several occasions, in the last instance immediately before the outbreak of open fighting on 7 August 2008. This was all the more serious given that JPKF headquarters was the last place where the conflict parties could meet. The Georgian government had left the JCC in early March 2008, as it was no longer willing to negotiate in a forum whose composition placed it at a disadvantage. Tbilisi

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32 Cf. König, cited above (Note 8), p. 249.

33 Cf. OSCE Mission to Georgia, *Spot Report: Firing incident in Sarabuki in the zone of the Georgian-Ossetian conflict 31 July 2008*, SEC.FR/402/08, 1 August 2008 (restr.).

insisted upon a 2+2+2 format, with the inclusion of Sanakoev's Georgian parallel government in South Ossetia as a separate participant, together with the EU and the OSCE as negotiating partners, opposite the Russian and South Ossetian representatives. The South Ossetian side refused to talk with Temuri Yakobashvili, following the redesignation of his position in the Georgian government as "minister for reintegration", thus making clear that the goal of the Georgian government was the reintegration of Abkhazia and South Ossetia.

By the summer of 2008, therefore, the conflict resolution mechanisms negotiated in Sochi in 1992 were looking increasingly threadbare, and the OSCE Mission had lost a major factor underpinning its mediation activity. The situation was aggravated by the increasing hostility of the South Ossetian leadership towards the OSCE, as communicated by the RES press agency operated by the South Ossetian Press and Information Committee in Tskhinvali. In April 2008, the OSCE was accused, among other things, of having been directly involved in a fire fight.<sup>34</sup> Hand grenades were also thrown at OSCE vehicles in June 2008.<sup>35</sup> The OSCE Mission attempted to placate the South Ossetians' growing mistrust by arranging a number of events that would facilitate direct contacts. Yet the Georgian side was making life increasingly difficult for the OSCE, blocking, for instance, the transport of building materials to South Ossetia for use in infrastructure projects such as repairing schools, by insisting on proof that the material could not be misappropriated for military purposes. Nonetheless, this did not stop Yakobashvili, the reintegration minister, from describing the OSCE's infrastructure and economic projects in the conflict zone as successful in retrospect.<sup>36</sup>

#### *Intensification of Mediation Efforts in the Run-Up to War*

In the midst of these growing tensions in the conflict zone, both the Russian side and the OSCE attempted to re-establish direct contact between the South Ossetian and Georgian conflict parties. The Finnish OSCE Chairmanship, Head of Mission Terhi Hakala, and Special Envoy Heikki Talvitie all tried to arrange a meeting of the conflict parties for July/August 2008 in Helsinki. But this was undermined by the South Ossetian side in particular, by means of requests for changes of venue and format.<sup>37</sup> In early July 2008, members

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34 Cf. OSCE Mission to Georgia, Activity Report No. 07/04, 1-15 April, SEC.FR/185/08, 18 April 2008 (restr.).

35 "The OSCE cars were targeted deliberately already in June (with under barrel grenades), which happened for the first time." Terhi Hakala in an email interview with the author on 4 June 2010.

36 The comments were made at a working lunch held by the Bertelsmann Foundation in Berlin on 25 March 2010.

37 "We proposed every possible format and venue. The CiO [Chairman-in-Office] had invited the parties to Helsinki for informal talks in July/August 2008. None of these proposals were acceptable for the South Ossetian side." Hakala, cited above (Note 35).

of a number of OSCE delegations in Vienna spent several days in Georgia. On the invitation of Georgia's OSCE ambassador, Victor Dolidze, delegation specialists with responsibility for arms control also took part.

At the same time, an unusually large number of diplomatic efforts had been launched for a country as small as Georgia to try to cool down the heated atmosphere that had prevailed since the NATO summit in April. Among those who travelled to Georgia were the US secretary of state, Condoleezza Rice, and the German foreign minister, Frank-Walter Steinmeier. The latter presented a peace plan for Abkhazia and tried to win support for a meeting between Abkhazian and Georgian representatives in August in Berlin.

Towards the end of July, as tensions began to rise rapidly in the Georgian-South Ossetian conflict zone, international diplomatic efforts more or less came to a standstill. There are several explanations of why that was. One the one hand, it was widely and firmly believed that Georgia, in particular, had been warned in no uncertain terms against intervening militarily in the conflict regions and assured that it would receive no support if it did. This was stressed again and again by US diplomatic representatives, in particular, when they looked back on the run-up to the conflict. Nonetheless, the close personal ties between the Bush and Saakashvili administrations and the many informal channels linking Washington and Tbilisi made it difficult to communicate a clear and unambiguous US position.<sup>38</sup>

Among those involved in mediation, there was a feeling of certainty that, after a break, the negotiation offers could be presented to the conflict parties again with greater prospects of success. In addition, in late July/early August, more attention was still focused on Abkhazia, where the most serious violence had occurred in the spring and early summer. The increasingly urgent warnings that were being given by the OSCE Mission and others<sup>39</sup> with regard to South Ossetia also appear to have failed to register against the background of months of mutual accusations by Russia, Georgia, and South Ossetia. Incidents at the South Ossetian border were commonplace at the time of year. Moreover, the summer period meant that many people were on

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38 Cf. Alexander Cooley/Lincoln A. Mitchell, No Way to Treat Our Friends: Recasting Recent U.S.-Georgian Relations, in: *The Washington Quarterly* 1/2009, pp. 27-41, here: p. 35. According to Ronald D. Asmus, there was also a misunderstanding between US President George W. Bush and Georgia's President Saakashvili over the conditions for US military support, which had to be cleared up by Sweden's foreign minister, Carl Bildt, and US ambassador John Tefft; cf. Asmus, cited above (Note 27), p. 143. The US government did not comply with the wishes of the Georgian government, for instance, by delivering Stinger missiles; cf. *ibid.*, p. 151. Instead, Georgia strengthened its defensive capabilities with the help of Ukraine and Israel; cf. *ibid.*, p. 142.

39 The Russian and Georgian governments gave ever stronger warnings of the risk of a military conflict. Reports in Russian and South Ossetian media spoke ever more frequently of the likelihood of Russian troop deployment and Georgian military action. On 29 July, the OSCE warned that the situation was extremely tense, and the slightest provocation could lead to fighting, even among the peacekeeping troops. Cf. OSCE Mission to Georgia, cited above (Note 33).

holiday, often abroad, including leading Georgian politicians such as Chairman of the Parliament David Bakradze, Minister of Foreign Affairs Eka Tkeshelashvili, Deputy Foreign Minister Giga Bokeria and, until the start of August, President Saakashvili.

*Did the Mission Provide the OSCE States with Adequate Information?*

After the war, when it came to discussing the extension of the Mission's mandate, Russia was particularly critical of the OSCE. The Finnish Chairmanship was accused of negotiating weakly<sup>40</sup> and the OSCE Mission to Georgia of being too slow to pass all the information provided by the observers to the delegations in Vienna. The warnings given in the Spot Reports of 29 and 31 July and 4 and 7 August were clear, particularly on 4 August. On 1 August, five Georgian police officers were wounded in an explosion. In the next few hours, a number of people were killed or injured by snipers, in fire fights, and by artillery bombardment. The Mission described these events as the most serious outbreak of violence since 2004. The reports also noted the evacuation of villages of both ethnicities. The Mission warned of an escalation of the situation if the political dialogue between the conflict parties was not rapidly reconvened.<sup>41</sup> On 7 August, the Mission reported a further deterioration in the situation. Starting the previous day, there had been exchanges of fire along nearly the entire line of contact between South Ossetia and Georgia, which had included the use of grenade launchers and artillery. On that same day (7 August), the Mission confirmed the movement of considerable numbers of Georgian troops towards the town of Gori, to the south of the conflict zone. Further troops and equipment were stationed near the conflict zone to the north of Gori. The Georgian peacekeepers had also left JPKF headquarters during the afternoon.<sup>42</sup> During the night of 7-8 August, the three OSCE observers had to take shelter in the cellar of the OSCE office in Tskhinvali, which came under fire. From that position, they registered artillery, grenade launcher, and exchanges of fire during the night. They were evacuated from Tskhinvali the following day.<sup>43</sup>

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40 For instance, Thomas de Waal writes that Finland's foreign minister, Alexander Stubb, sealed the fate of the JCC without any prospect of a new format when he stated that "I am concerned that the existing negotiating format in the South Ossetian conflict has not been conducive to the resolution of the conflict. It is time to explore possibilities for a new negotiating format that would be acceptable to the parties to the conflict." Cited in de Waal, cited above (Note 3), p. 210.

41 Cf. OSCE Mission to Georgia, *Spot report: Latest developments in the zone of the Georgian-Ossetian conflict*, 4 August 2008, SEC.FR/406/08, 4 August 2008 (restr.).

42 Cf. OSCE Mission to Georgia, *Spot Report: Update on the situation in the Georgian-Ossetian zone of conflict*, 7 August 2008, SEC.FR/420/08, 7 August 2008 (restr.).

43 Controversial statements made by OSCE observers and printed in the New York Times on 6 November 2008 (<http://www.nytimes.com/2008/11/07/world/europe/07georgia.html>) questioned the Georgian government's portrayal of events. Tbilisi had claimed that, following the declaration of a unilateral ceasefire by President Saakashvili at 7 p.m. on

The reports of the military observers were initially processed by the political officers in Tbilisi before being forwarded to Vienna, where they were distributed to the delegations. As well as distributing the Spot Reports, the OSCE Mission gave regular briefings to diplomats in Tbilisi, and answered telephone inquiries. Nor was the OSCE the only international actor to register the developments in Georgia. For instance, US army trainers noted that the Georgian soldiers did not appear for instruction on the morning of 7 August as arranged.

Despite the growing escalation in the conflict zone, attempts to mediate continued on 7 August: The Russian special envoy Yuri Popov met Yakobashvili in Tbilisi. Though Yakobashvili failed to meet with the South Ossetian leadership on that day, a meeting was arranged to take place in Tskhinvali the next. In the evening, the OSCE Head of Mission, Tehri Hakala, contacted the South Ossetian leadership, and the OSCE Chairperson-in-Office, Finland's foreign minister, Alexander Stubb, spoke with the Georgian foreign minister, Eka Tkeshelashvili.<sup>44</sup> Hence, while there was much concern at the situation in the conflict zone, there was also some confidence that things would calm down once again. The Georgian troop deployment was considered a bluff that aimed to force the South Ossetian side to make compromises at the negotiation table. In rational terms, the command to attack Tskhinvali, which was given by Mikhail Saakashvili on 7 August, was considered impossible. It was clear that the Georgian forces would not be able to withstand a Russian response.

#### *Negotiation Efforts: Trailing in the EU's Wake*

On 9 August, several OSCE representatives travelled to Tbilisi, including Special Envoy Talvitie and Head of Mission Hakala. On the following day, both Finland's foreign minister, Alexander Stubb, and France's foreign minister, Bernard Kouchner, arrived in the Georgian capital. The OSCE was involved in the efforts to secure a ceasefire agreement between Russia and Georgia. However, the leadership role in this initiative was assumed by France, which held the EU Presidency. The Russian side preferred to negotiate with the EU rather than the OSCE, of which it had been consistently critical. On 19 August, the OSCE Permanent Council decided to raise the num-

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7 August, the villages of Zemo-Nikosi, Prisi and Tamarasheni had come under bombardment from South Ossetian forces. The official Georgian view was that the Georgian army had intervened to protect the villages. In the OSCE observers' version of events, from their position in a cellar, they had heard no explosions prior to the start of the Georgian operation at 11:35 p.m., although the villages mentioned lie very close to Tskhinvali. The Spot Report covering this period states that the ceasefire lasted for several hours, until a further exchange of fire was again reported at 10 p.m. Tskhinvali came under heavy fire shortly before midnight, probably including Grad rockets. The OSCE office was among the buildings hit.

44 Source: Interview with Hakala, cited above (Note 35).



ber of military observers to 100, and 20 were dispatched immediately.<sup>45</sup> They were, however, not permitted to patrol within South Ossetia. To the end of 2008, the number of observers remained no higher than 28. Following its recognition of the independence of South Ossetia and Abkhazia, Russia demanded the establishment of separate missions for South Ossetia and Georgia. While it proved possible to reach minor agreements in negotiations on the question of the format, Russia nonetheless ultimately insisted on a strict separation between the missions and limited freedom of movement for the observers. That was unacceptable to the majority of OSCE participating States, and to Georgia in particular. Furthermore, by revoking the Sochi Agreement of 1992, Georgia effectively removed the Mission's mandate, which promptly expired on 31 December 2008, and the last staff members finished their work on 30 June 2009.

### *What Remains?*

Under its Greek and Kazakh Chairmanships, the OSCE has continued to make an effort to establish a new presence in Georgia, which would be desirable above all in view of domestic developments. The Georgian government is also open to the idea of a new presence.<sup>46</sup> So far, however, there have been only regular visits by OSCE staff to Georgia. Many former OSCE Mission Members moved to the newly established EU Mission (European Union Monitoring Mission, EUMM), which patrols on the Georgian side of the Administrative Boundary Line (ABL) and took over the monitoring of the conflict regions. In July 2010, some 26 former OSCE staff members were employed at EUMM headquarters in Tbilisi alone. Their great experience and, above all, their knowledge of how the conflict appears from the South Ossetian side of the conflict zone are of enormous value to the new mission.

Even if Russia, South Ossetia, and Abkhazia refuse to allow the EUMM to patrol in the separatist regions, it still has advantages over the OSCE Mission, which exhausted itself and lost the prestige it once had in its many years of ultimately futile efforts to resolve the conflicts. It was the EU that first succeeded in persuading Saakashvili to give an assurance – at least to the Union – on the renunciation of violence in 2008.<sup>47</sup> In additional Memoranda

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45 Cf. OSCE Permanent Council, *Decision No. 861, Increasing the Number of Military Monitoring Officers in the OSCE Mission to Georgia*, PC.DEC/861, 19 August 2008.

46 As stated by reintegration minister Temuri Yakobashvili at a working lunch held by the Bertelsmann Foundation in Berlin on 25 March 2010, cited above (Note 36).

47 At the EU Parliament in Strasbourg on 23 November 2010, Saakashvili gave Russia his assurance that he did not intend to use violent means to regain control over South Ossetia and Abkhazia. He stated that letters containing corresponding statements would be sent to the EU, the OSCE, and the UN. A declaration of the renunciation of violence has been a topic at the Geneva Discussions for a considerable while (see below). But while Russia has insisted that Georgia enter into an agreement of this kind with Abkhazia and South Ossetia, Georgia has not been willing to recognize the territories' independence by doing so.

of Understanding with the Georgian Interior Ministry and Defence Ministry, it was agreed that a corridor along the ABL with South Ossetia would be established in which Georgia would refrain from stationing heavy military equipment. This makes monitoring the boundary line easier, and serves to defuse accusations made by the South Ossetian and Russian side. Via the deployment of 250 monitors and three field offices in Mtskheta, Gori, and Zugdidi, the EUMM has been able to send out larger and more frequent patrols than the OSCE. With the support of the EUMM and the OSCE, the conflict parties meet near the boundary line at irregular intervals, as they did on 28 October in Ergneti near the South Ossetian border line. These meetings take place as part of an Incident Prevention and Response Mechanism, within the scope of which it was also agreed to establish telephone hotlines for the exchange of information.

Apart from that, the stability of both conflict regions can be attributed to post-war exhaustion and the monitoring of the Abkhazian and South Ossetian sides of the borders by troops of the Russian ministry of foreign affairs.

Together with the EU and the United Nations, the OSCE has taken part in the Geneva discussions on long-term conflict settlement between Russia, Georgia, Abkhazia, and South Ossetia. Here, too, the OSCE contributes a wealth of experience gained in many years of negotiations. The EU Special Representative for the crisis in Georgia, Pierre Morel, stated that there was benefit to be gained from the experiences of the OSCE and UNOMIG.<sup>48</sup> While little has so far been achieved beyond determining the format for negotiations, the conflict parties are at least sitting at the negotiation table again and addressing each other's accusations directly. The presence of the OSCE and the United Nations in the talks may help to ensure that mistakes already made in the conflict resolution process will not be repeated and that the whole process does not ultimately run up another dead end.

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48 Interview on 18 January 2010 in Brussels.