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# Views of OSCE from Georgia

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## Views of OSCE from Georgia

After the Russian aggression in Ukraine in 2014, OSCE has reasserted its relevance and has become more visible on the global stage. However, Georgians too believe that OSCE as a platform for cooperation has been diminishing. OSCE is increasingly being used as a forum for mutual accusations about violations of key commitments. Efforts to underpin the strong leadership of the Secretariat of the organization and independence of its key institutions: the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities, and the Representative of Freedom of the Media, are being constantly tested.

### **State of Georgia's Foreign Policy**

Georgia continues to believe that the OSCE together with its institutions has to be an important organization which should play one of the leading roles in promoting security, strengthening peace, stability, democracy, and human rights in Europe. Georgia highly values OSCE's role in Geneva International Discussions as well as in Incident Prevention and Response Mechanism and will further support the OSCE in order to ensure its increased role in confidence building<sup>1</sup>.

Much remains to be done in Georgia in terms of democratic institution building, although the country has made considerable progress in building a functioning state after gaining its independence in 1991. Georgia and its citizens have firmly decided to integrate with the West, particularly by deepening ties with the EU and NATO. Despite certain setbacks noting the ruling political party's unrivaled power, there is no alternative to upholding human rights, democracy and the rule of law as well as developing the market economy for ensuring the long-term development and stability of the country.

Georgia, for the first time in 2012 as well as in the region had a peaceful change of government through democratic elections. The ruling party, the Georgian Dream has been in power ever since. There have been some controversial messages from government high officials, including the former prime minister and allegedly current informal leader, Mr. Ivanishvili about the country's foreign and security policy, overall, foreign policy priorities of the country have not changed. "Georgia's membership to the EU and NATO constitutes the top priority for the country's foreign and security policy, which is strongly supported by the majority of the population"<sup>2</sup>.

At the same time the government has tried to pursue a "new, more balanced policy" vis-a-vis Russia through establishing a bilateral channel for dialogue with Moscow. Georgian and Russian representatives are mandated to talk and promote trade relations, transport, communication

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<sup>1</sup> Ministry of Foreign affairs of Georgia, *Georgia's foreign policy strategy 2015-2018*. Available at <https://goo.gl/kvqu2U> last accessed on October 12, 2017.

<sup>2</sup> The Government of Georgia, *Communication Strategy on Georgia's Membership to the EU and NATO for 2017-2020*. Available at <http://www.eu-nato.gov.ge/en/news/7079> last accessed on October 13, 2017.



and humanitarian-cultural relations between the two countries. Interestingly, according to the mandate of this format, it can also address “other possible spheres of cooperation”<sup>3</sup>. Tbilisi did enjoy the hope that the government's “new policy” toward Russia would bring some positive results with the launching of bilateral talks. The limited progress hitherto achieved in certain areas, however, has not crossed into the security sphere. Moreover, the situation has even worsened and Russia has further solidified its unlawful position in Georgia<sup>4</sup>.

### **OSCE's Mission to Georgia**

In the early 90's, separatist movements in South Ossetia and Abkhazia, has resulted in ethnic cleansing and forcibly displacing several thousand citizens of mainly ethnic Georgians (OSCE participating states, including Russia in 1994, 1996 and 1999 Ministerial and Summit meetings have recognized the ethnic cleansing and called for appropriate actions to reverse it). Finally, as a result of the 2008 war between Russian and Georgia, Russia unilaterally recognized South Ossetia and Abkhazia and established military bases on these territories.

To respond to the challenges Georgia's young democracy faced, OSCE in the early 90's deployed one of the largest missions to Georgia, unfortunately discontinued in 2008 due to Russia's opposition. In addition, OSCE has served as a political platform for Georgia to raise concerns, to make its voice heard as well as working with its partners to address common security threats.

OSCE and particularly its Mission to Georgia struggled with the deterioration of the South Ossetia situation. However, throughout the decade OSCE together with the Mission were rightly perceived by the public as a positive force and stabilizing factor. In addition, the OSCE Border Monitoring Operation that operated from 1999 to 2005 was a success, in its full capacity was able to monitor 140km of border between Russia and Georgia. In 2005, OSCE Mission led an international needs assessment study of socio-economic infrastructure in the conflict zone of South Ossetia. After more than €8 million was pledged by OSCE donor states at the OSCE donor's conference in 2006, the Mission began implementing projects in the energy sector, agriculture, roads, social infrastructure, business and finance, etc. At the OSCE Ljubljana Ministerial Council meeting (2005), a decision welcoming the Peace Plan of Georgia was adopted. This Plan was to serve as a basis for the peaceful settlement of the conflict in the Tskhinvali region/South Ossetia. The Statement encouraged OSCE's increased involvement in the conflict-resolution process.

Despite the importance of the OSCE to Georgia and the Mission's significant work in all dimensions, OSCE's ambitious plans and its activities in Georgia gradually decreased. In 2005, Moscow made the Border Monitoring Operation to discontinue by breaking a consensus on a mandate extension<sup>5</sup>. Despite the effectiveness of the Mission and against the request of the host

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<sup>3</sup> #39 Decree of the Prime Minister of Georgia, available at <https://goo.gl/naKm5p> last accessed on October 13, 2017.

<sup>4</sup> Interview with Government official, who wished to remain anonymous.

<sup>5</sup> Rory McCorley. *The 1992-2004 Georgia Border Monitoring Operation and the 2005-2009 Follow-up Projects - Lessons Learned and Potential Offerings for Future Engagement*. OSCE 2015 Yearbook. Pp.343-357.



country (Georgia), the mission to continue its activities, the Russian delegation to the OSCE has stated, that “the qualitative improvement of the situation on the Georgia-Russian border, positive developments in the normalization of the situation in the Chechen Republic of the Russian Federation and substantial progress in the strengthening of co-operation between the Russian and Georgian border services make it possible to find an effective solution to the problem of guarding this segment of the state border using Russia's and Georgia's own forces, without involvement of the OSCE. Moreover, the practical gain from the monitoring has been negligible, something to which the Russian delegation has repeatedly drawn attention over the last few years. All these factors make the further continuation of this operation inappropriate.”<sup>6</sup>

In addition, despite the rest of the OSCE community's continued call on Russia to allow an increase in the number of the military monitoring officers of the OSCE Mission, amid increased tensions in the conflict zone to establish transparent international control, over the Roki tunnel and adjacent areas with Russia's participation, came to failure. Since 2006 Russia has opposed every decision over Georgia and its support for OSCE's activities in Georgia and subsequently, no ministerial decision has been adopted on Georgia up to date.

By the end of 2005, the position of Moscow was changing and it was Russia's foreign minister, Lavrov who personally negotiated the text of the Ministerial decision on Georgia and OSCE's further increased role in Georgia including conflict-resolution. However, a few months later, when Russia disregarded a Peace Plan which also included the introduction of wider transparency measures in South Ossetia with OSCE involvement, minister Lavrov informed his Georgian counterpart on the decision. According to the Russian minister, Georgia had to “forget” about the OSCE's role in their (Russian-Georgian) relations<sup>7</sup>. Despite Georgia and peaceful conflict resolution being one of the top priorities of OSCE, different delegations in Vienna were restricted by mandate and were unable to take more robust steps to push even harder some participating states to uphold their commitments to strengthen security, trust and good-neighborliness.

So far, OSCE efforts to reestablish its presence one way or another in Georgia have failed. In 2009, long and extensive negotiation, guided by the status-neutral approach, aiming to the establishment of the OSCE office in Tbilisi and the deployment of OSCE monitors, had ended with no success. After five month of hard negotiations the OSCE Greek Chairmanship on 8 May, 2009 put forward a draft decision in which “fair, balanced and status-neutral compromise package” was forged<sup>8</sup>. The draft decision was supported by an overwhelming majority of the OSCE participating states except of the Russian Federation<sup>9</sup>. On 14 May, 2009 the OSCE Greek Chairmanship has declared that consensus was not reached for the adoption of the draft decision, “despite the fact that this text has been the final outcome of a long and difficult

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<sup>6</sup> Statement by the Delegation of the Russian Federation to the OSCE during meeting of the Permanent Council. December, 2004.

<sup>7</sup> Personal notes from the meeting between Ministers Lavrov and Bezhuashvili in 2006.

<sup>8</sup> Delegation of Canada to the OSCE. Statement by Ambassador Fredericka Gregory during 761<sup>st</sup> meeting of the Permanent Council. May 14, 2009.

<sup>9</sup> EU Statement on OSCE presence in Georgia during meeting of the Permanent Council #761. May 14, 2009.



consultation process and was accepted as the optimal compromise solution by the overwhelming majority of the participating states.<sup>10</sup>

Since then, attempts have been made that is to establish a Vienna-based OSCE Team which could give technical support to the activities of the special representative of the Chairperson-in-Office for the South Caucasus in Geneva International Discussions as well as in Incident Prevention and Response Mechanism meetings. One of the tasks should be to assist the OSCE in developing and implementing concrete projects of confidence-building or of humanitarian character. Although the expectations implementing this idea are low, there is a chance to redouble efforts and to seek OSCE's role in identifying and developing practical options for economic cooperation, thereby contributing to the establishment of legal trade between the Ossetian/Georgian and Abkhaz/Georgian communities.

### ***Not too Late: OSCE's Future with Georgia***

For Georgia, OSCE still remains an important multilateral platform, mostly political to voice its position and for information sharing vis-à-vis the Russian-Georgian conflict. After deploying several thousand military personnel and the occupation of South Ossetia and Abkhazia, Russia has pursued a creeping annexation policy. The annexation policy has become especially visible since 2014, when Russia signed treaties of alliance and subsequent agreements with Tskhinvali and Sokhumi which imply full integration of defense, security and customs spheres into the Russian legal area. A full annexation could be highly likely in the future. To counter the annexation threat Georgia needs a comprehensive and long-term anti-annexation strategy that can effectively work only in the case of close coordination with the international community, including OSCE.

OSCE as a co-Chair, through the Special Representative of the Chairperson-in-Office participates in Geneva International Discussions as well as in IPRM meetings; There is perhaps a need for the OSCE together with the EU and the UN to reenergize their efforts to "revamp" the talks, for instance to facilitate a dialogue between Moscow and Tbilisi including security matters, on the one hand and to facilitate a channel of communication between Tbilisi and Sokhumi, as well as between Tbilisi and Tskhinvali primarily on matters of legal trade and freedom of movement of people and goods on the other.

The 2016 Parliamentary election created a new political landscape in Georgia, accompanied by serious vulnerabilities, such as a weak system of checks-and-balances, lack of accountability and transparency of public institutions. The ruling party, Georgian Dream, has obtained a constitutional majority and has demonstrated its increased appetite for unlimited power. This has given the party enough leverage to dominate the executive, legislative and judicial branches of government and make unilateral decisions. In contrast, the opposition has become weaker and fragmented, with marginalized pro-European parties that have little capacity to balance the majority. Single-handed constitutional reform by the ruling party failed to seek and

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<sup>10</sup> Statement of the Chairperson of the Permanent Council on the state of play concerning the draft decision on the OSCE Office in Tbilisi and the deployment of OSCE monitors. Permanent Council #761. May 14, 2009.



achieve broad public and political consensus over the constitutional draft, with concerns over independence and the politicization of the justice system, impunity and lack of accountability of the law-enforcement and security services furthered by the deteriorating media environment might challenge the Georgia's Europeanization path. OSCE should find a way to help Georgia to uphold its commitments.

OSCE and its independent institutions are still regarded as impartial arbiters in Georgia, whose recommendations should not be neglected. Therefore, we anticipate that the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Representative of Freedom of the Media will continue with more robust ways to engage the Georgian Government and civil society to make a sustainable success of Georgia's democratic institution building.

### **Conclusion**

During OSCE's active phase of engagement in Georgia, there were instances when OSCE had delayed responses to grave security incidents, notably the pre Russian/Georgian war. Previously to 2008, there was optimism of a negotiating a peaceful conflict resolution. OSCE played a significant role in defusing tensions and promoting confidence building measures. Where the OSCE failed most was in the facilitating of true dialogue between Moscow and Tbilisi.

Optimism for OSCE has diminished in Georgia over the last years. Hopes for creating a free Europe, democratic and at peace have largely vanished. Georgia now faces not only threats from ongoing occupation and illegal Russian military forces present in South Ossetia and Abkhazia, but also threats of annexation of these Georgian regions. Hopes for making OSCE's actions rapid and adequate to today's needs have diminished. Innovative ideas and responses are of crucial importance. To this end, establishing an OSCE offices with a regional and thematic focus, one in Georgia for instance, is worth thoroughly considering and pursuing.