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## THE ISCIP ANALYST

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# Newly Independent States: Caucasus

By Robyn Angley

## GEORGIA

### Tagliavini report and the (lack of) EU response

The release this week of an EU-commissioned report on last year's conflict in South Ossetia was greeted as "mostly objective" by Russian officials on the one hand, (1) and as "even more truth than I could ever imagine" by Georgian President Mikheil Saakashvili on the other. (2) Both sides attempted to portray the report's findings as favorable for their interpretation of events and are now at great pains to win the spin war and use the report to claim advantageous headlines.

The mission investigating the conflict was headed by Heidi Tagliavini, a Swiss career diplomat who has worked at the Swiss embassy in Moscow and also served as head of the United Nations Observer Mission in Georgia. The release of the report was delayed from August until October, purportedly because the mission had received additional information from Georgia, but also, most likely, because of fears of a violent reaction had the report been released before winter weather could impede a military response.

The report finds that all parties (Russia, Georgia, South Ossetia) violated international law in various respects. It faults Georgia for initiating "open hostilities," (3) but cites a long history of provocations on the Russian side leading up to the outbreak of large-scale violence. The report concluded that most of Russia's response, including all of its actions beyond South Ossetia (its incursions into Georgia proper and its support of Abkhazian forces in the expulsion of Georgians from the Kodori Gorge) was disproportionate and illegal.

Regarding Tbilisi's decision to launch the attack on Tskhinvali, the report concludes, "Even if it were assumed that Georgia was repelling an attack, e.g. in response to South Ossetian attacks against Georgian populated villages in the region, according to international law, its armed response would have to be both necessary and proportional. It is not possible to accept that the shelling of Tskhinvali during much of the night with GRAD multiple rocket launchers (MRLS) and heavy artillery would satisfy the requirements of having been necessary and proportionate in order to defend those villages." (4)

The Commission could not consider "sufficiently substantiated" the Georgian assertion that the Russian military had launched a large-scale operation in the region before the Georgians initiated the shelling of Tskhinvali, though they did allude to the presence of mercenaries and some regular forces (outside of the Joint Peacekeeping Force) in South Ossetia before the time that Russia claims to have launched its counterattack. (5) However, the commission could not find conclusive evidence that Russia was on the cusp of a large-scale attack. (6)

While these conclusions may seem to support the Russian view of the conflict, the report also condemns Russia's reaction to Tbilisi's actions. The report's authors accepted that if, indeed, Russian peacekeepers were attacked in the Georgian offensive, then Russia had the right to intervene to protect them. (7) However, Russia's response could not "be regarded as even remotely commensurate" with the need to defend its peacekeepers; (8) Russian actions beyond the borders of South Ossetia violated international law, including its support for the appropriation of the Kodori Gorge by Abkhazian forces. (9) The report further dismisses Russian justifications of a humanitarian need for intervention based on Moscow's own previous objections to the use of humanitarian need as a basis for Western actions in Kosovo. (10)

The EU report criticized the failure of international organizations to respond quickly and effectively, and called for swift action by the UN Security Council in case of future incidents. This admonition seems naïve, however, in light of Russia's veto power in the Security Council. Watching televised coverage of the Russian and Georgian ambassadors at the UN during the August conflict, it was obvious that the Security Council would be unable to take any meaningful steps as long as one of the parties to the conflict retained a veto over decisive action.

The report considers two other important aspects of the conflict: the Russian "passportization" of Georgia's separatist republics and the Russian claim that Georgian troops committed genocide.

With regard to Russia's distribution of passports to residents of the breakaway republics, the report concluded, "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 neighborliness and constitutes an open challenge to Georgian sovereignty and an interference in the internal affairs of Georgia." (11)

The report also refuted Russia's allegation that Georgian forces had committed genocide during the conflict. The mission found no support for that claim. On the contrary, the report confirms that the South Ossetian militias' practice of forcibly displacing ethnic Georgians and systematically looting and destroying Georgian villages amounted to ethnic cleansing. The report faults Russian military leaders for not exerting sufficient control over South Ossetian forces to deter this behavior. (12)

The report does a fairly good job of sifting through the competing claims of the various actors in the conflict. It fails, however, to take a firm stance on Moscow's refusal to comply with the agreement brokered by Nicolas Sarkozy in his role as

EU President. Instead, it alludes to territorial disputes in regions such as Akhlagori, which was technically part of the South Ossetian administrative district but had remained under Georgian control until Russian forces occupied it during the August 2008 conflict. This is in violation of the Sarkozy agreement, which required Russian forces to withdraw to their pre-conflict positions.

The report also has several omissions. It makes no mention of Saakashvili's unilateral declaration of a ceasefire just prior to launching the shelling of Tskhinvali on 8 August. Nor does it discuss the broader international context of the Georgian attack and whether or not Georgia had sought or received assurances of support from Washington prior to the conflict.

Beyond initiating the most recent skirmish in the Moscow/Tbilisi spin wars, it is unlikely that the report will have much effect. The European Union has emphasized the independent nature of the mission it commissioned, likely in order to distance itself from the report.

Brussels' attempts to investigate the events, but not to endorse the results of the investigation appears to be part of an effort to avoid antagonizing Russia. Unfortunately, this strategy also leaves unexamined the EU's role in brokering—and Russia's clear abrogation of—the ceasefire agreement. The agreement included no provisions for enforcement or penalties for failing to carry out its stipulations. The EU goal (to the extent that Sarkozy's actions could be said to represent EU objectives) seems to have been only to stop the fighting, rather than to resolve the conflict. Due to its apparent desire not to provoke Russia (and perhaps also reflective of an internal divide among member states on how to treat Moscow), the European Union has shown itself unwilling to expend even the diplomatic capital necessary to highlight Moscow's flagrant non-compliance with the Sarkozy agreement. On the contrary, after brokering an agreement and mustering a monitoring mission, the European Union has not been able to secure access for its monitoring mission to the zones of conflict. By essentially ignoring

the mission's report, the European Union has given up even the pretense of accountability for overseeing the implementation of the Sarkozy agreements.

While both international organizations and individual states have failed to ensure the full implementation of the Sarkozy agreement, it is unclear whether these actors possess any levers that could persuade Russia to comply with the terms to which Medvedev acquiesced.

After its signal defeat in 2008, Georgia is not capable of a military campaign to regain its occupied territory. During his visit to Tbilisi in July, US Vice President Joe Biden indicated that Washington would not supply Georgia with even defensive weapons, and clearly this posture greatly limits Saakashvili's ability to establish a workable defense, much less to build an offensive capability.

Assuming, then, the ineffectiveness of Georgian diplomatic or military efforts to regain its lost regions, the question remains whether Georgia's allies, either in the European Union or the United States, possess the required incentive and ability to assist Georgia in this matter. Since the onset of the conflict itself, it has been painfully obvious that they do not. The United States, while initially striking a tough diplomatic stance, appears to have taken no further actions to pressure Russia over its disproportionate response or its support of the breakaway regions. US President Barack Obama's "reset" policy with Russia apparently has set Georgia issues to one side, in order to pursue Russian cooperation on Iran. The European Union, on the other hand, is dependent on Russian gas supplies and already risks alienating Moscow over the situation in Kosovo. Based on the current scenario, Georgia's chances for recovering its lost territory are minimal.

The August 2008 conflict and the subsequent failure of international organizations' subsequent failure to intervene effectively by negotiating and enforcing the ceasefire agreement highlights not only the repercussions of Russia's aggressive stance toward members of its former empire, but also the

extremely limited options open to vulnerable countries in the face of Russian military action and a lackluster response from Western “allies.”

Source Notes:

(1) “Tagliavini mission report generally objective – Russian diplomat,” 30 Sep 09, Russia & CIS Diplomatic Panorama via Lexis-Nexis; “Lavrov voices satisfaction with EU-commissioned report on Georgia...,” 2 Oct 09, Russia & CIS Diplomatic Panorama via Lexis-Nexis.

(2) “Saakashvili on EU-Backed Report on War,” Civil Georgia, 1 Oct 09 via <http://www.civil.ge/eng/article.php?id=21528>.

(3) “Independent International Fact-finding Mission on the Conflict in Georgia Report,” September 2009, vol. I, p. 19 via <http://91.121.127.28/ceiig/Report.html>.

(4) Ibid, p. 23.

(5) Ibid, p. 20

(6) Ibid, p. 23

(7) Ibid, p. 23.

(8) Ibid, p. 24.

(9) Ibid, p. 25.

(10) Ibid, p. 24

(11) Ibid, p. 29.

(12) Ibid, p. 28.

## Newly Independent States: Central Asia

By Monika Shepherd

### **UZBEKISTAN**

#### **Parliamentary election campaign underway in Uzbekistan**

In his Independence Day address this year, Uzbekistan’s President Islom Karimov once again emphasized that his government is in the process of building a democracy and is continuing to take steps in pursuit of this lofty and yet elusive

goal. Fortunately, before the year comes to an end, President Karimov's administration will have a golden opportunity to demonstrate, in a very concrete way, just how much progress has been made toward introducing a more democratic process to his country's political system.

On September 17 Uzbekistan's Central Election Commission (CEC) announced that elections for the Oliy Majlis, (the lower house of parliament) had been scheduled for December 27 and that election campaigning could begin on September 22. Regional, district and city council elections will be held on the same date. (1) All of Uzbekistan's past elections have been marred by various and sundry incidences of fraud and other violations, thus even an election campaign which is relatively free and fair, never mind the voting procedure itself, would be a leap forward for the Karimov regime.

Typically, the government's first line of defense against the possibility that an undesirable candidate's name might somehow slip onto the ballot, is the CEC itself. Candidates who are viewed unfavorably by those already in power generally are not permitted to register and participate in the campaign. The CEC simply puts so many obstacles in their way during the registration process that they miss the registration deadline. Candidates might be informed that their paperwork is not in order, that too many of the signatures on their registration petitions are invalid, that they have not correctly disclosed their financial information, and so on. There are countless ways for government authorities to ensure that any candidate who presents even the vaguest threat to the regime is kept off the ballot.

Nonetheless, at a September 17 press conference, CEC chair Mirza-Ulughbek Abdusalomov informed journalists that his agency would not tolerate meddling by any government organs in the election process: "No one, and first of all state authority bodies in the centre and at the local level, will not be allowed to interfere in the election process. Any attempts to intervene in the process of election

campaign, bypass, violate the requirements of the legislation, revealed facts of patronage will be suppressed strictly, and punished in line with the legislation.” Mr. Abdusalomov also stated that all of the “necessary legal bases” for guaranteeing free and democratic elections were in place and that all candidates would be treated equally. (2) In past campaigns, certain candidates have received preferred treatment with regard to media access, as well as permits and space in which to hold public rallies.

All of the 150 Oliy Majlis seats are at stake in this election. 135 will be selected on a multi-party basis in territorial electoral districts and fifteen seats will be allocated to the Ecological Movement of Uzbekistan, whose leaders will meet on election day itself to choose their legislative representatives. (3) Four parties currently are represented in the Oliy Majlis: the Liberal Democratic Party of Uzbekistan (UzLiDep) holds 40 seats, the Milliy Tiklanish (National Revival) Democratic Party has 29 seats, the People’s Democratic Party has 28 seats and the Adolat (Justice) Social Democratic party holds 10 seats. UzLiDep is President Karimov’s party, giving its candidates a powerful advantage over those of the other parties. (4) All four parties will most likely be contenders in the December poll. One expert, Bakhtiyor Ergashev, chief research scientist of the economic studies center under the office of the president's state advisor, believes that there actually could be a real competition between at least two of the parties, Milliy Tiklanish and Adolat. In an interview with the Regnum news agency, Mr. Ergashev speculated that although UzLiDep would have no trouble maintaining or even increasing its current number of seats, there likely will be a battle between these two weaker parties, whose outcome is far from certain at this point in time. (5)

In order to earn a place on the ballot, a party must collect a minimum of 40,000 signatures. UzLiDep already has begun this process and with a purported membership base of 160,000 and 7,000 local supporting organizations, its representatives should gain ballot spots with ease. (6) In addition to its

popularity, this party, which supported Karimov's candidacy in the last presidential elections, also enjoys the support of some of the country's wealthiest businessmen. According to Mr. Ergashev, the People's Democratic Party receives its support mainly from pensioners, low income families, state employees, and members of the intelligentsia. (7)

However, regardless of how fierce the competition among these four parties turns out to be, the likelihood that any of the candidates in this race will offer real opposition to the ruling party or to the regime is slim to none. Tashpulat Yuldashev, who stood in Uzbekistan's parliamentary elections five years ago and now lives in exile, stated in an interview that his constituency's election commission chairman warned him against pursuing a seat in parliament. The chairman told him that running in the election was pointless, because "the presidential administration endorses each candidate," in order to ensure that no undesirable contenders entered the legislature. (8)

Under such circumstances, where each candidate is pre-selected and approved even before being allocated a place on the ballot, a democratic and open parliamentary election is impossible, despite the CEC chairman's best intentions. The most that can be hoped for is a campaign free from police harassment of those candidates who do receive the Karimov regime's blessing and an election not marred by blatant voter fraud – hardly a great leap toward the democracy that the president claims to be building.

#### Source Notes:

(1) "Central Election Committee makes decision to start election campaign," 17 Sep 09, *Biznes-Vestnik Vostoka*; UzReport.com via Lexis-Nexis Academic.

(2) "CEC head: "All provisions of electoral legislation will be observed strictly," 17 Sep 09, *Biznes-Vestnik Vostoka*; UzReport.com via Lexis-Nexis Academic.

(3) "Uzbekistan launches parl', local election campaign Tue," 22 Sep 09, ITAR-TASS via Lexis-Nexis Academic.

- (4) "Does Uzbekistan really need parliamentary election?" 25 Sep 09, Uznews.net via [http://www.uznews.net/news\\_single.php?lng=en&cid=1&sub=top&nid=11369](http://www.uznews.net/news_single.php?lng=en&cid=1&sub=top&nid=11369), last accessed 8 Oct 09.
- (5) "Uzbek expert says three parties to dominate December parliamentary polls," 23 Sep 09, Regnum; BBC Worldwide Monitoring via Lexis-Nexis Academic.
- (6) "Uzbek party starts collecting voter signatures to qualify for general election," 6 Oct 09, Gzt.uz website; BBC Worldwide Monitoring via Lexis-Nexis Academic.
- (7) "Uzbek expert says three parties to dominate December parliamentary polls," 23 Sep 09, *ibid*.
- (8) "Does Uzbekistan really need parliamentary election?" 25 Sep 09, *ibid*.

## Newly Independent States: Western Region

By Tammy Lynch

### **MOLDOVA**

#### **Moldova hosts the CIS**

It's that time again - time for a "Commonwealth of Independent States" summit, where no one really expects anything important to happen and nobody is sure who might show up.

CIS leaders are scheduled to begin arriving in Chisinau Thursday for the two-day event. This is the first meeting of CIS leaders since July, when only five heads of state showed up in Moscow for a hastily-called informal summit. At that time, many believed the meager attendance was due to unease over Russia's actions in the Republic of Georgia during the August 2008 conflict. It will be interesting, therefore, to see which countries have decided to let bygones be bygones.

One area that will not be represented by its highest officials is Central Asia – Uzbekistan, Tajikistan, Turkmenistan and Kazakhstan will send either their Prime Ministers or Deputy Prime Ministers (in the case of Turkmenistan) instead of their

Presidents. The Kazakh president's absence must be particularly vexing for Russian President Dmitry Medvedev because Kazakhstan has always been a lynch-pin in the CIS. Kazakh President Nursultan Nazarbaev has provided no explanation for his absence.

A month ago, Ukraine President Viktor Yushchenko announced that he would attend the event. In the past two weeks, however, signals began appearing that suggested otherwise. Nevertheless, just days before his departure, Yushchenko's staff confirmed that the President would participate in the summit. (1) His allies emphasized that the decision had more to do with Moldova than with Russia. "Yushchenko's visit to Chisinau is very important because the government there has just changed – there is a new team," Oleksandr Chaly, Yushchenko's former deputy chief of staff said. "Moldova and its integrity remain key strategic goals for Ukrainian foreign policy. This is why Yushchenko's visit is so important for the development of Ukraine's diplomacy. I would say it is more important than a potential bilateral meeting with Medvedev." (2)

It is hard to blame Chaly and others for downplaying any potential meeting between Yushchenko and Medvedev. It was just two months ago that Yushchenko was attacked publicly by the Russian President, who denounced what he called his counterpart's "anti-Russian" policies and refused to dispatch a new Russian Ambassador to Ukraine. (3) Should Yushchenko and Medvedev meet, the conversation likely will be interesting, but there is little hope that anything will be accomplished.

One thing is clear, though – Medvedev will have no choice but to meet Moldova's new Acting President Mihai Ghimpu. Mr. Ghimpu recently received quite a lot of attention at the EU parliamentary assembly, where he announced: "We are Romanians." (4)

The Acting President's statements came around the same time that Moldova's Prime Minister Vlad Filat suggested the "Moldovan" language may be renamed "Romanian," and announced plans to teach Romanian history in schools instead of a so-called "integrated" history. (5) This history, introduced by the previous government in 2006, de-emphasized Romania's historical impact on current Moldovan lands in favor of teaching additional information about Russia. "We have to bring this aspect of our children's education back to normality," Filat said. "We will learn our history – that of Romanians, as is natural." (6)

The Moldovan leadership's comments come following the installation of a new government ruling coalition called the Alliance for European Integration.

Despite Filat's additional and more conciliatory statements promising friendship and cooperation with Russia, the apparent shift toward Romania will not be welcomed by either Russian President Dmitry Medvedev or Prime Minister Vladimir Putin. Moldova serves as the ostensible border to Russia's claimed "near abroad" and provides a transit route for both declared and "undeclared" Russian goods. Since 1991, Russia has worked hard to ensure that Moldova would not move toward any type of reunification of former Romanian lands (many of which now constitute Moldovan territory). One of the methods used to accomplish this was the concept of a separate Moldovan identity. This identity was nurtured carefully during Soviet times, and has been defended by Russia since the collapse of the Soviet Union.

But, any type of real union with Romania seems unlikely. Activists since 1991 have used their distinct Moldovan identity successfully to defend the country's independence from all neighbors – including Romania. In fact, polls in Moldova consistently have shown a desire for independence and a separate "identity." Consequently, even while asserting the country's brotherhood with Romania, President Ghimpu and Prime Minister Filat have gone to great lengths to

underscore Moldova's "independence" and "sovereignty," and to deny all plans to unify with Romania. (7)

Moreover, Moldova still must deal with the Transnistria separatist republic that continues to be protected by so-called Russian "peacekeepers."

Nonetheless, it undoubtedly is not lost on Medvedev that he is participating in a summit without his Central Asian counterparts, where he is likely to meet a neighboring president he obviously cannot stand, while he is being hosted by a country whose stated goal is integration with the EU. This could be an interesting meeting, after all.

Source Notes:

(1) President Yushchenko to participate in CIS summit in Chisinau, October 9, Ukrinform, 5 Oct 09 via [www.ukrinform.ua](http://www.ukrinform.ua)

(2) Robert Coalson, "What If The CIS Holds A Summit, And No One Comes?," RFE/RL, 7 Oct 09 via [www.rferl.org](http://www.rferl.org)

(3) "Moscow Signals Widening Rift With Ukraine," NY Times, 11 Aug 09 via [www.nytimes.com](http://www.nytimes.com)

(4) "Michael Ghimpu: Moldovan Communists are going to vote for the election of President," Hotnews.ro, 6 Oct 09 via [revistapresei.hotnews.ro](http://revistapresei.hotnews.ro) [in Romanian].

(5) "Moldova plans to rename national language," Azeri Press Agency (APA), 30 Sept 09 via [en.apa.az](http://en.apa.az).

(6) "Prime minister of Moldova: Our children will learn our history – history of Romanians," Omega, 5 Oct 09 via [www.omg.md](http://www.omg.md).

(7) See "'Social' Deal Rejected With Moldova Communists," RFE/RL, 17 Sept 09 via [www.rfepl.org](http://www.rfepl.org) and "Interview: Moldovan prime minister Vlad Filat," Euronews, 7 Oct 09 via [www.euronews.net](http://www.euronews.net).

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