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The EU and the Georgian war: Saying 'everyone is to blame' isn't good enough

By Marko Attila Hoare, 25th October 2009

EXECUTIVE SUMMARY

- 1. The Report of the EU's fact-finding mission into the rights and wrongs of the Georgian war of August 2008 has wrongly been presented as blaming the Georgian side for the war, when it actually rules against the Russian case on almost every count.**
- 2. The Report's factual conclusions represent a ringing endorsement of claims made at the time that the Russian invasion of Georgia was an act of aggression, illegal under international law, by a predatory great power against a small and insubordinate neighbour.**

3. Notwithstanding this, the unwillingness of the Report's authors to draw the appropriate conclusion from the evidence they have amassed; their vague attribution of blame to both sides and refusal to name the aggressor; can only encourage further such violations by Russia and by other hostile states.

The EU fact-finding mission, headed by Switzerland's Heidi Tagliavini, into the causes of last summer's war in Georgia has released its [Report](#). The *Daily Telegraph* has [misrepresented](#) the latter's conclusions as amounting to an attribution of primary blame to the Georgian side in the conflict, with the satisfying result of inducing some premature gloating on the part of various pro-Putin elements who didn't bother to read the text themselves. Whereas the *Daily Telegraph*'s headline proclaimed 'EU blames Georgia for starting war with Russia', this is untrue: the Report is damning primarily for the Russian side. It is characteristic of the EU's customary inability to take clear moral standpoints that its fact-finding mission has drawn up an extremely balanced, informed and objective summary of the facts but then shied away from drawing the appropriate conclusion.

The report rules absolutely against Georgia on one count only: that its initial assault on South Ossetia was not in accordance with international law. It states: 'There is the question of whether the use of force by Georgia in South Ossetia, beginning with the shelling of Tskhinvali during the night of 7/8 August 2008, was justifiable under international law. It was not.' The report goes on to state that the Georgian assault was not proportionate to the requirements of a defensive operation, while South Ossetia's actions to repel this attack were in accordance with international law. After that, the report rules against Russia on almost every count. To sum up:

1) The report acknowledges the massive and sustained provocations to which Georgia had been subjected by Russia in the period preceding the conflict. Among these, 'The mass conferral of Russian citizenship to Georgian nationals and the provision of passports on a massive scale on Georgian territory, including its breakaway provinces, without the consent of the

Georgian Government runs against the principles of good neighbourliness and constitutes an open challenge to Georgian sovereignty and an interference in the internal affairs of Georgia' (p. 18). Furthermore, 'The decision by the Russian Federation to withdraw the 1996 CIS restrictions on Abkhazia (March 2008) and to authorise direct relations with the Abkhaz and South Ossetian sides in a number of fields (April 2008), added another dimension to an already complex situation in the area' (p. 31).

2) The report acknowledges that the Georgian offensive did not come out of the blue, but in the context of escalating military preparations and activities by both sides over the preceding months, involving exchanges of fire and explosions on both sides of the front lines, so that the 'ever-mounting tensions in the conflict zone were approaching the level of open military confrontation' and 'the stage seemed all set for a military conflict' (pp. 18-19).

3) The report states that although '[t]he Mission is not in a position to consider as sufficiently substantiated the Georgian claim concerning a large-scale Russian military incursion into South Ossetia before 8 August 2008', nevertheless it does not reject the claim; on the contrary, it lists several pieces of evidence that lend weight to Georgia's accusations of a preparatory Russian military build-up prior to the war, including 'the provision by the Russian side of training and military equipment to South Ossetian and Abkhaz forces prior to the August 2008 conflict'; 'an influx of volunteers or mercenaries from the territory of the Russian Federation to South Ossetia through the Roki tunnel and over the Caucasus range in early August, as well as the presence of some Russian forces in South Ossetia, other than the Russian JPKF battalion, prior to 14.30 hours on 8 August 2008'; and the fact that 'it seems that the Russian air force started its operations against Georgian targets, including those outside South Ossetian military boundaries, already in the morning of 8 August, i.e. prior to the time given in the Russian official information' (p. 20).

4) The Report rejects Moscow's claim that it was waging a defensive or legal war in Georgia. It notes that 'much of the Russian action went far beyond the

reasonable limits of defence'; that Russia's actions 'cannot be regarded as even remotely commensurate with the threat to Russian peacekeepers in South Ossetia'; that Russia's 'continued destruction that came after the ceasefire agreement was not justifiable by any means'; and that 'the Russian military action outside South Ossetia was essentially conducted in violation of international law'. It therefore concludes that 'insofar as such extended Russian military action reaching out into Georgia was conducted in violation of international law, Georgian military forces were acting in legitimate self-defence under article 51 of the UN Charter.' Consequently, 'In a matter of a very few days, the pattern of legitimate and illegitimate military action had thus turned around between the two main actors Georgia and Russia'. The report notes in addition that the second front against Georgia opened by the Russians and Abkhazians in Abkhazia was 'not justified under international law' (pp. 23-25).

5) The Report rejects any possible justification of the Russian intervention in Georgia on humanitarian grounds, both because 'Russia in particular has consistently and persistently objected to any justification of the NATO Kosovo intervention on humanitarian grounds' and 'can therefore not rely on this putative title to justify its own intervention on Georgian territory', and because 'as a directly neighbouring state, Russia has important political and other interests of its own in South Ossetia and the region. In such a constellation, a humanitarian intervention is not recognised at all' (p. 24).

6) The report categorically rejects Russian claims that Georgia committed genocide against South Ossetian civilians: 'After having carefully reviewed the facts in the light of the relevant law, the Mission concludes that to the best of its knowledge allegations of genocide committed by the Georgian side in the context of the August 2008 conflict and its aftermath are neither founded in law nor substantiated by factual evidence' (pp. 26-27). It notes that the total number of South Ossetian civilian casualties in the whole of the August 2008 conflict was only 162, not the two thousand initially claimed by Moscow (p. 21).

7) Conversely, the Report attributed the worst and most systematic atrocities

to the South Ossetian side: 'With regard to allegations of ethnic cleansing committed by South Ossetian forces or irregular armed groups, however, the Mission found patterns of forced displacements of ethnic Georgians who had remained in their homes after the onset of hostilities. In addition, there was evidence of systematic looting and destruction of ethnic Georgian villages in South Ossetia. Consequently, several elements suggest the conclusion that ethnic cleansing was indeed practiced against ethnic Georgians in South Ossetia both during and after the August 2008 conflict' (p. 27).

8) Finally, the Report condemns Russia's recognition of the independence of Abkhazia and South Ossetia as contrary to international law: 'South Ossetia did not have a right to secede from Georgia, and the same holds true for Abkhazia for much of the same reasons. Recognition of breakaway entities such as Abkhazia and South Ossetia by a third country is consequently contrary to international law in terms of an unlawful interference in the sovereignty and territorial integrity of the affected country, which is Georgia' (p. 17).

Far from blaming the Georgian side for the conflict, the Report ends with a conclusion that most reasonable friends of Georgia could readily endorse: 'This report shows that any explanation of the origins of the conflict cannot focus solely on the artillery attack on Tskhinvali in the night of 7/8 August and on what then developed into the questionable Georgian offensive in South Ossetia and the Russian military action. The evaluation also has to cover the run-up to the war during the years before and the mounting tensions in the months and weeks immediately preceding the outbreak of hostilities. It must also take into account years of provocations, mutual accusations, military and political threats and acts of violence both inside and outside the conflict zone. It has to consider, too, the impact of a great power's coercive politics and diplomacy against a small and insubordinate neighbour, together with the small neighbour's penchant for overplaying its hand and acting in the heat of the moment without careful consideration of the final outcome, not to mention its fear that it might permanently lose important parts of its territory through creeping annexation' (p. 31).

To sum up: the Report rules against Russia on every ground except one. Although it acknowledges the illegality of the Georgian assault on Tskhinvali, it describes this assault not as gratuitous or unprovoked, but as having occurred in the context of a long period of sustained military and diplomatic provocations on the part of Russia, a great power, against its small neighbour, whose fears about permanent territorial loss were very real. The Report rejects Moscow's claim that it acted for humanitarian reasons; that it acted to stop genocide; or that its action was in accordance with international law. On the contrary, it explicitly condemns Russia's military actions as illegal under international law, and acknowledges the legality of Georgia's attempts to defend itself from Russian invasion. The Report attributes by far the worst atrocities to the South Ossetian side, and endorses Georgian accusations of South Ossetian ethnic cleansing. It meanwhile rejects the massively exaggerated Russian claims of Georgian atrocities.

This is a Report that all friends of Georgia and opponents of Russian imperialism should be publicising to the best of their abilities. It amounts to a ringing endorsement of those of us who at the time recognised the Russian military action for what it was: an act of aggression, illegal under international law, by a hegemonic power against a small and 'insubordinate' neighbour. Yet while the factual conclusions of the Report represent such an endorsement, the Report's authors seem unfortunately unable to draw the only natural conclusion from the evidence they have amassed. Instead, they conclude with a few wishy-washy 'everyone is to blame' platitudes of the kind that made the EU synonymous with moral bankruptcy at the time of the Bosnian war in the 1990s: 'Where lies responsibility for what has happened? Overall, the conflict is rooted in a profusion of causes comprising different layers in time and action combined. While it is possible to identify the authorship of some important events and decisions marking its course, there is no way to assign overall responsibility to one side alone. They have all failed, and it should be their responsibility to make good for it. Finally, it must be noted that there are no winners in this conflict [etc. etc.]'

Contrary to what the Report concludes, there was a winner in the Georgian war, and it was Russia, which was able to provoke a war against a former

colony and current Western ally, inflict a heavy military blow against it and torpedo its chances of joining NATO, all without incurring much in the way of punishment from the Western alliance. The Obama Administration's recent abandonment of the US plans to install a missile defence system in Poland and the Czech Republic is further proof that Moscow has been successful, through its assault on Georgia and other aggressive acts, in extracting concessions from the Western alliance vis-a-vis the area that Russian imperialists view as their backyard. So long as we are afraid to draw the logical conclusion from evidence that is staring us in the face, and are afraid to call a spade a spade, an aggressor an aggressor and a victim a victim, we are simply encouraging further violent acts of the kind that the Report's authors deplore.

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