

EUMM - Georgia : the European Union monitoring mission

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On September 15, 2008, the EU External Relations Council decided on the mandate, composition, and financing of the EU mission to Georgia. The Council, composed of foreign ministers of the EU states, decided that at least 200 civilian observers would be deployed to the buffer zones around Abkhazia and South Ossetia by October 1.

Thus, the EUMM's deployment has been the fastest European Union's mission deployment in its history.

INTRODUCTION

AFTER the collapse of the Union of Soviet Socialistic Republics the region of the South Caucasus became an area of different conflicts, which in the case of Georgia reached the level of full-scale armed conflicts. Georgia suffered two conflicts – in Abkhazia and in South Ossetia. As a result of Russian Federation's pioneered post-war efforts the situation in two breakaway regions of Georgia was continuously considered as the "frozen conflicts". But the events of August 2008 unveiled the real nature of the post-war situation, which, unfortunately, was too far from the "frozen" condition.

As it is widely acknowledged, on August the 8th, 2008 while the cameras of the entire world looked on Beijing, China, in Georgia, the geopolitically important region between the West and the East, another kind of competition had started. It was not a competition between equal competitors, and if not for the quick reaction of the international community, it could have finished lethally for one of them. Today we can definitely say that the international community knew about something that was to happen in Georgia in those days. The authoritative international, Brussels based think-tank, the International Crisis Group, in its August 22, 2008 report mentioned that "prior to the events of 7th-8th of August, the security situation in South Ossetia had deteriorated sharply". [1] However, the whole world witnessed those tragic events, which according to then President of the International Crisis Group, Mr. Gareth Evans "...could become more widely recognised as a turning point in international affairs than 11 September 2001". [2]

There are different points of view regarding the escalating conflict in August 2008 and its causes. Russian officials and some experts and politicians in Europe and the United States say that Georgia has started the war against its breakaway region of South Ossetia (Samachablo). Some others support Georgia's absolute sovereignty within the internationally recognized state borders and support the idea of using the right of self-defense by the Government of Georgia in August 2008.

As the U.S. Under Secretary of State for Political Affairs William J. Burns witnessed before the U.S. Senate "the causes of the current crisis are complicated, with mistakes and miscalculations on all sides. Georgia's decision to use force to reassert its sovereignty over South Ossetia - against our strong and repeated warnings - was short-sighted and ill-advised. But there was no justification for Russia's disproportionate response, for its provocative behavior in the run-up to the crisis, or for sending its military across international boundaries to attack Georgia and seek to dismember a sovereign country". [3]



MAP OF GEORGIA

Source : “Russia vs Georgia : the fallout” – International Crisis Group, published on August 22, 2008, available at <http://www.crisisgroup.org/en/regions/europe/caucasus/georgia/195-russia-vs-georgia-the-fallout.aspx>

BACKGROUND OF THE CONFLICT

Russia today is not the Russia of the 1990s. It is the “nuclear-armed energy-rich Great Power, which has much potential but more than its share of troubles and complexes” – says the U.S. Under Secretary of State for Political Affairs William J. Burns. The European Security and Defence Assembly in its report, called “European Security After the War in Georgia” mentions the importance of Russia for the European Union. It says : “trade and investment between the EU and Russia are substantial and growing and that it is in the partners’ mutual interest that the trend should continue. Russia is the EU’s third most important trading partner, with trade between them increasing by up to 20% every year. The EU is the major investor in Russia, accounting for 80% of cumulative foreign investment...”. [4] Then it says that “EU-Russia interdependence in the energy sector is a core element of the relationship...”. [5]

However, the relations between Russia and the Western world are not perfect. The Russian Federation is angry, and as the Stratfor Global Intelligence’s [6] Director, Dr. George Friedman mentions “[T]o understand Russian thinking, we need to look at two events. The first is the Orange Revolution in Ukraine. From the U.S. and European point of view, the Orange Revolution represented a triumph of democracy and Western influence. From the Russian point of view, as Moscow made clear, the Orange Revolution was a CIA-funded intrusion into the internal affairs of the Ukraine, designed to draw the Ukraine into NATO and add to the encirclement of Russia. U.S. Presidents George H.W. Bush and Bill Clinton had promised the Russians that NATO would not expand into the former Soviet Union empire. That promise had already been broken in 1998 by NATO’s expansion to Poland, Hungary and the Czech Republic — and again in the 2004 expansion, which absorbed not only the rest of the former Soviet satellites in what is now Central Europe, but also the three Baltic states, which had been components of the Soviet Union”. [7] As the International Crisis Group mentions in its report “having been forced, through its weakness at the time, to acquiesce in incorporation of the Baltic States and one-time Warsaw Pact allies in what it regarded as an abrogation of that undertaking, an increasingly resurgent and assertive Russia wants to draw a line at Ukraine and Georgia. Its objections are hardened by those countries’ strategic positions on its borders”. [8]

Another precondition of Russia's anger is the recognition of Kosovo's independence. Serbia is considered being Russia's Slavic ally and violation of the territorial integrity of its ally, according to Putin, would lead to the birth of similar cases in other parts of the world. The Russian officials have been consistently repeating that they are going to use Kosovo's precedent once it is established by the West. Indeed, they did use it with regard to Georgia. [9]

But Russia looked for achieving more objectives. According to Prof. Igor Tomberg from the Canadian Centre for Research on Globalization, in his article "Impact of Five-Day War on Global Energy" [10] says that "having stepped in to protect its citizens in South Ossetia, Russia has also established itself as the only stable transit space connecting Europe, Central Asia, and the Caspian region".



MAP OF SOUTH OSSETIA

Source : "Russia vs Georgia : the fallout" – International Crisis Group, published on August 22, 2008, available at <http://www.crisisgroup.org/en/regions/europe/caucasus/georgia/195-russia-vs-georgia-the-fallout.aspx>

THE WAR AND THE RECOGNITION OF INDEPENDENCE OF ABKHAZIA AND SOUTH OSSETIA

As it is mentioned in the report of the Temporary Parliamentary Commission on Investigation of the Military Aggression and Other Actions of Russia Undertaken against the Territorial Integrity of Georgia "[t]he Russian aggression targeted against the sovereignty and territorial integrity of Georgia had not started in August 2008 per se. By August 2008, the Russian

Federation and the illegal de-facto separatist regimes under their protection already had possessed control over a significant part of the Georgian territory – namely, the Autonomous Republic of Abkhazia, and the Autonomous Region of South Ossetia”. [11]

The EU sponsored Independent International Fact-Finding Mission on the Conflict in Georgia [12] in its report presented to the parties to the conflict, and to the Council of the European Union, the Organisation for Security and Cooperation in Europe and the United Nations mentioned that the “[o]pen hostilities began with a large-scale Georgian military operation against the town of Tskhinvali and the surrounding areas, launched in the night of 7 to 8 August 2008. Operations started with a massive Georgian artillery attack”. [13]



MAP OF ABKHAZIA

Source : “Georgia and Russia : clashing over Abkhazia” – International Crisis Group, published on June 5, 2008, available at <http://www.crisisgroup.org/en/regions/europe/caucasus/georgia/193-georgia-and-russia-clashing-over-abkhazia.aspx>

“On August 26, 2008, after both chambers of the Russian legislature submitted to Russian President Medvedev their recommendations to recognize Abkhazia and [South Ossetia](#) as independent states, he signed official decrees on recognition”. [14] Then US Under-Secretary of State for Political Affairs, Mr. William J. Burns called it “deplorable”. [15]

REACTION OF GEORGIA

“The Georgian government broke off diplomatic relations with Russia on 29 August, and Russia responded reciprocally”. [16] Georgia decided to withdraw from membership of the Commonwealth of Independent States.

“On August 12, 2008, Georgia filled a case against Russia at the International Court of Justice [17] (ICJ) for alleged crimes in Abkhazia and South Ossetia between 1990 and 2008... On October 15, the ICJ issued a “provisional measures” order to force Russia and Georgia to immediately cease and desist from further acts of ethnic discrimination, to facilitate humanitarian assistance, and protect people and property in the conflict zone”. [18]

On October the 23rd, 2008 the Law of Georgia “On Occupied Territories” [19] entered into

force, which defines the status of territories occupied as a result of the military aggression of the Russian Federation and establishes a special legal regime over the stipulated territories. The Law creates special legal regime on these territories, including limitation of free migration, economic activities, real estate transactions and other activities provided for by this Law and declares illegal any authorized body (official person) if it is not formed (appointed/elected) under the appropriate legislation of Georgia.

In October 2008 the "Temporary Parliamentary Commission on Investigation of the Military Aggression and Other Actions of Russia Undertaken against the Territorial Integrity of Georgia" was created by a resolution of the Parliament of Georgia. The commission studied the events that took place in Georgia resulting from the aggression undertaken by the Russian Federation before and during August 2008. The commission held special sessions aimed at establishing facts and receiving necessary and specific information. The sessions were held openly, however, some of the commission proceedings were closed to the public eye in order to ensure the non-disclosure of state secrets. The commission interviewed 22 top civil and military officials. [20] On January the 7th, 2009 the Commission released the report, [21] including the developmental aspects of events before and after the aggression undertaken by the Russian Federation ; initiatives aimed at peaceful resolution of the conflict ; the scale of the military aggression undertaken by the Russian Federation ; the wartime actions and exposed deficiencies of the Georgian government ; and recommendations.

THE REACTION OF THE EUROPEAN UNION

According to the European Council on Foreign Affairs, "the EU has established itself as the main diplomatic broker in the conflict between Russia and Georgia". [22] Svante E. Cornell, the research director of the Central Asia-Caucasus Institute & Silk Road Studies Program at Johns Hopkins University said, "French President Nicolas Sarkozy, serving also as EU president, did react rapidly to secure a ceasefire". [23] Indeed, Mr. Sarkozy, in his capacity as the EU President worked quickly to stop the violence, taking place in Georgia.

On August 12, 2008 Mr. Sarkozy, on behalf of the [European Union](#) proposed an agreement, which was approved later by three Presidents – Mr. Saakashvili [24], Mr. Medvedev [25] and Mr. Sarkozy. This is a six-point document, containing the following :

1. Not to resort to force.
2. To end hostilities definitively.
3. To provide free access for humanitarian aid.
4. Georgian military forces will have to withdraw to their usual bases.
5. Russian military forces will have to withdraw to the lines held prior to the outbreak of hostilities. Pending an international mechanism, Russian peace-keeping forces will implement additional security measures.
6. Opening of international talks on the security and stability arrangements in Abkhazia and South Ossetia. [26]

On September 8, 2008 the French President presented a new document, containing additional measures for effective implementation of the August 12's peace plan. This document was discussed with Georgian [27] and Russian [28] leaders.

The September 8's document states :

Section one. Withdrawal of troops.

Point one. Russia will withdraw all of its peacekeepers from the five observation posts along the line from Poti to Senaki inclusive within a maximum deadline of seven days, taking into account the signature on September 8, 2008, of legally binding documents providing guarantees of non-aggression against Abkhazia.

Point two. Russia will withdraw in full its peacekeepers from the zones adjoining South Ossetia and Abkhazia to the positions where they were stationed before the start of hostilities. This withdrawal will be carried out within ten days following the deployment of international mechanisms in these zones, including at least 200 observers from the European Union, no later than October 1, 2008, taking into account legally binding documents guaranteeing non-aggression against Abkhazia and South Ossetia.

Point three. The complete return of Georgian armed forces to their home stations by October 1, 2008.

Section two. International observation mechanisms.

Point one. UN international observers in Georgia will continue to carry out their mandate in their zone of responsibility in accordance with the number and deployment scheme as at August 7, 2008, without detriment to possible future adjustments decided by the UN Security Council.

Point two. International observers from the OSCE will continue to carry out their mandate in their zone of responsibility in accordance with the number and deployment scheme as at August 7, 2008, without detriment to possible future adjustments decided by the Standing Council of the OSCE.

Point three. Speed up preparations for the deployment of additional observers in the zones adjoining South Ossetia and Abkhazia in number sufficient to replace the Russian peacekeepers by October 1, 2008, including at least 200 observers from the European Union.

Point four. As guarantor of the principle of non-aggression, the European Union will actively prepare the deployment of an observer mission in addition to the existing observer mechanisms.

Section three. International discussions.

Point one. The international discussions stipulated in point six of the Medvedev-Sarkozy plan of August 12, 2008, will begin on October 15, 2008 in Geneva. Preliminary discussions will begin this September.

Point two. These discussions will examine the following issues in particular : ways to ensure security and stability in the region ; settling the issue of refugees and displaced persons on the basis of internationally recognised principles and post-conflict resolution practice ; any other issue put forward with the mutual approval of the parties.

It is important to note that the European Union's reaction was wider, so far following the war, the EU established a special mission [29] headed by former UN Special Representative to Georgia, Heidi Tagliavini [30] and consisting in ten "recognized experts" to evaluate the facts around the Georgia- Russian war. The main objective of this inquiry is to find out the "truth", regarding the causes of the war, apportion responsibility and thereafter present the conclusions of the report to the OSCE. [31] The Independent International Fact-Finding Mission on the Conflict in Georgia on September 30, 2009 released its Report [32], thus successfully accomplished its mission.

In order to help to internally displaced persons and to support recover of damaged infrastructure "the EU and World Bank convened a donors' conference in Brussels on October the 22nd, 2008, to garner international funds for Georgia's rebuilding. Thirty-eight countries and fifteen international organizations pledged approximately \$4.5 billion in aid to Georgia for the 2008-2010 period. The amount pledged was higher than the basic needs outlined in a Joint Needs Assessment report [33] presented to the conference..." [34] Generally speaking, the Joint Needs Assessment Report identified the need for donor support in three major areas : support for the rapid restoration of confidence ; support for social needs ; and support for critical investments. "The international community has pledged to give Georgia an unexpected and unprecedented amount of foreign funds to deal with the economic consequences of the war" - says Sabine Fischer, from the European Union Institute for Security Studies in Paris, in her article "European Policy towards the South Caucasus after the Georgia Crisis". [35] According to the Joint Needs Assessment report "the conflict dealt a shock to the key pillars of economic growth". [36]

In order to help to prepare for the international talks to be held under point 6 of the settlement plan of 12 August 2008, and facilitate the implementation of the agreement concluded on 8 September 2008 in Moscow and Tbilisi, as well as the agreement of 12 August 2008, the European Union on September 25, 2008 appointed [37] the European Union Special Representative for the crisis in Georgia (EUSR). [38] The EUSR's mandate covers the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy, and it expires on August 31, 2011. The position is currently held by Mr. Pierre Morel. [39]

And finally, the European Union decided to send a special observer mission to Georgia, as it is mentioned in point three of section two of the September 8's document.

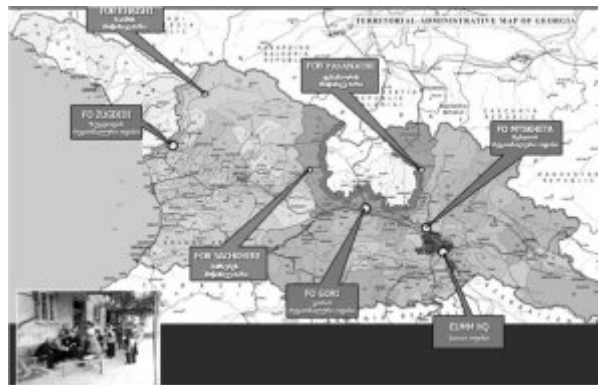
THE EUROPEAN UNION MONITORING MISSION IN GEORGIA

[40]

"On September 15, 2008, the EU External Relations Council decided on the mandate, composition, and financing of the EU mission to Georgia. The Council, composed of foreign

ministers of the EU states, decided that at least 200 civilian observers would be deployed to the buffer zones around Abkhazia and South Ossetia by October 1". [41]

Thus, the EUMM's deployment has been the fastest European Union's mission deployment in its history.



MAP OF THE EUMM GEORGIA DEPLOYMENT

Source : *The European Union Monitoring Mission in Georgia* - <http://www.eumm.eu/>

This kind of a mission was first mentioned in the paragraph 5 [42] of the Presidency Conclusions [43] of an extraordinary meeting of the European Council, which was held on September 1, 2008 in Brussels. On September 11, 2008 the Georgian President, Mr. Mikheil Saakashvili sent the invitation letter to the European Union to deploy a mission. [44]

On September 15, 2008 the Council of the EU adopted the Council Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia. [45] According to the paragraph 1 of the article 1 of the document "...the operational phase [of the EUMM Georgia] beginning no later than 1 October 2008". So, on October 1, 2008 EU observers began to patrol Georgian territory, however the Russian and de facto South Ossetian and Abkhaz authorities meanwhile continue to deny appropriate access to international monitors. [46] The European Security and Defence Assembly mentions that "Russia supports the view of the South Ossetian and Abkhazian de facto authorities that the EUMM monitors should be denied access to the two breakaway territories as long as the EU does not recognise their independence". [47] The Assembly mentioned, that "the EU for its part claims that the mission's mandate covers the whole territory of Georgia, a legal standpoint which preserves Georgia's legal position". [48] According to the article 3 of the Council Joint Action 2008/736/CFSP the main tasks of the Mission are to :

Stabilisation

Monitor, analyse and report on the situation pertaining to the stabilisation process, centred on full compliance with the six-point Agreement, including troop withdrawals, and on freedom of movement and actions by spoilers, as well as on violations of human rights and international humanitarian law.

Normalisation

Monitor, analyse and report on the situation pertaining to the normalisation process of civil governance, focusing on rule of law, effective law enforcement structures and adequate public order. The Mission will also monitor the security of transport links, energy infrastructures and utilities, as well as the political and security aspects of the return of internally displaced persons and refugees.

Confidence building

Contribute to the reduction of tensions through liaison, facilitation of contacts between parties and other confidence building measures.

Contribute to informing European policy and to future EU engagement.

The mission's task is to provide civilian monitoring of the Parties' actions, including full compliance with the Agreements of August 12 and September 8, 2008. While initially the EUMM was supposed to implement its mandate in close coordination with the UN and the OSCE, however, after the Russian Federation's veto to extend the OSCE monitors' mandate for South Ossetia [49] and the UN monitors' mandate for Abkhazia [50], the EU remained alone. Thus, the EUMM "has been the only internationally mandated mission on the ground since June, when the UN and OSCE missions closed". [51] As the Amnesty International mentions "EUMM's mandate and working practices were drawn up when the UN and OSCE missions were still operative and were originally complementary. The closure of these missions has meant a reduced capacity for international scrutiny". [52]

The EUMM is a civilian, unarmed mission. However, " [EU] diplomats ... debated an EU military "interposition" - or buffer - force. But Spain and Cyprus made reservations clear, and the diplomats considered the idea premature." [53]

The Mission is composed of the Headquarters (in Tbilisi), Field Offices (in Mtskheta, Gori and Zugdidi), and the Support Element (in Brussels). [54]

By virtue of article 5 of the Council Joint Action 2008/736/CFSP the Council established a position of Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee and the overall authority of the Secretary-General/High Representative. The Civilian Operation Commander shall exercise command and control of EUMM Georgia at the strategic level.

Executive functions are given to the Head of EUM Mission, which "shall assume responsibility for and exercise command and control of the Mission at theatre level". Since September 16, 2008 [55] the position of Head of Mission is held by Mr. Hansjörg Haber. [56] Current mandate of the Head of Mission expires on September 15, 2010. [57]

On November 3, 2008 in Brussels Georgia and the European Union signed the Agreement between the European Union and Georgia on the status of the European Union Monitoring Mission in Georgia. [58]

The EUMM counts approximately 330 staff members, around 250 out of it are monitors from 26 out of 27 [European Union](#) Member-States.

There were some attempts to change the EUMM's composition and to add there the United States of America. [59] On July 24, 2009 the US Assistant Secretary of State, Philip J. Crowley received following question : *" What is the U.S. response to Georgia's call for the U.S. to join the EU civilian monitoring effort along the boundary between undisputed Georgian territory and South Ossetia and Abkhazia ? Do we have any plans to join such a force ?"* His answer was : *"The EU Monitoring Mission in Georgia is doing an excellent job in maintaining stability and we strongly support its continued efforts. This is an EU mission, and it will determine the make up and mandate. At this time, the U.S. has not been asked to participate."* [60]

Members of the EUMM in Georgia have been fired upon for several times during the course of their duties. [61]

The current budget of the EUMM Georgia is EUR 26 600 000. [62]

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Notes

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[45] The Council Joint Action 2008/736/CFSP is available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:248:0026:0031:EN:PDF>

[46] On the issue of European monitors' access to the Georgian breakaway regions see an article "A Mission for All of Georgia", by the Europe programme director at the International Crisis Group, Sabine Freizer, available at <http://www.crisisgroup.org/home/index.cfm?id=5711&l=1>

[47] "European Security After the War in Georgia" – The European Security and Defence Assembly. Assembly of Western European Union, Report, submitted on behalf of the Political Committee by Michael Hancock, Rapporteur (United Kingdom, Liberal Group) and Miltiadis Varvitsiotis, Rapporteur (Greece, Federated Group), document C/2029, published on 3 December, 2008, paragraph 34, available at http://www.assembly-weu.org/en/documents/sessions_ordinaires/rpt/2008/2029.pdf

[48] Ibid, paragraph 35.

[49] See "Russia vetoes deal on OSCE monitors in Georgia", available at <http://www.reuters.com/article/idUSLC300177>

[50] See "Russia vetoes plan to extend UN mission in Georgia", available at <http://www.guardian.co.uk/world/2009/jun/16/russia-vetoes-georgia-unitednations-mission>

[51] See the letter by Amnesty International "EU mission in Georgia : Address gaps in monitoring of human rights", available at

<http://www.amnesty-eu.org/static/html/pressrelease.asp?cfid=7&id=419&cat=4>

[52] Ibid.

[53] See “European diplomats seek civilian monitoring mission to Georgia”, by Stephen Castle, available at

<http://www.nytimes.com/2008/08/26/world/europe/26iht-diplo.4.15655402.html>

[54] See article 4 of the Council Joint Action 2008/736/CFSP.

[55] See Political and Security Committee Decision EUMM /1/2008 of September 16, 2008, available at

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:319:0079:0079:EN:PDF>

[56] More information concerning the EUMM Georgia Head of Mission is available at

http://www.eumm.eu/en/about_eumm/hom

[57] See Political and Security Committee Decision EUMM GEORGIA/1/2009 of July 31, 2009, available at

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:214:0040:0040:EN:PDF>

[58] The Agreement is available at

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:310:0031:0037:EN:PDF>

[59] The Minister of Foreign Affairs of the Russian Federation Mr. Sergey Lavrov mentioned that he remained opposed to any American participation in the initiative. See an interview of Mr. Lavrov to Vesti, which is available at <http://www.vesti.ru/videos?vid=237258> (in Russian)

[60] Source - <http://www.state.gov/r/pa/prs/ps/2009/july/126441.htm>

[61] See

<http://www.auswaertiges-amt.de/diplo/en/Laenderinformationen/Georgien/081117-EUMM-Beschuss-BPK.navCtx=267284.html>

[62] See the Council of the European Union Decision 2010/452/CFSP of August 12, 2010,

available at http://www.eumm.eu/data/2010-2011_EUMM_%20mandate_and_%20budget.pdf