



EMBASSY OF GEORGIA TO THE REPUBLIC OF AUSTRIA  
PERMANENT MISSION OF GEORGIA TO THE OSCE AND OTHER  
INTERNATIONAL ORGANIZATIONS IN VIENNA

**S T A T E M E N T**

*Delivered by Ambassador Victor Dolidze at the 721<sup>st</sup> Special Permanent Council  
Vienna 14 July, 2008*

Mr. Chairman,  
Distinguished Colleagues,

I would like to thank the Chairmanship for its leadership to convene the Special Permanent Council Meeting sharing by that, we believe, concern about flagrant disregard of fundamental norms of international law demonstrated by the Russian Federation endangering peace and stability in the region. I would also like to take this opportunity and thank the Special Envoy of the CIO, Mr. Talvitie for his readiness to be with us today after his very recent visit to Georgia.

We believe that the common interests of the OSCE participating states will be better served through adequate response to actions and policies which attack the very foundation of peaceful coexistence of sovereign states, which clearly aim to establish the new framework of international relations in which use of military force, violation of sovereign rights of states might become legitimate part of foreign policies. We are all challenged by the Russian Federation in testing whether or not international community will commit itself to defend and preserve the values and principles which serve as the foundation for peace and stability throughout the world.

The case I am tasked to speak about today is clearly not less dangerous for the peace and stability in Georgia, than the previous incidents of violation of its sovereignty and territorial integrity. Nevertheless, at this stage, taking into consideration the Chairmanship's prompt reaction to recent extremely alarming incident, we deemed it expedient to consider all issues connected to it at this Special Permanent Council Meeting

immediately. At the same time, we reserve the right to activate the relevant OSCE mechanisms to address this matter, should the necessity arise in the future.

Let me bring to your attention some of the details of the air incident, which took place in the Georgian airspace on 8 July 2008. At between 20:11 and 20:20, Georgian air defence radar stations recorded the facts of violation of the Georgian state border and intrusion into Georgian airspace from the territory of the Russian Federation by two pairs of military aircraft.

First pair of aircraft intruded into Georgian airspace at 20:11 and kept circling counter clockwise around the Tskhinvali region's conflict zone for 42 minutes. Another pair of aircraft made an incursion into Georgian airspace at 20:20 and remained there circling for 41 minutes. Both pairs of aircraft left Georgian airspace at 20:53 and 21:01 respectively and flew back into the airspace of the Russian Federation.

The action committed by the Russian side represents a violation of the UN Charter (Article 2, paragraph 4) stipulating that all members of the United Nations should refrain from the threat or use of force against the territorial integrity or political independence of any other state. Furthermore, according to the UN General Assembly's Resolution N3314 of 1974 (On the Definition of Aggression), Russia committed an act of aggression by carrying out a military invasion of the territory of Georgia.

The Georgian side has qualified these acts accordingly as direct violation of its airspace, its territorial integrity and sovereignty constituting an act of aggression by the Russian Federation, and issued appropriate statements by the Ministries of Foreign Affairs and Defence. We also made public relevant radar data.

It is without any doubt that such a violation of the state border would be a matter of serious concern to any sovereign state, but with regard to this particular case, the cause of our even greater concern yet had to come. On 10 July, the Ministry of Foreign Affairs of the Russian Federation made a comment in which the Russian side not only officially recognized but praised this act of aggression and confirmed that the aircrafts belonged to the Russian Air Force.

It is particularly noteworthy that the Russian side, which until now kept obstinately disclaiming responsibility for its prior actions of similar nature, carried out these illegal, irresponsible and destructive actions in an

absolutely open and undisguised manner. It indicates clearly that the Russian Federation has definitely made a decision to disregard the principles of respect for Georgia's sovereignty, territorial integrity, inviolability of borders and non-interference in its internal affairs upheld by the universally recognized norms of international law. More than that it is absolutely clear that by recognizing above mentioned acts of aggression Russia aimed to demonstrate to the whole international community that there are countries deemed by the Russian Federation as its "backyard", where it is at its liberty to behave in any manner it deems appropriate and there is nothing that international community can do about it.

However Russia did not fail to break its tradition by raising hypothetical and factually flawed accusations against the Georgian side. It tried feebly to justify its action by speculative 'information' on alleged plans of the Georgian side to undertake military invasion into the territories controlled by the Tskhinvali regime to free four Georgian military servicemen arbitrarily detained by the separatists at the previous night and declares that the aircraft was tasked to 'verify' the situation on ground.

Mr. Chairman,

Explanation to the recognized act of aggression is extremely alarming. Russian federation not only clearly acknowledges act of aggression but makes no effort to find some more or less valid legal explanation to the committed violation of Georgian sovereignty. We all (including Russian federation) are well aware that no state can voluntarily take upon itself the role of peace enforcer and that no state has a liberty to take actions, moreover military actions based on unilateral discretionary judgements about the possible developments on the territory of another state.

While it could be interesting and useful to hear from the Russian side what were 'clear evidences' at their hand, according to which they deemed the probability of a Georgian military actions on Georgian territory as 'serious' and 'real' it is still not arguable that Russia would not have any legal right to take any pre-emptive military action in its anticipation without having clear authorization to that end by Security Council under Chapter VII of the UN Charter.

It is worth mentioning that even the factual circumstances referred to in the statement of Russian Federation are distorted. Agreement with the separatist regime on release of the Georgian military servicemen was reached already at 15:00 pm on 8 July. While being fully aware of the

release of Georgian servicemen it is clear that later on by 8 pm there could not have been even this artificially created pretext for flying military aircrafts over Georgian territory. These flights could no longer serve the purpose stated in the Russian Foreign Ministry's statement since at that time all detainees were already on their way to home.

Besides according to the parameters obtained from the Georgian radar data it is clear that military aircrafts could not perform a reconnaissance flight and really had no such objective.

Namely, the flights were performed at the 6.000-meter altitude, which excludes any clear visual detection of almost anything on the ground, especially taking into account the dark evening time.

And last, but not least – the Georgian side has many evidences (including radar data) of how the Russian planes, while flying along the state borders of Georgia, were making an aerial reconnaissance of our territory without entering it. If necessary, the respective data can be presented. Thus, it is obvious that there was no need to violate our airspace for just observation goals; the aim of the masterminds behind this provocation was quite different.

Mr. Chairman,

Georgian side assesses the action committed by the Russian Federation as act of open and extremely dangerous military aggression, posing a direct threat to peace and security not only in Georgia but in the whole region.

Moreover, such actions of the Russian Federation completely derail the processes aimed at peaceful resolution of the conflicts in Georgia. Against this background, the international community can already have no doubts about the ineffectiveness of the existing peace formats and the necessity for their immediate revision, especially taking into account that the Russian peacekeepers in the conflict regions have actually turned into the tools for annexation of the integral parts of the Georgian territory.

It is also obvious that it is the international community's firm and unequivocal position that will be of paramount importance in terms of avoiding recurrence of such dangerous and deliberate provocations in the future.

Mr. Chairman,

With an aim to adequately address this very issue and have a clear picture from the OSCE perspective, one of the proposals could be to invite the Chairman-in-Office to visit Moscow and Tbilisi and to report back to the Permanent Council on his findings contributing to the deterrence of further actions of similar nature as well as to the de-escalation of situation between the two participating states.

At the same time, we would also like to announce that the Georgian side is open to hold comprehensive, result oriented consultations with the Russian side to clarify all details connected to this incident.

Furthermore, while having reserved the right to activate the relevant OSCE mechanisms to investigate and address this issue, we would like to reiterate the need for the improvement of such mechanisms voiced at the recent Annual Security Review Conference (ASRC) on 1-2 July 2008. Our views are known to all of you. We believed that raised effectiveness and efficiency of these mechanisms will significantly contribute to the greater role of OSCE promoting dialogue and cooperation between member states with an aim to build confidence and prevent potential tensions of military nature.

Mr. Chairman,

Finally, I cannot but comment by few words the latest draft PC decision proposed by the Russian Delegation with regard to the conflict in Tskhinvali region/South Ossetia, Georgia. Our Delegation elaborated on it in quite details at the latest Preparatory Committee and PC Meetings and presented the Georgian position, therefore I will try to make my comments as brief as possible and add only few remarks.

While emphasizing the unacceptability of the unconstructive and one-sided manner the draft decision itself is designed, I would still like to somehow interpret this step by the Russian side from as much positive viewpoint as possible. Thus, let's understand it as an indicator of readiness of the Russian Federation to have dialogue on the pressing issues, especially with regard to the Tskhinvali region/South Ossetia, Georgia.

And I would be very glad if my Russian colleague at this table could confirm at least this.

Therefore I would like to reconfirm our readiness to start with negotiations on the OSCE Ministerial Statement on Georgia as soon as possible in a constructive and intelligent manner and possibly exchange the first drafts already before the summer recess, so we have some homework to do during the holidays.

Mr. Chairman,

I would like to conclude by thanking you once again for your kind efforts to promote dialogue within this organisation and allowing me to be here with you today and brief the Permanent Council on the most important issues, the resolution of which would be a significant step forward for not only Georgia, but I can say it with full certainty, for the whole OSCE community as well.

Georgia will follow its chosen peaceful political course and despite all impediments on the way, despite Russia's aggressive steps, will do all in its power to achieve progress in the peaceful conflict settlement process and restoration of Georgia's territorial integrity.

Thank you.