

**THE RUSSIA'S INTEREST BEHIND THE INVOLVEMENT IN GEORGIA – SOUTH
OSSETIAN CONFLICT**

By

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Abstract

After the dissolution of the Soviet Union, Russia aimed to restore its influence over the 'near abroad'. Therefore Russia's government was highly involved in the conflict settlement in South Ossetian region. The Kremlin was balancing between the support for South Ossetian secessionist movements and self-determination claims and not granting the full recognition to them.

Creation of independent and sovereign Republic of South Ossetia was not initial plan for Moscow, rather, the breakaway region was means to put pressure on Tbilisi. Russia's geopolitical, economic and military long-term interests explain its involvement in the conflict, whereas the recognition of the Republic of South Ossetia was only a response to the NATO and US for the Kosovo independence.

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Introduction

08.08.08 – for many people that day is associated not with the beginning of the Olympic Games in China, but as a big tragedy for the Ossetian people. Despite the ancient tradition, where military conflict stops with the beginning of Olympic games, the reports about Georgian troops attacking the capital of South Ossetia broke out on the news, showing terrifying episodes of war and human despair. The five day war ended with South Ossetia becoming a *de facto* independent state with large civilian losses and uncertainties about who to blame or why it happened.

The war of 2008 is the latest outbreak of violence, part of an unsettled protracted crisis that started during the breakup of the Soviet Union. Many reasons and factors could be listed that led to the war, various parties (States, international organizations and political elites) were pursuing their interests in the conflict and in the conflict settlement. The Five Day War cannot be explained through dyadic nexus: Georgia and South Ossetia, rather it is only one component of much wider conflict. The “Ossetian problem” is no longer depicted as a conflict between Georgia and South Ossetia, but rather the focus is shifted towards a wider Georgia-Russian conflict, or even Russia versus ‘West’ confrontation.

Right afterwards the war, Dmitry Medvedev signed decrees recognizing the independence of two breakaway territories of Georgia: South Ossetia and Abkhazia. Nevertheless, just half a year earlier the Russian Federation fiercely objected to the recognition of Kosovo by arguing that it will set a precedent, which had a potential to destabilize the situation in secessionist regions worldwide, especially for multiethnic states like Russia. The precedent showed to secessionist regions that independence is attainable if they manage to put

pressure on the government and adopt pro-Western/US vision. Additionally, recognition of Kosovo could worsen the process of conflict resolution in such regions, secessionist elites would be less likely to accept any conflict settlement solutions, for example substantial autonomy, because independence is seen as more attainable once a precedent is set.

Recognition of Kosovo and South Ossetia was seen as a move to undermine political stability and occurred at the expense of territorial unity. It was not a mutually agreed act (as it was in case of Czechoslovakia) rather it was done unilaterally, Serbia and Georgia strongly resisted such outcomes, because by international norms territorial integrity of the state has to be preserved by any means (internal affair is the exclusionary field and subject to the sovereignty and jurisdiction of the state). Nevertheless, today, Kosovo is recognized by many states as a sovereign republic in the expense of Serbia's territorial integrity, whereas the territorial unity of Georgia is respected by US, EU member states, yet it rejected independence to the Republic of South Ossetia.

There are many parallels to be traced between the two cases; however the results are a controversial reaction by the Russian government. Granting independence to Kosovo and Russia's recognition of South Ossetia and Abkhazia should be perceived from a wider perspective, where the primary focus is not on the right of self-determination and claims for independence *per se*. In the case of war in South Ossetia the center of attention is shifted towards Russian – Georgian relations and Russia's government interests in the neighboring region, whereas, Kosovo, through its support by the US and NATO, is perceived as a case of ethnic conflict and was itself a focus point.

The Russian – Georgian nexus must be analyzed in order to see why after Kosovo received independence, the Russian government used South Ossetia for the ‘answer’. From the dissolution of USSR, the Russian government was highly involved in the conflict settlement in South Ossetian region; it supported their claims for self-determination. However, officially Moscow did not recognize the Republic of South Ossetia, because it was important to have Georgia within Russia’s sphere of influence. Therefore, the Russian government had to find equilibrium between compliance to the principle of territorial integrity (to keep it within its sphere of influence) and support South Ossetian in their claims for self-determination and even independence. The Russian government was sitting on the fence in regards to the conflict as they hoped to maintain power over Georgia in the case Georgian government decided to adopt pro-Western views.

After the Rose Revolution and Presidency of Saakashvilli, Georgia adopted a pro-Western orientation, looked to the EU as an ally and declared it wanted to become a NATO member state, such behavior sparked Russian aggression and led to the war. The War of 2008 becomes a ‘good’ reason for Russia to intervene (on the basis to protect Russian citizens) and later to grant recognition to South Ossetia. Hence, the problem is whether South Ossetian claims for independence originated in the atmosphere of Georgian oppression and discrimination on ethnic grounds and later became a ‘suitable’ case for Russia’s government to react on Kosovo independence. Or was it rather the Russian government’s well-planned and long-term strategy: to assist ethnic mobilization and claims for independence from the time of dissolution of the Soviet Union as a mean to put pressure on Georgia pursuing its geopolitical, economic and military interests.

The focus of my work is on Russian – Georgian and Russian - South Ossetian relations after the breakup of the Soviet Union and up to the 2008 War. In my work I am going to elaborate on Russia's government interests in the bordering regions; support for the separatist movement in South Ossetia without full recognition of the region as an independent country, and how Kosovo affair influenced on this balancing politics. This thesis claims that the recognition of South Ossetia by the Russian Federation was done not out of concerns that Ossetian have been exposed to systematic oppression, human rights violations and denied the right of internal self-determination, but rather as an outcome of particular circumstances: Russian geopolitical and economic calculation, consideration in bordering region, by which Russia's government was guided for stirring up the tensions on Georgian breakaway territories; while recognition itself was only the response to the US and NATO for Kosovo independence.

After the Rose Revolution and Saakashvili's pro-Western orientation, South Ossetia with strong Russian support did not accept any peace plans or negotiations since it was strategically important for the Russian government to keep tension between Georgia and its secessionist region. South Ossetia became a means to exert pressure on Georgia and keep it within Russian sphere of influence.

Theoretical framework

The ultimate goal for the South Ossetian leadership was independence. South Ossetian elite looked up on the normative aspects of state creation and independence through secession based on the right of self-determination. Therefore, this theoretical framework is aiming to present and analyze normative features of statehood and secession for the *de facto* independent entities. Interests of the Russian Federation in the ‘near abroad’ and calculations behind the involvement in the South Ossetian – Georgian conflict will not be discussed in this chapter, the analysis of Russian –Georgian and Russian South Ossetian relations will be discussed and analyzed later in the work.

The end of the decolonization period and up to the 1990s is viewed as a time of territorial stability, when the political map remained almost unchanged. However, by the end of twentieth century many new states emerged, especially with the dissolution of the USSR and Yugoslavia. Unfortunately some newly emerged successor states became a place of ethnic violence, territorial disputes and even genocides of ethnic groups. These states could not peacefully maintain the multiethnic make-up on their territories, and as a result a number of entities, such as Abkhazia, South Ossetia, Kosovo, Chechnya, Tatrstan, etc. made claims for independence. Those secessionist regions became a focal point for international security and stability, international organizations, nationalizing states and external national homelands (using Rogers Brubaker’s terminology) for people who became a ‘victims’ of newly demarked borders.

As was mentioned earlier, the beginning of 2008 was marked by the emergence of a new State – Republic of Kosovo, half a year later several states has acknowledged the existence of another State – Republic of South Ossetia. The leaders of these two regions have been pursuing one goal – independence, but have reached different results – independence and *de facto*

independence, therefore those two cases are useful for compare/contrast purposes in the discussion of self-determination claims and state creation.

Statehood

As the ultimate goal for Kosovo and South Ossetia's political leaders and elite has been the establishment of a new state, it is worthwhile to refer to literature on state-building. The concept of state-building was first used by Charles Tilly¹, Verena Fritz and Alina Rocha Menocal defined it as a construction of a functioning state. Two main approaches to define state-building exist: exogenous and endogenous processes. First, the state-building process is seen as an activity taken by external actors (state, international organization) in attempt to create new state or re-build post-conflict state², 'exogenous' state-building process in general involves some form of intervention into domestic affairs of a state. Indeed, since 1999 Kosovo was under protectorate of The Kosovo Force (KFOR), which was a NATO-led international peacekeeping force responsible for establishing a secure environment in Kosovo.³ At the same time UN had established the United Nations Interim Administration Mission in Kosovo (UNMIK) - the temporary civilian administration in accordance with United Nations Security Council Resolution 1244.⁴ In the case of South Ossetia, in June 1992 a cease-fire agreement was signed between Georgia and Russia which led "to deployment of joint Russian, Georgian and Ossetian peacekeeping forces and establishment of quadripartite negotiation mechanism: Joint Control

¹ Charles Tilly, ed., *The Formation of the National States in Western Europe* (Princeton: University Press, 1975).

² Ottaway, M. and Lieven, A., "Rebuilding Afghanistan: Fantasy versus Reality" (policy Brief for Carnegie Endowment for International Peace, 2002).

³ "NATO's role in Kosovo," North Atlantic Treaty Organization, accessed December 22, 2011, http://www.nato.int/cps/en/natolive/topics_48818.htm.

⁴ "Resolution 1244(1999)," United Nations, Security Council, accessed December 22, 2011, [http://www.undemocracy.com/S-RES-1244\(1999\).pdf](http://www.undemocracy.com/S-RES-1244(1999).pdf).

Commission with Georgian, South and North Ossetian and Russian participation.”⁵ Additionally, the Organization for Security and Cooperation in Europe (OSCE) was a facilitator of conflict settlement.⁶

The ‘Endogenous’ approach involves a state-society relationship to implement state-building. Alan Whaites has developed a model of state-building, which involves three areas: Political Settlement or elite consolidation, Survival functions -the prioritization of core government functions, and Expected Functions - the willingness to respond to public expectations and needs⁷.

Elite engagement and elite manipulation in state-building processes has significant importance. Chesterman et al. in ‘Making States Work: State Failure and the Crisis of Governance’ emphasize the importance of strong elites presence to mobilize society. Tellis et al. also stressed the significance of political mobilization and elite consolidation. They provide a model how to prevent ethnic conflicts and calculate how to avoid them by choosing the best option available. “The process leading to ethnic tensions and conflict is divided into three phases: group definition, group mobilization, and strategic bargaining”⁸. Authors state that the conflict is probable only if there is some potential transformation from the first phase to the second requiring some catalytic elements. These movements require political guidance and organization; ethnicity is viewed as one of the main components for mobilization. “But the ethnic ingredient does not change the basic fact that all such collective actions simply amount to

⁵ “Conflict history: Georgia,” accessed December 22, 2011, http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=42.

⁶ Jim Nichol, “Russia-Georgia conflict in August 2008:Context and Implications of US Interests,” (2009), 2.

⁷ Alan Whaites, “States in Development: Understanding State-Building” (DFID Working Paper, 2008).

⁸ Tellis, Ashley J., C. Christine Fair, and Jamison Jo. Medby, *Limited conflicts under the nuclear umbrella: Indian and Pakistani lessons from the Kargil crisis* (Santa Monica, Calif.: Rand, 2001), 11.

forms of political mobilization designed to capture power or increase it”⁹ and leadership is seen as a critical factor for political mobilization¹⁰.

The catalytic element for mobilization of Ossetian people and declaration of independence at the time of the dissolution of USSR was the ‘Adamon Nihās’ organization. Established at the end of 1980’s, this organization within short period of time became dominant, pushing aside the ruling Soviet party. Even though during the time the organization was established it did not pursue any of political goals or separatism, it was purely a cultural organization, which aimed at cultural and spiritual revival of a nation through the preservation of the Ossetian language and resistance to forced assimilation. However, with the escalation of fascist tendencies in Georgia, the organization acquired political features.¹¹ Proclamation of independence on September 20, 1990 was arranged under the strong pressure and persuasive statements of ‘Adamon Nihās’ members, in elections to Supreme Council, members of ‘Adamon Nihās’ won majority of seats.¹² Nevertheless, the attitude among Ossetians towards the organization was ambiguous as later ‘Adamon Nihās’ was accused of aggravation of relationship with Georgians, which later led to bloodshed.

Recognition

In order to become an equal member in the international community, a new entity has to receive widespread recognition. According to John Dugard and David Raic, recognition serves as an instrument for the validation of claims to statehood on the part of new entities by existing

⁹ Tellis, Ashley J., C. Christine Fair, and Jamison Jo. Medby, *Limited conflicts under the nuclear umbrella: Indian and Pakistani lessons from the Kargil crisis* (Santa Monica, Calif.: Rand, 2001), 12.

¹⁰ Ibid.

¹¹ “Адамон Ныхас. Мифы и Правда,” uasdan.com, accessed March 10, 2012, <http://uasdan.com/gazet/995-adamon-nyhas-mify-i-pravda.html>.

¹² Ibid.

member States of the community of nations¹³. However, for a state to be recognized, several criteria have to be met; traditional criteria for statehood which is described in 1933 Montevideo Convention on Rights and Duties of States, are a permanent population, a defined territory, a government that is in effective control of its territory and independent of any other authority, and a capacity to enter into relations with other States¹⁴.

For the new entity to succeed in a claim for statehood, besides the criteria for statehood described in Montevideo Convention 1933, the entity has to fulfill the standards regarding human rights and self-determination. In addition, Nii Lante Wallace-Bruce¹⁵ assumes that, as international practice reveals, fifth criterion for statehood has to be met – the legality of state origin. “This requires that in achieving the traditional criteria, the entity must do so in conformity with the rules of international law”¹⁶. However, Scott Pegg¹⁷ makes a counterstatement, claiming “Legality of origin and conformity with accepted international norms is not an additional criterion, but rather is now *the only* criterion for statehood”¹⁸.

Nevertheless, despite an entity’s potential to meet the requirements for statehood, in order to be admitted into the community of nations, the entity has to receive international recognition. Several types of recognition exist: unilateral and collective recognition, and collective non-recognition. Regarding Unilateral recognition, two competing theories should be examined here: the constitutive and the declaratory. According to the constitutive school of thought, “it is the act of recognition itself that creates statehood and international personality. In other words, a state

¹³ Marcelo G. Kohen, *Secession: international law perspectives* (Cambridge: Cambridge University Press, 2006), 94.

¹⁴ *Ibid*, 96.

¹⁵ Nii Lante Bruce, *Africa and international law - the emergence to statehood* (Cambridge: Cambridge university press, 1985).

¹⁶ *Ibid*, 589.

¹⁷ Scott Pegg, *International Society and the De Facto State* (England: Ashgate Publishing, 1998).

¹⁸ *Ibid*, 127.

does not exist until it is recognized as such by other states”¹⁹. The declaratory school of thought, on the other hand, maintains that an entity becomes a State on meeting the factual requirements of statehood and that recognition by other States simply acknowledges (declares) ‘as a fact something that has hitherto been uncertain’²⁰.

Admission of new States to the international community could be also done by collective recognition - when States exercise their rights for recognition collectively (European Union), or when new State is granted membership to the international organizations (United Nations). “The United Nations plays an important role in the admission of new States to the international community by the process of collective recognition. Conversely, it may block the acceptance of a State by means of collective non-recognition”²¹.

When Kosovo declared its independence for the second time, unlike first one, it was recognized by 85 countries²², meaning that the Republic of Kosovo sooner or later can become a UN member state, whereas the Republic of South Ossetia being only sporadically recognized and has not been admitted to any of organizations. Regarding criteria for Statehood described in Montevideo Convention 1933, South Ossetia, unlike Kosovo, has been economically underdeveloped and highly dependent, first from Tbilisi and then from Moscow. Secondly, this region has not performed in their capacity to enter into relations with other states, except Russia. Internal and external policies conducted with Russia’s ‘approval’ and concurrence.

¹⁹ Scott Pegg, *International Society and the De Facto State* (England: Ashgate Publishing, 1998), 129.

²⁰ J. L. Brierly, *The law of nations* (6th ed. New York: Oxford University Press, 1963), 139.

²¹ Marcelo G. Kohen, *Secession: international law perspectives* (Cambridge: Cambridge University Press, 2006), 100.

²² “Who Recognizes Kosova as an independent state,” accessed November 21, 20011, <http://www.kosovothanksyou.com/>.

De facto States

However, today, international organizations and States hold the opinion that the political map should be frozen and remain as it is, by this they are reluctant to grant recognition and admit new States to the club of sovereign states. Despite the fact that number of recognized states lack capabilities which are associated with sovereign statehood – quasi-states (failed state, puppet state), continue to enjoy rights and privileges as any other state, just because they were granted the right for independence during the anti-colonial movement. The *de facto* state can be seen as the flip side of the quasi-state coin²³. In Pegg's words the difference between quasi- and *de facto* states is that the first one is legitimate no matter how ineffective it is, whereas the later one is illegitimate no matter how effective it is²⁴.

South Ossetia and Kosovo (until 2008) have been considered as *de facto* independent states; however the concept of *de facto* state has received only slight attention in academic world. Nevertheless, *de facto* states correspond to the interests of this thesis work. Thus, the *de facto* state is an entity which features long-term, effective, and popularly-supported organized political leadership that provide governmental services to a given population in a defined territorial area, over which effective control is maintained for a significant period of time²⁵. They seek international recognition and view themselves as capable of meeting the obligations of sovereign statehood²⁶. Nonetheless, despite, the ability of the 'state's' capability to function effectively, it remains illegitimate in the international arena, as it unable to receive widespread recognition.

The question that is raised in available literature on *de facto* states is whether such states are able to, have a right to and whether it is in compliance with international law to achieve

²³ Scott Pegg, *International Society and the De Facto State* (England: Ashgate Publishing, 1998), 4.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

independence. In his book Scott Pegg, compares a *de facto* state with a sovereign state in terms of traditional criteria for statehood, which is stated in Montevideo Convention.

First, regarding population, “there must be people identifying themselves with the territory if it is regarded to be as a state”²⁷ – even though Ossetian people, belonging to one ethnic group, are divided by border between North and South Ossetia, South Ossetians are identifying themselves only with the territory of South Ossetia and have a strong sense of belonging to this land. Territory, language and traditions are the main aspects of identification for people, which are legacies of the nationalities policies which were held in Soviet times. According to Wheatley “The nationalities policy of the USSR created a link between the national group and its territory...”.²⁸

The second criterion – defined territory – there is no minimum size requirements for the territory concerned²⁹. In regard to effective government, comparing *de facto* state and sovereign states, it can be concluded that many states – quasi-states, puppet states and failed states, such as Somali, are recognized and admitted to the world community of sovereign nations, however such states have ineffective government and are not able to sustain and develop. As time has showed South Ossetia has an ineffective government that is not able to exist without Russian’s economic support, the government cannot provide its people employment, social security, medical care and is not developing economically, even though South Ossetia is *de facto* independent in its essence it is a quasi-state which is dependent upon Russia in all aspects. This brings us to the forth criterion – state’s ability to enter into diplomatic relations with other states, and here the problem

²⁷ Nii Lante Bruce, *Africa and international law - the emergence to statehood* (Cambridge: Cambridge university press, 1985), 590.

²⁸ Johanna Popjanevski and Niklas Nilsson, “National Minorities and the state in Georgia” (conference report, August 2006), 11.

²⁹ Scott Pegg, *International Society and the De Facto State* (England: Ashgate Publishing, 1998), 46.

comes, as the *de facto* state is characterized by non-recognition in the international arena, it cannot enter diplomatic relations with other states, even though it has a potential for it. What international society does in this case, is merely ignoring the existence of the *de facto* state, up until the point when this entity pose a threat to international stability and security. The War in 2008 attracted worldwide attention to the sufferings of the civilian population: Ossetians as well as Georgians, before that, the existence of *de facto* independent South Ossetia was ignored by other states, besides the parties that were directly involved in the conflict settlement and have been pursuing their own interests in this conflict (Georgia, Russia, OSCE). Otherwise, South Ossetian claims for worldwide recognition and *de facto* existence of the state would have remained interest only locally.

Secession

As independence is a final reaching point for a *de facto* and quasi states, it means that it inevitably comes down to the issue of secession from the state for which this territory is regarded as constituent part. However, as Pegg states: “the overwhelming probability is that most *de facto* states will never attain widespread recognition as sovereign states. The *de facto* state does not fail here because it lacks popular support or cannot provide effective governance. Rather, it fails because there is a strong global consensus against secessionist self-determination and in favor of preserving the existing territorial map”³⁰. When Russia unilaterally recognized the Republic of South Ossetia, European Union as well as OSCE condemned these actions, other states supported territorial integrity of Georgia, being afraid that it will destabilize and escalate secessionist movements worldwide. Nevertheless, some entities do have a qualified right for

³⁰ Scott Pegg, *International Society and the De Facto State* (England: Ashgate Publishing, 1998), 223.

secession. “A qualified right for secession comes into being, it has been suggested, when a people forming a numerical minority in a State, but a majority within a particular part of the State, are denied the right of internal self-determination or subjected to serious and systematic suppression of human rights, and there are no reasonable and effective remedies for the peaceful settlement of the dispute within the parent state”³¹. Ossetians claim that they have been oppressed and discriminated against socially, economically and on a day-to-day basis since Soviet times, especially in late 1930s when a “Georgianization” program was launched. The program aimed to eliminate minority groups. “Georgianization” was vigorously forwarded by Georgian authorities with the support of Moscow, due to favoritism towards the Georgian Communist party. At the time when the program was implemented the two top officials in power: Stalin and his chief of secret police – Lavrenti Beria, both were Georgians. Despite this fact that Georgians were also oppressed under Stalin's regime, it maintained substantial cultural autonomy and Georgian nationalism stayed significant.³² Mark Bliev claims that during Stalin rule South Ossetia turned into internal colony of Georgian Republic.³³ According to him, in Soviet period Georgia SSR had been in ‘special’ position under the Moscow patronage (Georgian SSR was leading in economic and political rates of growth).³⁴ After the breakup of the Union, Gamsakhurdia continued such policy in order to create homogeneous state, he advocated the moto “Georgia for Georgians”, during his term Georgian nationalism has escalated, which negatively affected the position of South Ossetians.

³¹ Marcelo G. Kohen, *Secession: international law perspectives* (Cambridge: Cambridge University Press, 2006), 134.

³² “Georgia-History,” accessed November 23, 2011

http://www.mongabay.com/reference/country_studies/georgia/HISTORY.html.

³³ Mark Bliev, “Soviet-Georgian Totalitarian Regime and South Ossetia,” “From National-Chauvinism to Provincial Facism. Ideology .” In *South Ossetia in Russia-Georgian Collisions* (Moscow: publisher “Europe”, 2006).

³⁴ Ibid.

The preservation of sovereignty and opposition to Ossetian separatism was also strengthened when Saakashvili came to power.

Saakashvili craved the restoration of Georgian sovereignty over the former autonomous republics that had drifted away in the early 1990s. Every nation has a natural concern for safeguarding its state territory and the Georgians naturally felt acute pain about the lack of Georgian control over Abkhazia and South Ossetia.³⁵

Nevertheless, at the same time Ossetians did not accept any peace plans or negotiations and rejected substantial autonomy that Saakashvili offered in 2005.

There has been an assumption that international law neither prohibits nor authorizes secession, but simply acknowledges the result of the *de facto* processes which may lead to the birth of new States.³⁶ Despite the fact that the principle of territorial integrity is a priority in international law, minorities are *not prohibited* from seceding under international law.³⁷

In the *de facto* created entities what has to be questioned is their unlawful origins. Antonello Tancredi as well as Scott Pegg highlight the importance of the continuous existence of *de facto* state, besides the traditional triad (population, territory and independent government), the fourth element has to be added – *lawfulness* of the process of State creation.³⁸

International norms do not prohibit or authorize secession, they simply ‘guide’ it, “international norms do not address the *substance* of the processes, but rather their

³⁵ Ivan Kotlyarov, “The logic of South Ossetia Conflict,” *Russia in Global Affairs*, (2008), accessed February 12, 2012, <http://eng.globalaffairs.ru/numbers/25/1245.html>.

³⁶ Marcelo G. Kohen, *Secession: international law perspectives* (Cambridge: Cambridge University Press, 2006), 172.

³⁷ *Ibid.*

³⁸ *Ibid.*, 182.

procedure”³⁹Therefore, “self-determination pertains to the *substance* of State creation, providing, in certain situations, for a right to independence. In contrast, *uti possidetis* does not give any title to secede; it simply fixes the boundaries which the new entity will eventually inherit”⁴⁰.

Authors like Rosalyn Higgins, Stanislav V. Chernichenko and Vladimir S. Kotliar focus on the debates where the right of self-determination apply and allow secession. Secession can be accepted as legal element of the right to self-determination only in the case when 1) people on the territories to be de-colonized, 2) it is laid in constitution, 3) if the territory populated by a given people is annexed after 1945, 4) and if a given people live in the territory of a State which does not observe the principle of equal rights and self-determination of peoples and which does not ensure representation of all peoples without discrimination in its government⁴¹.

The right to secede held by ethnic groups is derived from reinterpretation of the principle of self-determination. According to Donald L. Horwitz, secession is almost never an answer to ethnic conflicts, nor does it reduce violence or minority oppression⁴². Therefore, partition or secession should not be viewed as generally desirable solution to the problems of ethnic conflicts, and quantitative studies affirm that partition does not prevent further warfare between ethnic antagonists⁴³.

Hurst Hannum, on the contrary, provides four principle arguments in favor of the right to secede:

³⁹ Marcelo G. Kohen, *Secession: international law perspectives* (Cambridge: Cambridge University Press, 2006), 189.

⁴⁰ Ibid, 193.

⁴¹ Julie Dahlitz, *Secession and international law: conflict avoidance - regional appraisals* (The Hague: T.M.C. Asser Press, 2003), 79.

⁴² Donald L. Horwitz, “A right to Secede?,” in *Secession and Self-Determination*, Stephen Macedo, Allen Buchanan (50-77. New York: University Press, 2003.)

⁴³ Stephen Macedo and Allen E. Buchanan, *Secession and self-determination* (New York: New York University Press, 2003), 56.

- 1) Liberal democratic theory – “the right to withdrawal and this right can be extended not only to rejection of any particular state, but also to rejection of the state itself. (Note: the group should possess an awareness of itself as a distinct group, have a certain territorial concentration, and be of sufficient size to be an independent political community)”⁴⁴.
(Human rights and humanitarian concerns – as a right for self-defense, secession from oppressive system.
- 2) Buchheit: “a maximization of international harmony coupled with a minimization of individual human suffering”⁴⁵.
- 3) Brilmayer proposes a “territorially based test incorporating the following criteria: the immediacy and nature of the historical grievance of the secessionist group, the extent to which the group has kept its self-determination claim alive, and the extent to which the disputed territory has been settled by members of the dominant group”⁴⁶.

It is an important note that there is “no recognition of a unilateral right to secede based merely on a majority vote of the population of a given subdivision or territory”⁴⁷. This note is important, as Kosovo and South Ossetia had unilaterally declared its independence through popular referendum, where majority voted for independent status of those entities in the beginning of 1990s.

⁴⁴ Robert McCorquodale, *Self-determination in international law* (Aldershot, Hants, England: Ashgate/Dartmouth, 2000), 237.

⁴⁵ *Ibid*, 241.

⁴⁶ *Ibid*.

⁴⁷ Stephen Macedo and Allen E. Buchanan, *Secession and self-determination* (New York: New York University Press, 2003), 69.

Self-Determination

The origins of the self-determination principle can be traced back to the French Revolution, however there were internal limitations to this principle: it was to be applied only to changes in State's borders, colonial people were deemed not to have a right to self-determination; neither were minorities or ethnic, religious or cultural groups⁴⁸.

Since the birth of self-determination concept, it has spread all over the world and played an important role in the development of the international community. After the First World War, US President Woodrow Wilson became a public advocate of self-determination as a guiding principle in the post-war period, this principle became crystallized in Wilson's Fourteen Points. For Lenin it was a means of realizing the dream of worldwide socialism, he was the first one who insisted that this right be a general criterion for the liberation of peoples⁴⁹. The League of Nations indirectly addressed the principle of self-determination, however, the League system for protection of national minorities collapsed.

During the Second World War, self-determination was proclaimed as one of the objectives to be attained and put into practice at the end of the conflict.⁵⁰ However, "in part because of the inconsistent manner in which it was applied following the First World War, the principle of self-determination was not recognized initially as a fundamental right under the United Nations regime created in 1945"⁵¹.

Since 1945 the focus of the principle of self-determination has been on decolonization. The emphasis was on the right to external self-determination, it was insisted that peoples have a right

⁴⁸ Antonio Cassese, *Self-determination of peoples: a legal reappraisal* (Cambridge: Cambridge University Press, 1995), 12.

⁴⁹ *Ibid*, 13.

⁵⁰ *Ibid*, 37.

⁵¹ Robert McCorquodale, *Self-determination in international law* (Aldershot, Hants, England: Ashgate/Dartmouth, 2000), 205.

freely to choose their international status⁵². Nevertheless, with decolonization virtually completed, the question is whether self-determination should still be legally valid in the post-colonial era raised.

The 1990s was a period of break ups and secessions, it did not solely concern ethnic groups seeking self-determination though political independence and statehood, it was rather an issue about control over land⁵³. With the emergence of new states and claims for statehood, at the core of legal debates over the territory of new states the principle of *uti possidetis* was laid. Principle of *uti possidetis* provides that states emerging from decolonization shall presumptively inherit the colonial administrative borders that they held at the time of independence⁵⁴.

The right to self-determination does not always imply or lead to secession, because “self-determination has both an ‘external’ aspect – the right of a people to determine its international status – and an ‘internal’ aspect – the right of the population to choose its own system of government and to participate in the political process that governs it”⁵⁵. Therefore, when a State comply with international norms and grants equal rights to its fellow citizens and respect the right of self-determination of peoples, this State has a right to protect its territorial integrity when secessionist movements erupt stability of international borders.

The territorial integrity is a top priority in international law; this principle was intended to protect the status quo that emerged after the two world wars, especially with regard to the small

⁵² Antonio Cassese, *Self-determination of peoples: a legal reappraisal* (Cambridge: Cambridge University Press, 1995), 45.

⁵³ David L. Ratner and Thomas Lee Hazen, *Securities regulation: cases and materials*, 5th ed., (St. Paul, Minn.: West Pub. Co., 1996), 590.

⁵⁴ Ibid.

⁵⁵ Ruth Lapidoth, *Autonomy: flexible solutions to ethnic conflicts*, (Washington, DC: United States Institute of Peace Press, 1996) 19.

States⁵⁶. This principle is closely interrelated with other principles of international law, such as “non-intervention in the internal or external affairs of other States, prohibition of the threat to use force, peaceful settlement of disputes, respect for human rights, and self-determination of peoples”⁵⁷. However, there are also limits on this principle, ones that important for these works are: the duty to protect human rights and the duty to recognize the principle of self-determination.

Besides exceptional cases, a State has a right to use force to protect its territorial integrity when this government complies with the principle of equal rights and self-determination of peoples and if the government of a State represents the whole people belonging to the territory without distinction as to race, creed or color⁵⁸ as stated in the UN General Assembly 1970 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations⁵⁹.

Third State does not have a right to intervene, directly or indirectly, into domestic affairs or external relations of any other State⁶⁰, however the UN General Assembly adopted a resolution, where it states that the exception to the rule represents the cases of gross violations of human rights. On these bases Russian troops launched a counterattack on the territory of South Ossetia to protect violation of human rights of their citizens.

⁵⁶ Julie Dahlitz, *Secession and international law: conflict avoidance - regional appraisals* (The Hague: T.M.C. Asser Press, 2003), 111.

⁵⁷ *Ibid*, 112.

⁵⁸ *Ibid*, 100.

⁵⁹ Audiovisual Library of International Law, “Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations,” accessed February 10, 2012.

⁶⁰ Julie Dahlitz, *Secession and international law: conflict avoidance - regional appraisals* (The Hague: T.M.C. Asser Press, 2003), 102.

Regarding the role of international organizations – 1) they can act in support of territorial integrity of a State, 2) act neutrally to prevent internal conflict through cease-fire, 3) or provide protection and humanitarian aid, but not to support secession⁶¹.

Even though international organizations and third States do not possess a right to intervene into domestic affairs of other states and support secession, the role of external assistance, according to Scott Pegg, is more facilitative, than determinative. As was referenced earlier, the Russian Federation has been involved in the conflict settlement process since the dissolution of the Soviet Union and was one of the main actors who kept up independence claims without giving the full recognition of statehood before 2008. Russia was the only state that supported the mere existence of South Ossetia.

Famous Ossetian historian Mark Blied, in his book “South Ossetia in Russia-Georgian Collisions”, claims that South Ossetia has the right for self-determination based on the fact that the dissolution of the USSR de-facto gave the right for self-determination to all political entities, which were created by the principle of national autonomies. His claims are mainly based on the fact that Georgia did not comply with international norms and did not grant equal rights to its fellow citizens and did not respect the right of internal self-determination of Ossetians. Georgia was one of the first Republics that exited the Union thereby violating territorial integrity of USSR and South Ossetia was acting according to the same logic as did Georgia. He also mentions the genocide of Ossetian people as a means to create ethnocratic state in 1917-1920

⁶¹ Julie Dahlitz, *Secession and international law: conflict avoidance - regional appraisals* (The Hague: T.M.C. Asser Press, 2003), 102.

and 1989-1992 as another circumstance, which proves that South Ossetia has a right for self-determination and creation of independent state as the only way to resist Georgian aggression.⁶²

Autonomy

Hans-Joachim Heintze⁶³ offers to look at territorial autonomy as a solution that on the one hand enables the survival of the existing states according to the *uti possidetis* principle, and on the other hand, guarantees the respect for minority and human rights in conflicting regions. However, he is aware of all the shortcomings of an autonomy concept and therefore notifies that it is not a straightforward recipe for the success, it is only one part of conflict resolution.

Ruth Lapidoth also highlights that autonomy can be considered as a valid means of self-determination. “It should be remembered that self-determination can often be achieved before the conflict has generated strong antagonism and severe mistrust by the granting autonomy,”⁶⁴. Granting substantial autonomy, instead of abolishing it in the beginning of 1990s for Kosovo and South Ossetia could have led to different outcomes, probably with fewer victims, but without genocides.

Hurst Hannum⁶⁵ views autonomy as a way to prevent ethnic conflicts, “autonomy may be a means of responding successfully to concerns about minority rights, particularly when

⁶² Mark Bliev, “South Ossetian Right for Self-Determination,” in *South Ossetia in Russia-Georgian Collisions*, (Moscow: publisher “Europe”, 2006).

⁶³ Hans-Joachim Heintze, “Implementation of Minority Rights through the Devolution of Powers – The Concept of Autonomy Reconsidered,” *International Journal on Minority and Group Rights* 9 (2002):325-343.

⁶⁴ Ruth Lapidoth, *Autonomy: flexible solutions to ethnic conflicts*, (Washington, DC: United States Institute of Peace Press, 1996), 23.

⁶⁵ Hurst Hannum, “Rethinking Self-Determination,” in *Self-Determination in International Law*, Robert McCorquodale, (England, 2000) 195-267.

minorities are territorially concentrated in significant numbers”. Albanians and Ossetians are compactly concentrated in their regions, and autonomous status in the early 1990s might have contributed significantly to the stability of the international borders and help to maintain territorial integrity of Serbia and Georgia further on.

However, granting autonomous status has to be done in the right point of time, before ethnic tensions and separatist moods reach their boiling points, then, secessionist groups would “see acceptance of an autonomy arrangements as a defeat, since by definition their goal is independence”⁶⁶. But, Hannum, as well as Hans-Joachim Heintze, is aware that autonomy will not necessarily lead to a permanent solution of ethnic conflicts, therefore, authors explicitly emphasize that “autonomy is a means, not an end”. Autonomy is only one of the tools “in the arsenal of constitutional drafters, politicians, and diplomats that must be suited to the particular task at hand”⁶⁷.

Unlike Kosovo (where autonomy was a weak option due to several reasons: long-lasting international presence; inability to settle the Kosovo problem and reach consensus regarding future status and independence was the only appropriate outcome for ‘West’, otherwise it would show its inability to deal with conflicting regions; additionally, Kosovo has always been a place of interethnic clashes), for South Ossetia, autonomy could have worked out and be an alternative, which would preserve Georgia’s territorial integrity. However, despite the potential of autonomy it did not work out because of the regimes and policies of Gamsakhurdia and Shevarnadze at the time when granting status of autonomy would be accepted by and fitting to South Ossetian

⁶⁶ Hurst Hannum, “Rethinking Self-Determination,” in *Self-Determination in International Law*, Robert McCorquodale, (England, 2000) 195-267.

⁶⁷ Ibid.

leaders. And when substantial autonomy was offered to Ossetia, it was not accepted because of Kokoity's rhetoric of independent South Ossetia.

Historical Background

Between 1918 and 1920, the first overtures to South Ossetian independence were made during a series of Ossetian rebellions against the first Georgian Republic.⁶⁸ However, the situation changed when Georgia came under Soviet rule in 1923.⁶⁹ The decision on South Ossetia status was made by Soviet authorities: “The Soviet government granted South Ossetia the status of being the South Ossetian Autonomous Oblast (SOAO) within the Soviet Republic of Georgia. At the same time, North Ossetia was left under the domain of Russia, thus splitting Ossetia into Northern and Southern regions.”⁷⁰ Since then and up to the late 1980s Georgian and Ossetian people have lived relatively in peace and mutual respect for each other, because everything was overseen by the Soviet authority for both ethnic groups.

The first clashes took place at the beginning of 1990s, during the dissolution of the USSR. Since 1989 South Ossetians attempted to gain the independence from the Georgian state by demanding to be unified with North Ossetia, with Russia’s support. Nevertheless their attempts did not lead to success. “The Georgian leaders... ban all regional political parties in September 1990 during parliamentary elections. The Ossetians interpreted this as a move directly intended to weaken South Ossetian autonomy and power in the political system.”⁷¹

In September 1990, the Ossetians declared sovereignty in the USSR.⁷² As a manifestation of independence from Georgian authority, in December 1990 Ossetians held an election of their

⁶⁸ Rebecca Ratlif, “South Ossetian Separatism in Georgia,” accessed December 27, 2011, <http://www1.american.edu/ted/ice/ossetia.htm>.

⁶⁹ Ibid.

⁷⁰ “Tension Again on the Rise in South Ossetia,” Eurasianet.org, accessed December 27, 2011, <http://www.eurasianet.org/departments/insight/articles/eav072905.shtml>.

⁷¹ Ibid.

⁷² Ibid.

parliament.⁷³ “The Georgian response was swift. Within days the Georgian Supreme Council cancelled the results of the election and voted to abolish the South Ossetian Autonomous Oblast as a separate administrative unit within the Republic of Georgia.”⁷⁴

Decision to abolish South Ossetian autonomy was connected to the upcoming dissolution of USSR and Georgia’s desire to leave the Union; crucial role in the elimination of autonomy played the Law on "On Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR" which was passed on April 3, 1990. Article 3 stated that:

“In a Union republic that has within it autonomous republics, autonomous provinces and autonomous regions, the referendum shall be held separately in each autonomous unit. The peoples of autonomous republics and autonomous formations shall retain the right to decide independently the question of staying in the USSR or in the seceding Union republic, as well as to raise the question of their own legal state status.”⁷⁵

“In a Union republic whose territory includes areas with concentrations of national groups that make up the majority of the population in a given locality, the results of the voting in these localities shall be considered separately during the determination of the referendum results.”⁷⁶

Thus, according to this law subunits of Union Republics had a right to decide upon their future status, clearly that if autonomy of South Ossetia Oblast remains, Georgia would lose this region while exiting the Union.

“In January 1992, a referendum was held in Tskhinvali, the regional capital of South Ossetia, with a clear majority of the people supporting South Ossetia secession from Georgia and

⁷³ Dansk Selskab for Kaukasusforskning, “The Georgian-South Ossetian conflict,” accessed December 27, 2011, <http://www.caucasus.dk/chapter4.htm>.

⁷⁴ Ibid.

⁷⁵ Tim Potier, *Conflict in Nagorno-Karabakh, Abkhazia and South Ossetia. A Legal Appraisal*, (Kluwer Law International), 40.

⁷⁶ Ibid.

joining Russia.”⁷⁷ However, the secession was *de facto*, because it did not lead to official recognition by the “international community”.⁷⁸ Such a decision led to increasing Georgia’s armed presence on the territory of South Ossetia. A cease-fire agreement was signed between Georgia and Russia in June 1992.⁷⁹ An agreement in June 1992 led “to deployment of joint Russian, Georgian and Ossetian peacekeeping forces and establishment of quadripartite negotiation mechanism: Joint Control Commission with Georgian, South and North Ossetian and Russian participation.”⁸⁰ Additionally, the Organization for Security and Cooperation in Europe (OSCE) was a facilitator of conflict settlement.⁸¹ The agreement provided a relative peace for both ethnic groups for more than ten years.

When Saakashvili came to power, he claimed that South Ossetia’s territory should be returned back under the control of Georgian authority. NATO and United States supported the position of Georgia to maintain its territorial integrity and provided Georgia with financial support, military training and arms. In 2004 Georgian authorities closed the market Ergneti. The market was a well-known for its smuggling activities and was the biggest trading partner with Russia, which provided economic opportunities to the South Ossetians. The closure of the

⁷⁷ “Tension Again on the Rise in South Ossetia,” Eurasianet.org, accessed December 27, 2011, <http://www.eurasianet.org/departments/insight/articles/eav072905.shtml>.

⁷⁸ Nicolas Lemay-Hebert, “Zone of Conflict: Clash of Paradigms in South Ossetia,” *The Journal of Turkish Weekly* (2009), <http://www.turkishweekly.net/article/318/zone-of-conflict-clash-of-paradigms-in-south-ossetia.html>.

⁷⁹ Rebecca Ratliff, “South Ossetian Separatism in Georgia,” accessed December 27, 2011, <http://www1.amrican.edu/ted/ice/ossetia.htm>.

⁸⁰ “Conflict history: Georgia,”

http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=42.

⁸¹ Jim Nichol, *Russia-Georgia conflict in August 2008: Context and Implications of US Interests*, (2009), 2.

market brought negative results: unemployment and “intensified the economic problems for South Ossetians while pushing them to turn even more to Russia’s help.”⁸²

Even though a cease-fire agreement was signed in June 1992⁸³ the issue still was not resolved. Violent clashes took place again in 2004 with shelling and gun battles taking place between the Georgian military and South Ossetian rebels.⁸⁴ Since 2004 the conflict remained suspended up until 2008.

Several attempts were made by Saakashvili to settle the conflict and maintain the territorial integrity of Georgia. “In July 2005, President Saakashvili announced a new peace plan for South Ossetia that offered substantial autonomy and a three-stage settlement, consisting of demilitarization, economic rehabilitation, and a political settlement. South Ossetian “president” Eduard Kokoity rejected the plan, asserting in October 2005 “we [South Ossetians] are citizens of Russia.”⁸⁵

As a verification of Kokoity’s words, “a popular referendum was held in November 2006 in South Ossetia to reaffirm its “Independence” from Georgia”⁸⁶. However, the US and OSCE did not recognize the outcome of the referendum and “‘in alternative’ voting among ethnic Georgians in South Ossetia. . . , the pro-Georgian Dmitriy Sanakoyev was elected governor of South Ossetia, and a referendum was approved supporting Georgia’s territorial integrity.”⁸⁷

⁸² Nicolas Lemay-Hebert, “Zone of Conflict: Clash of Paradigms in South Ossetia,” *The Journal of Turkish Weekly* (2009),

<http://www.turkishweekly.net/article/318/zone-of-conflict-clash-of-paradigms-in-south-ossetia.html>.

⁸³ Rebecca Ratlif, “South Ossetian Separatism in Georgia,” accessed December 27, 2011,

<http://www1.amrican.edu/ted/ice/ossetia.htm>.

⁸⁴ Ibid.

⁸⁵ Jim Nichol, *Russia-Georgia conflict in August 2008: Context and Implications of US Interests*, (2009), 3.

⁸⁶ Ibid.

⁸⁷ Ibid.

“In 2007 Georgia proposed changes to peace negotiations to replace OSCE-led Joint Control Commission and established provisional administration in Georgian-controlled areas of the conflict zone. Russia and South Ossetia never accepted modifications and negotiations between sides remained suspended until early August 2008 when situation deteriorated significantly in conflict zone with Georgian attack on Tskhinvali, followed by Russian counter-offensive”⁸⁸ in order to protect Russian citizens and offer humanitarian aid.

⁸⁸ “Conflict history: Georgia,” International Crisis Group, Working to Prevent Conflict Worldwide, accessed December 27, 2011, http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=42.

Russian - Georgian Relations

Russian – Georgian relations number a long history, however, the time after the collapse of the Soviet Union represent a particular interest in regard to the conflict in South Ossetia, as it reveals why the Russian Federation was heavily involved in the conflict from the very beginning and have been supporting Ossetian’s self-determination claims and providing financial, military and political assistance to the secessionist movements.

After the collapse of the Soviet Union, the Russian Federation failed to find its new role in the global arena and went back to the restoration of an empire and tried to acquire influence nearby. At the same time newly independent Georgia returned to its project of creating a nation-state. Not surprisingly, two projects came into clash, especially with the regime of Gamsakhurdia, who traditionally was viewed as a Russophobe. In 1992 Eduard Shevarnadze was elected Chairman of Parliament, who was viewed as the Russian backup man and this was verified when he signed Dagomys cease-fire agreement on the conflict in South Ossetia with Boris Yeltsen. The agreement was clearly advantageous for Russia, given that Ossetian and Russian battalions were acting in concert, and it turned out to be very negative for Georgia.⁸⁹ The formula of this agreement could be called “3+1”, as it included Russia and delegations from North and South Ossetia on one side and Georgia on the other. “Hence both the political representation and the peacekeeping structure ruled out any possibility of parity from the very beginning. Not surprisingly, Shevarnadze’s critics considered this move as a betrayal of the national interests of Georgia in favor of Russia.”⁹⁰

⁸⁹ Thronike Gordadze, “Georgian-Russians in the 1990s,” in *The Guns of August 2008 Russia’s War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 31.

⁹⁰ Ibid.

Shortly after the dissolution of the USSR the ‘West’ and the US were not willing to involve in the region as then it was primarily preoccupied by the events in the Balkans. Therefore H. W. Bush validated and even welcomed the creation of the Commonwealth of Independent States (CIS), which from the very beginning Russia defined as a zone of its own particular interests.⁹¹ Nevertheless, Georgia refused to join CIS, but it was rather a symbolic deed, as anyway it was under the Russian sphere of influence.

Lacking sufficient resources Russia could impose its hegemony over the former Soviet republic by supporting various secession movements, ‘luckily’ Georgia had two of them: Abkhazia and South Ossetia. Making itself as the sole ‘peacekeeper’ in the conflict that Moscow had itself fuelled, Russia could dominate the newly independent states and prevent their rapprochement with the West.⁹² Despite of the fierce opposition to join CIS at the beginning, Georgia entered the organization on October 21, 1993⁹³, Shevarnadze also had to sign a military agreement on “the status of the Russian troops in Georgia” according to which Russia was to maintain four military bases in the country.⁹⁴ Russia obtained not only the right to maintain its military bases in Georgia, but also acquired unprecedented influence over the appointment of the three “power ministers” in the Georgian government, that of Defense, Interior, and Security.⁹⁵ Thus, Russia had influence over vital aspects of Georgian internal and external affairs.

Being loyal to Russian authorities by going along with their interests naively supposed that in return Moscow will help Georgia to restore its territorial integrity and return secessionist

⁹¹ Thronike Gordadze, “Georgian-Russians in the 1990s,” in *The Guns of August 2008 Russia’s War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 32.

⁹² Ibid, 34.

⁹³ “Georgia Profile,” BBC news Europe, accessed May 1, 2012, <http://www.bbc.co.uk/news/world-europe-17303471>.

⁹⁴ Thronike Gordadze, “Georgian-Russians in the 1990s,” in *The Guns of August 2008 Russia’s War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 35.

⁹⁵ Ibid.

regions under the Georgian authority. The logic behind this was that Russia itself had regions which were characterized by ethnic separatism – Chechnya, and sustaining the tension with secessionist regions would play against Russian interests in North Caucasus. Having this in mind Russian authorities calculated that Georgia would support Russia’s invasion of Chechnya, thus “Shevardnadze publicly endorsed Russia’s invasion of Chechnya in December 1994 and authorized Russian military jets to use Georgian airspace”⁹⁶.

By the end of 1990s, for Georgian authorities became clear that Russia will not assist the reintegration of breakaway regions, because it was one of the leverages for Moscow to push on Tbilisi’s policies, hence Georgia made steps towards NATO. Therefore, Russia adopts a visa regime with Georgia, but with notice that the visa is not required for residents of Georgia’s provinces of Abkhazia and south Ossetia. In this move, the Kremlin was clearly challenging territorial integrity.⁹⁷

With the Rose Revolution and Saakashvili’s presidency, Russia was losing control over Georgian politics, as it ‘lost’ desperate Shevardnadze, whom the Kremlin could manipulate. Mikhail Saakashvili is well known for his pro-Western orientation and the US supporter, therefore after the revolution the Kremlin realized that keeping up the tension within secessionist regions of South Ossetia and Abkhazia is the main tool of influence. Thus, Russia started to hand out Russian citizenship to residents of South Ossetia and Abkhazia.

⁹⁶ Thronike Gordadze, “Georgian-Russians in the 1990s,” in *The Guns of August 2008 Russia’s War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 37.

⁹⁷ Ibid, 45.

Dual citizenship in South Ossetia

Dual citizenship remains a relevant problem for post Soviet countries, after the break up of the Soviet Union, citizens of former Soviet Republics wished to obtain citizenship of the Russian Federation in addition to citizenship of the country of their residence. However, sometimes, the motive for the acquisition of a second Russian citizenship exists when the first citizenship is considered illegitimate worldwide, because it was given by self-proclaimed or *de facto* independent state, such as South Ossetia.

As every sovereign and independent state, the Republic of South Ossetia provides citizenship for its constituents as a political and legal tie between person and Republic. Citizenship is a legal base for the manifestation of mutual rights and obligations. However, the legislation of Republic of South Ossetia permits dual citizenship, therefore, a majority of population has citizenship of the Russian Federation.

Due to the vague status of the region and its isolation, Soviet passports of 1974 style with the South Ossetian citizenship record were in common use.⁹⁸ However, by the mid 2000's Soviet style passports stock was exhausted. Temporary documents such as passports, birth certificates, diplomas, etc. were printed out on commercially available printers and signed by government officials. Regardless of simplified border regime (for travelling to Russia visa is not required), South Ossetians have no chance to cross the borders with such improvised documents.⁹⁹

Therefore, on August 15, 2006 the South Ossetian authorities began issuing South Ossetian passports to the residents of the unrecognized republic.¹⁰⁰ Issuing South Ossetian

⁹⁸ The Republic of South Ossetia, accessed March 13, 2012, <http://geo.1september.ru/2004/28/4.htm>.

⁹⁹ Ibid.

¹⁰⁰ "Tskhinvali Begins Issuing South Ossetian Passports," Civil.ge, accessed March 13, 2012,

passports had more of a nominal value than a practical one (though passports of common sample simplified paper work in the republic, because by that time South Ossetian population held three types of passports: the Russian Federation, Soviet-style and international passports, which were issued in special limited edition for South Ossetia¹⁰¹). The Republic of South Ossetia makes their citizens vulnerable in the international environment in the legal respect as the South Ossetian passport is mainly intended for local use and does not have any legal value outside the countries that recognizes the independence of the Republic of South Ossetia.

Due to the ‘shortcomings’ of holding South Ossetian citizenship, the majority of Ossetians who reside in the territory of the Republic have Russian citizenship as well. Being a citizen of Russian Federation for a South Ossetians has much more practical value than obtaining the citizenship of their own country, simply because it has a *legal* value on the international arena and is more useful for international travel.

Russian passports were issued for inhabitants of South Ossetia in 2002-2003 when Soviet-style passports expired and Ossetians were not willing to exchange them for Georgian ones. South Ossetians received Russian citizenship on the basis of amendments to the federal law on the citizenship of the Russian Federation in June 2002. Under the new Russian law, citizens of the former USSR who live in so-called unrecognized states (including Abkhazia and South Ossetia) and who refuse to recognize the authority of the mother country (and are therefore stateless) may exchange their Soviet passports for Russian ones.¹⁰² Thus, 56% of South Ossetian

<http://www.civil.ge/eng/article.php?id=13314>.

¹⁰¹ “South Ossetia started to issue local passports,” Newsru.com, accessed March 13, 2012,

<http://www.newsru.com/world/15aug2006/osetia.html>.

¹⁰² “Countdown to war in Georgia,” Russia’s Foreign Policy and Media Coverage of the Conflict in South Ossetia and Abkhazia (East View Press, 2008), 100.

population received passports of the Russian Federation, by the mid of August 2006 the number rose up to 98%.¹⁰³

The fact that Russian passports are more useful for international travel was not the determinative factor for Ossetians in their decision to acquire citizenship of Russian Federation. Residents in the territory of unrecognized Republic clearly had in mind that they live in a hot spot where war can erupt at any time, taking this into account a backup plan was needed.

Russian citizenship: help or motive?

The Georgian government voiced concerns over the presence of such a large number of Russian citizens in the territory of South Ossetia. The decision to supply Russian passports is a controversial issue that has been probed by Georgian authorities. The issuance of Russian passports to population of South Ossetia by Georgia is seen as an unfriendly step and according to former Georgian President Eduard Shevardnadze the Russia's new citizenship law, which was mentioned above, infringes on Georgia's sovereignty and territorial integrity.¹⁰⁴ He believed that it was a way of 'covert annexation of Georgian territory'¹⁰⁵.

As it turned out in 2008, the Georgian government fears were well founded. The official reason for bringing Russian troops in South Ossetia was the protection of Russian citizens. Therefore, the top question is how on the territory of an independent Georgia there are so many

¹⁰³ "Российские паспорта в Абхазии и Южной Осетии: за и против," News Caucasus, accessed March 13, 2012, <http://www.newcaucasus.com/index.php?newsid=4541>.

¹⁰⁴ "Countdown to war in Georgia," Russia's Foreign Policy and Media Coverage of the Conflict in South Ossetia and Abkhazia (East View Press, 2008), 100.

¹⁰⁵ Ibid.

Russian citizens. According to the Russian Federation law on Russian Federation citizenship¹⁰⁶, legal Russian passports for South Ossetians could be issued only by diplomatic representatives or the Russian consular office. However, what can be called into question is the fact that according to the report (2007) by the Commissioner for Human Rights in the Russian Federation Vladimir Lukin: “according to the information of Consular office of the Russian Foreign Ministry, the Russian Federation does not have diplomatic relations with the Republic of South Ossetia and there is no Russian diplomatic representation or consular office in the Republic of South Ossetia.”¹⁰⁷ Thus, the Russian Federation could not have diplomatic relationships with South Ossetian regions, because then Russia acknowledged Georgian territorial integrity.¹⁰⁸ Therefore the only way of getting Russian citizenship – was illegal.

The war in 2008 was a clear example of why Moscow was willing to give Russian citizenship to the population of South Ossetia. By offering passports, the Russian government was pursuing their own interests in the region in order to keep an eye on Georgia and keep it within its sphere of influence. Of course, Russia was referring to the fact that issuance of Russian passports was done due to inability of South Ossetians to travel with Soviet-style passports.¹⁰⁹

Nevertheless, facts prove that the provision of Russian citizenship was not the act of goodwill, but a well-planned long-term strategy. For example, Russia was issuing not internal passports (ID cards), but international passport (issued for foreign travel) with which it was

¹⁰⁶“The Russian Federation law on Russian Federation citizenship,” accessed March 14, 2012, <http://visalink-russia.com/russian-federation-law-russian-federation-citizenship.html>.

¹⁰⁷ “Доклад Уполномоченного по правам человека в Российской Федерации за 2007 год,” Документы, accessed March 14, 2012, <http://www.rg.ru/2008/03/14/doklad-dok.html>.

¹⁰⁸ “Российские паспорта в Абхазии и Южной Осетии: за и против,” News Caucasus, accessed March 13, 2012, <http://www.newcaucasus.com/index.php?newsid=4541>.

¹⁰⁹ ““Мультипаспорт”: российское гражданство от Южной Осетии до Крыма,” Главное, accessed March 13, 2012, <http://glavnoe.ua/articles/a2507>.

problematic to find a job. In order to be accepted for work an internal passport is needed, even though the Ministry of Internal Affairs implicitly recognizes Russian citizenship of South Ossetian population, they do not register them for the place of residence and do not issue internal passports explaining it by the fact they have a place of residence outside of the Russian Federation. Therefore, Moscow wanted to have South Ossetians as their citizens only outside of Russian borders by not letting them immigrate.

Another factor that deserves attention is the fact that Russian passport has an expiration date in five years and after the War, Russia was not willing to exchange passports automatically as since 2008 the Ministry of External Affairs treats South Ossetia as a sovereign and independent republic.¹¹⁰

Furthermore, with the acquisition of citizenship of the Russian Federation, South Ossetians placed themselves out of Georgian legislature, as Georgian legislature at that point of time did not allow dual citizenship¹¹¹, while constitution of the Republic of South Ossetia permits dual citizenship¹¹². Therefore, from the legal point of view, Ossetians with Russian citizenship illegally resided on the territory of Georgia (as Georgia does not recognize the independence of South Ossetia and consider this region as constituent part of the Republic of Georgia), because they opted from Georgian citizenship by choosing citizenship of another state with which visa system was functioned. By this, the Kremlin had heated up the tension within Georgia and its conflict regions, because Saakashvili clearly states his orientation towards West-US and NATO. Therefore, mass passportization of South Ossetians, for Moscow was only the

¹¹⁰ “Жителям Южной Осетии перестали выдавать российские паспорта,” Newsru.com, accessed March 14, 2012, http://www.newsru.com/world/05mar2009/so_pasporta.html.

¹¹¹ Ibid.

¹¹² “Конституция Республики Южная Осетия,” Информационное агентство РЕС, accessed March 14, 2012, <http://cominf.org/node/1127818105>.

move to interfere into domestic affairs and have a substantial control over secessionist region and by this having leverage against Georgian authorities.

Russian – South Ossetian Relations

1993- 1999 was a period of relative stability in relations between Russia and Georgia, Georgia and its secessionist regions. Nevertheless, after the bloody conflicts in the beginning of decade, was hard to build-up trust between conflicting sides, especially when the Russian Federation clearly taking the side of secessionist regions and pursuing interventionist policies. However, even the relative peace broke when Vladimir Putin became a prime minister. After his appointment the visa regime with Georgia, which was mentioned above, was imposed and resulted in Georgia's exit from CIS.

In 2001, the new Russian leadership took further steps in 'constructing' South Ossetia according to its preference and interest. The plan was to appoint a loyal to Moscow person on the presidential seat and the choice fell on Eduard Kokoity. On December 6, 2001 he was elected president of self-proclaimed republic. By the end of 2002, when majority of South Ossetian population received Russian citizenship, "Kokoity began filling positions in the governmental bureaucracy of South Ossetia with representatives of the Russian power ministries"¹¹³.¹¹⁴

The Rose Revolution and afterwards led to even closer cooperation between Moscow and secessionist regions of Georgia. Russian administrative and military control over South Ossetia was expanding on high rates. In 2004,

“the Russian president signed what appears to have been a secret decree outlining the Russian government's main goals in South Ossetia. These included the construction of military bases near Java and Tskhinvalli, opening a special department at the military academy in Vladikavkaz for cadets from South Ossetia, and sending several dozen Russian military instructors to the territory. Moreover, it included transferring Russia officers to South Ossetia for routine military

¹¹³ Andrei Illarionov, "The Russian Leadership's Preparation for War 1999-2008," in *The Guns of August 2008 Russia's War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 53.

¹¹⁴ See appendix Table 1.

service, as well as the appointment of Russians to the head of South Ossetia's ministries of defense, security, and law enforcement.”¹¹⁵

Thus, the Kremlin had total control over South Ossetia through their people in the governmental structure of Ossetia.

In 2004 leaders of South Ossetia, Abkhazia and Transnistria signed a Treaty on Friendship, Cooperation, and Mutual Support as well as a Declaration on the Creation of Commonwealth for Democracy and the Rights of Nation.¹¹⁶ “They also proclaimed their loyalty to Moscow. Putin declared that the fate of those nations would be defined by the will of their peoples, based on their right of self-determination.”¹¹⁷

In 2006, when Eduard Kokoity was re-elected as a president, Georgian government organized a parallel presidential election, where Dmitry Sanakoyev won. As a result Eduard Kokoity announced termination of all negotiations with Georgia until Tbilisi nullifies Sanakoyev's administration. Two years later, when active phase of preparation to war began, Russia established direct diplomatic relations with the government in Tskhinvali.¹¹⁸ By leadership in Tbilisi it was considered as legalization of annexation of territory and threatening Georgia's sovereignty and territorial integrity, because the specific type of relationships which

¹¹⁵ Andrei Illarionov, “The Russian Leadership's Preparation for War 1999-2008,” in *The Guns of August 2008 Russia's War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 56.

¹¹⁶ “Unrecognized republics within Georgia and Moldova plan increased cooperation,” Radio Ekho Moskvyy, 14 June 2006, in BBC monitoring.

¹¹⁷ Andrei Illarionov, “The Russian Leadership's Preparation for War 1999-2008,” in *The Guns of August 2008 Russia's War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 61.

¹¹⁸ Svante E. Cornell, Johanna Popianevski, Niklas Nilsson, “Russia's War in Georgia: Causes and Implications for Georgia and the World” (Policy Paper, Central Asia – Caucasus Institute Silk Road Studies Program, 2008).

Putin proposed “was virtually identical to that which existed between Moscow and the federal territories within Russia proper”¹¹⁹.

During the summer of 2008 various proposals for negotiations and agreements to find a way for peaceful resolution of the conflict were rejected by South Ossetian leaders, precisely Russian authorities, as by that time the Kremlin was getting ready to respond to ‘West’ for recognition of Kosovo, and of course, any negotiations or resolution in conflicting regions would have played against their plans.

¹¹⁹ Andrei Illarionov, “The Russian Leadership’s Preparation for War 1999-2008,” in *The Guns of August 2008 Russia’s War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 68.

Russia's interests behind involvement in South Ossetian conflict

Since the dissolution of the USSR, political importance of Moscow on global arena drastically decreased, as majority of former republics situated in the European part of the USSR switched Russia's political orbit to European Union. When Putin came to power, he took a political course for restoration of its sphere of influence. The means for re-establishment of its influence were cheap energy resources (oil and gas) that Russia could offer to the Europe.

Of course, Russia was not the only supplier of energy resources in Europe; however, its portion in gas supply is considerable, considerable enough to have influence over the range of issues in European countries. Understandably, it is inconvenient for Europe – consumer of oil and gas, hence it was seeking alternative way of gas and oil transportation and Russia's diminishing role in it. Substitution to the existing way of energy recourse transferring was through Georgia (Baku-Tbilisi-Ceyhan pipeline). BTC pipeline project according to some experts was solely political designed to damage Russia and at the same time, reinforce America's position in the region.¹²⁰

From the Russian point of view, Georgia was the weakest link in that chain and if Russia wanted to ruin the plans, it had to focus on Georgia. Also, for substantial amount of time Eduard Shevardnadze was in power – former member of communist party - who conducted policies which were beneficial for the Kremlin. While he was in power, Russia managed to restrain 'western plans' regarding South Caucasus Pipeline.

The opening of new pipeline for the Kremlin would mean a loss of hundred millions of dollars, but Russia is loosing not only financially, but its power in Europe would decline.

¹²⁰ Thronike Gordadze, "Georgian-Russians in the 1990s," in *The Guns of August 2008 Russia's War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 39.

Besides, after the Rose Revolution, Georgia openly declared its orientation towards the West and that it was heading to NATO, however the main obstacle to join NATO was unsettled question regarding land disputes:

“States which have ethnic disputes or external territorial disputes, including irredentist claims, or internal jurisdictional disputes must settle those disputes by peaceful means in accordance with OSCE principles. Resolution of such disputes would be a factor in determining whether to invite a state to join the Alliance.”¹²¹

Moscow clearly understood the potential of frozen ethnic conflicts on its territories and being mediator or representative of peacekeeping forces gave a chance to stir up separatist movements in South Ossetia and Abkhazia. Well known that conflict – is a good way to settle the problem: internal or external; that is why the Kremlin was actively using this tool in Georgia. Escalation of ethnic conflicts in South Ossetia and Abkhazia were the best way to keep Georgia from joining NATO. Therefore, it can be stated that Russia supported South Ossetian self-determination claims just to make the essence of the conflict ‘ethnic’, though it was rather ethnopolitical one, because it was ‘ethnic’ only in form.

Even though, from the dissolution of Soviet Union Russia was involved in the conflict settlement, before the War in 2008, it had not provided full recognition to South Ossetia, nor it was willing to find a final solution, which would be beneficial to South Ossetia and Georgia (substantial autonomy, for example). ‘Frozen conflict’ was the most suitable option – when Georgia’s authorities in the face of Shevarnadze was loyal to Moscow, it soothed the conflict and switched to the ‘frozen’ part, whereas, when Georgia’s leaders were standing between Russia

¹²¹ “Study on NATO Enlargement,” NATO, accessed April 28, 2012, http://www.nato.int/cps/en/natolive/official_texts_24733.htm.

and its political and economic interests, the Kremlin was making a decision to ‘unfreeze’ the conflict.

To balance between motivation for self-determination claims and not acknowledging full independence of South Ossetia Russia managed for 18 years and probably, it would not have granted the independence to South Ossetia and Abkhazia even longer, but the conflict had to burst out one day. The Kremlin had to show its strong intentions to control the ‘near abroad’ and disqualify Georgia worldwide by presenting it as an aggressor who committed genocide of Ossetian people. That is why 58th Army was waiting for two days at the northern gate of the Roki tunnel, so Georgian army had chance to kill as much civilian population as possible in order to blame Georgia in committing genocide further.¹²² Thus, South Ossetia can claim that they have the right for self-determination which implies secession and independence. After the war, Putin and Medvedev several times each said that Georgia committed genocide of Ossetian people in order to reinforce the image of the conflict and let down a moral make up of Georgia and Saakashvili on the world arena.

Moscow’s unwillingness to grant a full independence to South Ossetia evidently can be seen from the fact that from the time of dissolution of the USSR and the War in 2008, South Ossetian president Eduard Kokoity asked Russia to recognize the independence of the republic three times: January 2003, March 2006, March 2008¹²³, but the Kremlin did not acknowledge the recognition. If Russian actually was supporting and advocating South Ossetian right for self-

¹²² “Ловушка для Саакашвили,” Uasdan.com, accessed May 1, 2012,

<http://uasdan.com/chochiev/otvets/print:page,1,1294-malenkiy-pobedonosnyy-genocid.html>.

¹²³ Andrei Illarionov, “The Russian Leadership’s Preparation for War 1999-2008,” in *The Guns of August 2008 Russia’s War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009).

determination, why did not it recognize the independence from the very beginning? The answer is simply because it would play against the Kremlin's interests in the 'near abroad'.

The next question that might arise is why South Ossetian leadership discerned Russia's self-interests of being involved in the conflicts. First of all, because this same 'leadership' was approved by Moscow – in 2001 an officer of the Russian secret service organized what was called a 'Meeting of Four' – “a meeting between himself and the three men considered to be the most radical South Ossetian leaders. These included the intellectual leader of the South Ossetian national movement, Alan Chochiev; former Communist official and by then twice South Ossetian prime minister, Gerasim (Rezo) Khugaev; and the former trade representative of South Ossetia in Moscow, Eduard Kokoity, who had a dubious reputation both as a businessman and professional wrestler.”¹²⁴ The 'Meeting of Four' was aiming to change the leadership in South Ossetia, as at that point acting president Ludvig Chibirov did not satisfy Moscow's ambitions in the region, because “he had voluntarily and sincerely cooperated with the Georgian authorities on a settlement of the bilateral conflict and was ready to accept a status of enhanced autonomy for South Ossetia within Georgia and in 1999, along with Eduard Shevarnadze signed the so-called Baden Document that could have opened the way for peaceful resolution of the Georgian – Ossetian conflict”¹²⁵, he was obviously not 'suitable' for Russia's plans regarding the evolution of Georgia-Ossetia relations. Therefore soon afterwards Moscow chooses Kokoity, whose nominee Russia was going to support in the presidential elections in 2001. The choice fell on him, because “Chochiev would not perform the role defined for him by the Russian leadership,

¹²⁴ Andrei Illarionov, “The Russian Leadership's Preparation for War 1999-2008,” in *The Guns of August 2008 Russia's War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 52.

¹²⁵ Ibid.

while Khugaev was unable to overcome registration barriers”¹²⁶. Yet, in 2002 he was appointed as prime minister.¹²⁷

Secondly, South Ossetia did not have ability to survive without Russia’s help, economic, political as well as military one. Compared to Abkhazia South Ossetia is a landlocked country and cannot attract tourists to its resorts. Additionally, South Ossetia does not possess a significant amount of any fields of minerals. Economically, South Ossetia was completely dependent upon Moscow financing and without it there would not be even a smallest chance to attain any kind of independence from Georgia or it would completely get stuck with smuggling activities (which were successfully flourishing on the territory).

Finally, even if South Ossetia would have resisted the role which Moscow assigned to it and people whom the Kremlin appoints it would not have changed much. Vladimir Putin illustrated on the example of Abkhazia its strong intention to have a hand on the pulse of situation in the conflicting regions when Sergey Bagapsh defeated Khadjimba in 2004 elections – a Moscow’s minion.¹²⁸ After elections, Russia demanded Bagapsh to annul the results of elections, however he refused to do so, therefore “Moscow promptly punished the whole province for Bagapsh’s temerity, closing the Abkhazian portion of the Russian – Georgian border, halting railway communication with Abkhazia and banning the import of Abkhazian agricultural produce.”¹²⁹ Thus, it was unreasonable to be in confrontation with Moscow for South Ossetian authorities, as the last one would definitely lose more than the first one.

¹²⁶ Andrei Illarionov, “The Russian Leadership’s Preparation for War 1999-2008,” in *The Guns of August 2008 Russia’s War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 52.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Ibid, 58.

Even though Russia was involved in the conflict settlement in South Ossetia since the collapse of Soviet Union the twist in Moscow's interests in the region came with Vladimir Putin presidency. Since 2000 the Kremlin has chosen a different policy regarding South Ossetia: for the important positions in the government people were coming from Moscow's approval/help. As was said earlier, Lyudvig Chibirov's leadership and his political rhetoric did not go along with Moscow's plans, therefore Kokoyti was chosen as a person who would promote more radical position, and priority in his political agenda was to achieve recognition of the Republic of South Ossetia. With such rhetoric Moscow made a bid on preventing stabilization of situation in the region.

At this time Shevarnadze became less loyal to Moscow and the Kremlin had to act more decidedly: firstly to appoint 'its people' on the leading positions and secondly, gain support among South Ossetians. Giving Russian citizenship to South Ossetia residents was exactly the right thing to do in order to show care and protection, and at the same time always have a reason to intervene into domestic affairs by referring that Russia is protecting its citizens. Probably, the population was aware that from Russia's side it was not an act of goodwill, because as was explained earlier, citizenship as well as passports was given out illegally. However, the majority of South Ossetian residents were in need to obtain another citizenship, due to the 'shortcomings' of holding South Ossetian citizenship.

The fact that Russian passports are more useful for international travel was not the determinative one for Ossetians in their decision to acquire citizenship of Russian Federation. Residents on the territory of unrecognized Republic clearly had in mind that they live in hot spot and war can erupt at any time, taking this into account backup plan was needed. South Ossetians had two ways out – to Georgia or to Russia. Ossetians were not willing to leave to Georgia,

because Russia was seen as best place to escape. Furthermore, the larger pension benefit that the Russian Federation provides its citizens is another reason to become Russian citizen.

Therefore, from the distribution of Russian passports both sides were winning: Russia had majority of South Ossetian residents their citizens, giving to Moscow to act on this territory on behalf of its citizens and it was the best way to build a military bases, in response South Ossetians were able to travel and have a better pensions.

Distribution of Russian passports Georgia considered as a form of illegal annexation of the territory. However, Russia never aimed to annex South Ossetia, even though South Ossetians expressed its willingness through the referendum to join the Russian Federation in 1992. Russia obviously understood that annexation of territory in the 21st century would damage its image on the world arena which would have lead to economic and political actions from all over the world: States and International organizations. Plus, Russia is the biggest country in the world and small territory of South Ossetia which does not possess any mineral or oil resources is not in Russia's interests. Presence on the territory of South Ossetia this was the main goal. Allocation of military bases on the territory was one of the priorities, because it was strategically important in the prevalent situation in the North Caucasus, especially after second phase of Chechen War.

Despite of the political, military and economic support that Russia provided to South Ossetia, it had never openly acknowledged that South Ossetia has a right for self-determination and secession and only on June 1, 2006¹³⁰, for the first time Moscow announced that South Ossetia has a right for self-determination, thus showing its support for South Ossetian separatist

¹³⁰ “Россия признает право Южной Осетии на самоопределение,” Политсовет информационное агенство, accessed April, 15, 2012,

<http://politsovet.ru/12714-.html>.

movements. As a representative of Ministry of Internal Affairs – Mikhail Kamynin- claims, right for self-determination is not less respected right in the international law as the principle of territorial integrity.¹³¹ Moreover, Tbilisi did not have a direct control over the territory of South Ossetian and this region was recognized worldwide as conflict zone. Kamynin states that officially Moscow respects the principle of Georgia’s territorial integrity, however in the existing reality, adherence to the principle of territorial integrity is a possible condition rather prevalent politico-legal reality.¹³²

Then the question might arise, why would Moscow officially support South Ossetian right for self-determination only in 2006? Probably, it would have been done earlier, yet having a tense situation in North Caucasus delayed the recognition of the right. Russia is a country of multiethnic make-up, and the declaration that South Ossetia has a right for self-determination would imply that secessionist regions on the territory of The Russian Federation is entitled for the same right, therefore Moscow could not acknowledge and support South Ossetians in self-determination claims until separatist movements are neutralized.

For Russia, South Ossetia and Abkhazia became an instrumental tool to put pressure on Tbilisi, in order to remain it within its sphere of geopolitical and economic interests. Zone of conflicts became a ‘suitable’ leverage in this struggle especially during Putin presidency and after the Rose Revolution. If before the Rose Revolution, Shevarnadze was more or less oriented towards Russia and went along with Russia interests, remaining loyal to the Kremlin, so when Saakashvili came to power it openly declared that Georgia turns to ‘West’ and NATO. This is why Russia wanted to prop up Shevarnadze’s rule. Putin hurriedly sent to Tbilisi Minister of

¹³¹ “В МИД РФ заявили, что Россия уважает право Южной Осетии на самоопределение,” Известия, accessed April 15, 2012, <http://xn--b1agedd7ch9h.xn--p1ai/news/379035>.

¹³² Ibid.

Foreign Affairs Igor Ivanov, his stated task was to resolve the crisis and preserve Shevaradze presidency.¹³³ With no larger strategy, Russia blindly supported the one person who might have been desperate enough to accept Russian backing.¹³⁴ Nevertheless, Saakashvili came to power and was keen to turn away from Moscow.

Therefore, since early 2000, Russia involvement in the conflict was deeper, actually it obtained almost a total control over the situation in separatist regions, though it has to be noted, that situation was different in Abkhazia comparatively to South Ossetia. As Abkhazia was more open-minded and had potential to sustain itself economically, due its outlet to the sea (tourism), it did not always comply with Moscow's plans, whereas South Ossetia was in the position that it did not have any other plan B country which would support their claims and help them financially and military.

During 1990's the conflict was cooling down to peace negotiations between Russia, Georgia and South Ossetia, but at the same time there were not any alliance-building efforts between separatist regions in the region (Naghorno-Karabakh, South Ossetia, Abkhazia, Transdnistrea and republic in North Caucasus). "None of them was actively seeking support among other secessionists...Everybody was nervously watching everybody's else peace negotiations, but still all insist on the uniqueness of their cases and saw no reason to coordinate efforts."¹³⁵ Although, it was understandable, as with the collapse of communist regime and emergence of new states, pressurize on the uniqueness of the case was seen as a way to gain recognition.

¹³³ Thronike Gordadze, "Georgian-Russians in the 1990s," in *The Guns of August 2008 Russia's War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 45.

¹³⁴ Ibid.

¹³⁵ Pavel Baev, *Russia's policies in the Caucasus* (London: Royal Institute of International Affairs, 1997), 14.

What was not unique in those cases is the fact that conflicts led to the mass emigration of population and huge amount of refugees. For the Russian part, it was seen as a plus, because, “this uprooted population, often living for years in conditions of extreme hardship, is a significant destabilizing factor”¹³⁶. As Moscow wanted to restore its influence over former Soviet Republics, it was not willing to contribute to the positive development, Russia chose a “non-cooperative course, assuming that it would be easier and cheaper to prevent stabilization”¹³⁷ and in addition receive a leverage against Tbilisi. “One distinctive feature of Russia’s policy at that time was consistent and well-coordinated attempts to deny access to all international organizations which hoped to attempt conflict management in the Caucasus”¹³⁸, additionally, majority of them was preoccupied with the events in the Balkans, because for the ‘West’ and NATO war in Balkans was a top priority.

¹³⁶Pavel Baev, *Russia's policies in the Caucasus* (London: Royal Institute of International Affairs, 1997), 15.

¹³⁷ Ibid.

¹³⁸ Ibid, 19.

Origins of South Ossetian claims for independence

After the breakup of the Soviet Union, South Ossetia could not use their right for internal self-determination, first of all because when Georgia became independent Zviad Gamsakhurdia aimed to build ethnocratic state and secondly, Tbilisi abolished South Ossetian autonomy, because it had to make sure that while exiting the Union, South Ossetia did not have right to participate in referendum where it chose to stay within the USSR. Therefore, due to the strong Georgian nationalism and ethnocratic type of regime, South Ossetians were not willing to be part of regime that oppresses them. Even though the first president of self-proclaimed republic Lyudvig Chibirov was cooperative with Tbilisi's authorities in the conflict resolution process, Georgia's ethnocracy was one of the obstacles on the way for peaceful conflict settlement.

“The *raison d'être* of the ethnocracy is to secure that the most important instruments of state power are controlled by a specific ethnic collectivity. All other considerations concerning the distribution of power are ultimately subordinated to this basic intention.”¹³⁹

Indeed, ethnic minorities were underrepresented in Georgia's state structure. Minority participation and representation in political process in Georgia was very low:

“Senior government posts tend to be occupied by ethnic Georgians, and there is a firm perception of ethnic discrimination in personnel appointments, especially in law enforcement agencies. Political representation is also an issue, both on national and local levels. Georgia's single-chamber parliament does not provide any special arrangements for the representation of minorities. Minorities are represented by only eight members in the 150 member-strong Parliament.”¹⁴⁰

However, those who did participate in legislative work, did not have a great proficiency in the Georgian language, consequently, they did not have a real ability to influence and participate in

¹³⁹ “The Politics of Ethnocracies,” Harnnet. Org, accessed December 23, 2011, <http://www.harnnet.org/index.php/articles-corner/english-articles/155-the-politics-of-ethnocracies>.

¹⁴⁰ “Armenian and Azeri Minorities in Georgia” Crisis Group Report; “Minorities in the South Caucasus: factor of the instability?” (Pace Discussion Paper) in *Ethnic minorities in Georgia: Current Situation*, Agit Mirzoev, 2.

parliamentary work.¹⁴¹ Such political structure characterizes ethnocratic states, where control is held by the ethnically dominant group. The ethnocratic state tends to dominate in political affairs and makes sure that state power is in hands of the ethnically dominant group.

While the state structure is based on ethnocratic principles ethnic minorities will always be excluded from the participation and representation in government, at least *de facto*. The ethnocratic regime in Georgia as one of the factors that launched and then intensified the desire to obtain independence based on the principle of self-determination.

For Russia, the infusion of conflict between Georgia and South Ossetia had a geopolitical aspect, whereas on the behalf of South Ossetia this conflict was ethnic one. Yamskov sees ethnic conflict “as an organized political process when ‘national movements struggling for the ‘national interests’ of the people acquire a certain influence and try to change cultural/linguistic, socio-economic, or political statuses””.¹⁴² Undeniably, Ossetians were struggling for the change in their political status for several decades due to the fact that non-Georgians were discriminated on many grounds. Ethnocratic type of regime came into contradiction with Ossetian desire to obtain cultural autonomy and as a result led to aspiration for separatist movement.

A division along ethnic lines and the declaration of the Georgian language as the only official and administrative language in the country by Zviad Gamsakhurdia, abolition of autonomy and strong Georgian nationalism sharpened the feelings of being oppressed for Ossetians and launched separatist movement.

¹⁴¹ “Armenian and Azeri Minorities in Georgia” Crisis Group Report; “Minorities in the South Caucasus: factor of the instability?” (Pace Discussion Paper) in *Ethnic minorities in Georgia: Current Situation*, Agit Mirzoev, 2.

¹⁴² Valery Tishkov, “Ethnic Conflicts in the Former USSR: The Use and Misuse of Typologies and Data,” *Journal of Peace Research*, Vol. 36, No. 5 (Sep., 1999), 574.

As John Lewis Gaddis points out, "if the boundaries of the dying Soviet empire are to be revised, then why should boundaries established by empires long since dead be preserved?"¹⁴³ For South Ossetia separatism was seen as a way to create a new state unit, rather than to overthrow the existing government. Therefore the separatist movement took place instead of revolution or any other means to capture the power. The linkage of ethnicity with territory has made the objectives of these separatist areas state-orientated - nothing less than state sovereignty for their authorities will suffice.¹⁴⁴

The desire to secede originated due to the fact that South Ossetia did not receive proper treatment from Tbilisi, South Ossetians also wanted to unify with North Ossetia, so their nationality would have a single state. The Soviet times set grounds for the secession. According to Wheatley:

“In the former Soviet Union, national boundaries were demarcated in a manner which allowed “nations” to be perceived as territorially bounded entities and ascribed a titular nation. Nationality was made a category for bureaucratic classification of all individuals and an official national language was established, along with a national culture and national historiography Nationality thus became understood in terms of territory and language...”¹⁴⁵

Therefore language, tradition and territory were the main aspects of identification for individuals.

¹⁴³John Lewis Gaddis, "Toward the Post-Cold War World," *Foreign Affairs* 70 (Spring 1991), 110 in *Racial and Ethnic Conflicts: A Global Perspective*, Rita Jalali and Seymour Martin Lipset, (Winter 1992-1993), 605.

¹⁴⁴Dov Lynch, "Separatist states and post-Soviet conflicts," *International Affairs* (Royal Institute of International Affairs 1944-), Vol. 78, No. 4 (Oct., 2002), 834.

¹⁴⁵Johanna Popjanevski and Niklas Nilsson, "National Minorities and the state in Georgia" (conference report, August 2006), 11.

“The term Georgian denotes membership of an ethnic Georgian community and not citizenship of the Georgian state. The idea of “titular nationality” reinforced the idea of each national territory in the USSR as being the homeland for one exclusive nationality, a principle increasingly referred to from the late 1980s in branding non-Georgians as guests on Georgian territory, thus incapable of acquiring full Georgian citizenship.”¹⁴⁶

Evidently, the USSR created an environment for the following issues of secession of South Ossetia from Georgia through its national policies. South Ossetia has its own language, traditions and territory, even though it was an Autonomous Oblast within the Georgian Socialist Republic. Yet, Ossetians identified themselves as a nationality which is different from Georgians and which is related to North Ossetians. The issue of separation did not come up during Soviet rule, due to the fact that everything was administered by Moscow for every one and the issue of Georgian nationalism was not as strong as it was by the time of dissolution.

As language was one of the signifier of group identity, after the Soviet Union’s disintegration, the Georgian language started to play a dominant role in defining the Georgian nationality and “according to Dr. Wheatley, difficult to imagine a Georgian nation capable of accommodating those who do not speak the Georgian language.”¹⁴⁷ The post-Soviet period, especially the early 1990s, was a time when the Ossetian minority were discriminated against and excluded from the public and social life of Georgia, owing to the Soviet vision of national identification and territory. The fact that minorities have been disproportionately excluded can be traced back to factors that were conditioned by the Soviet legacies identified; the

¹⁴⁶ Johanna Popjanevski and Niklas Nilsson, “National Minorities and the state in Georgia” (conference report, August 2006), 11.

¹⁴⁷ Ibid.

bureaucratization of nationality, the privileged status of titular nationalities, the discourse of homeland and the key role of language as a symbol of national identity.¹⁴⁸

Georgian society was already divided along ethnic lines long before its independence¹⁴⁹, which means that the tensions between South Ossetian and Georgian ethnicities originated before the dissolution of the USSR. Both groups coexisted with one another in the Soviet era due to the fact that Moscow had an ability to prevent ethnic conflicts from explosion.

Georgia's population is traditionally divided into Georgians and non – Georgians,¹⁵⁰ so the division along ethnic lines was present long before Georgian independence. The breakup of the Soviet Union reinforced ethnic tensions within Georgia, South Ossetia wanted to secede from Georgia and unify with other ethnic Ossetians, whereas Georgia was reluctant to lose territory and tried to keep it by the means of force and political supremacy.

What can be concluded is the fact that the origins of claims for independence of South Ossetia formed before the dissolution of the Soviet Union. They intensified with the abolition of autonomy and ethnocratic type of regime manifested by Zviad Gasakhurdia. Nevertheless, during the Lyudvig Chibirov's presidency independence was not the main priority of his political agenda, he rather was pro-peaceful conflict settlement. However, by 2000 Russia significantly assisted to the revival of self-determinations claims and independence as then it was favorable for the Kremlin to heighten the tensions within Georgia, because it understood that it had to remain influence in the 'near abroad' and conflict in South Ossetia became in tool in the struggle for the control.

¹⁴⁸ Johanna Popjanevski and Niklas Nilsson, "National Minorities and the state in Georgia" (conference report, August 2006), 12.

¹⁴⁹ Ibid, 15.

¹⁵⁰ Ibid, 17.

Russia's Reaction to independence claim

Case of Kosovo

Territory of Kosovo became a part of Serbia during the First Balkan War and later was incorporated into Yugoslavia with the status of autonomous province.¹⁵¹ “The 1974 Yugoslav Constitution gave Kosovo the status of a Socialist Autonomous Province within Serbia. As such, it possessed nearly equal rights as the six constituent Socialist Republics of the S.F.R.Y.”¹⁵² Autonomous province had representatives in the federal organs¹⁵³ with veto power, and Albanian became one of official languages.

However, by the time of dissolution, when Slobodan Milosevic came to power, Serbo-Albanian antagonism escalated. In 1989 new Serbian Constitution was adopted through popular support in referendum, constitution had significantly reduced the autonomy of provinces and Milosevic imposed direct rule from Belgrade¹⁵⁴ as a part of campaign to create Great Serbia. In response, Kosovo declared its independence in 1991. However, it did not lead to the international recognition, except for Albanian government.

In 1997 Kosovo Liberation Army (KLA) emerged as an organization for protection of Kosovo independence. Between 1998 and 1999 the armed conflict began, Milosevic launched a full-scale campaign against KLA on the pretext that it was a terrorist organization. The campaign resulted in mass killing and forced migration of ethnic Albanians. “Intense international mediation efforts led to the Rambouillet Accords, which called for Kosovo autonomy and the involvement of NATO troops to preserve the peace.”¹⁵⁵ However Milosevic refused to disarm,

¹⁵¹ “Background note: Kosovo,” US Department of State Diplomacy in Action, accessed December 22, 2011, <http://www.state.gov/r/pa/ei/bgn/100931.htm>.

¹⁵² Ibid.

¹⁵³ Jure Vidmar, “Let the People Decide: Independence Referenda and the Creation of New States,” 53.

¹⁵⁴ Ibid.

¹⁵⁵ “Background note: Kosovo,” US Department of State Diplomacy in Action, accessed December 22, 2011,

then NATO initiated campaign against Serb military, which resulted in Milosevic's submission. "The war finally ended in June with Milosevic accepting most of the earlier terms of Rambouillet including the pull out of all Serb forces from Kosovo."¹⁵⁶ "And agreed to allow a NATO-led security force to enter Kosovo, which would be followed by a United Nations civilian administration that would operate under Security Council Resolution 1244 (1999)."¹⁵⁷ Main points of 1244 Resolution were: maintenance of Serbian territorial integrity, provision of substantial autonomy and self-government for Kosovo and provision of favourable conditions for refugee returns.¹⁵⁸

Since 1999 Kosovo was under protectorate of The Kosovo Force (KFOR), which is a NATO-led international peacekeeping force responsible for establishing a secure environment in Kosovo.¹⁵⁹ At the same time UN had established the United Nations Interim Administration Mission in Kosovo (UNMIK) - the temporary civilian administration in accordance with United Nations Security Council Resolution 1244.¹⁶⁰

At the beginning of Kosovo future status process, the aim was to reach the consensus between all parties involved, however such policy did not lead to refugee returns, nor it did not stop violence and interethnic clashes. Therefore UN Security Council called for negotiations regarding Kosovo status in 2005. The Contact Group had set Guiding Principles in November

<http://www.state.gov/r/pa/ei/bgn/100931.htm>.

¹⁵⁶ Glenn Ruga with help by Julie Mertus, "History of the war in Kosovo," accessed December 22, 2011, http://www.friendsofbosnia.org/edu_kos.html.

¹⁵⁷ Sammy Smooha and Priit Jarve, "A Model Making: The Case of Kosovo," in *The Fate of Ethnic Democracy in Post-Communist Europe*, ed. Robert Curis, p.193.

¹⁵⁸ "Резолюция 1244 (1999)," Организация Объединенных Наций, Совет Безопасности, accessed December 22, 2011,

<http://www.un.org/russian/document/scresol/res1999/res1244.htm>.

¹⁵⁹ "NATO's role in Kosovo," North Atlantic Treaty Organization, accessed December 22, 2011, http://www.nato.int/cps/en/natolive/topics_48818.htm.

¹⁶⁰ "Resolution 1244(1999)," United Nations, Security Council, accessed December 22, 2011, [http://www.undemocracy.com/S-RES-1244\(1999\).pdf](http://www.undemocracy.com/S-RES-1244(1999).pdf).

2005 regarding settlement of Kosovo status: Kosovo cannot be returned to the pre-1999 situation, neither can be partitioned or annexed to other state.¹⁶¹ Thus, provision of considerable autonomy or granting independence were the only possible outcomes available for Kosovo.

It was clear, that process of Kosovo future status settlement should be expedited, because otherwise it would proof inability of NATO and ‘West’ to deal with conflicting regions and its incapability in conflict resolutions. Therefore, maintaining status-quo was not acceptable anymore, so on February 17, 2008, Kosovo proclaimed its independence and received wide recognition, due to the fact that “international community” and countries that recognized Kosovo regard this case as unique in Yugoslavia’s dissolution context, followed by interethnic clashes, genocide in 1999, long-lasting presence of peace-keeping forces, stay under the administration of the United Nations Mission in Kosovo and KFOR protectorate.

As it was seen, despite positive potential of autonomy, it was a weak option for Kosovo, even though considerable autonomy could have been one of the alternatives for the future of Kosovo, it was not applicable to the existing circumstances. First of all, to what extend it was possible to exercise “autonomy” under, for almost a decade long, international presence on the territory of Kosovo? UNMIK and KFOR were supervising almost every aspect of political, civil and humanitarian spheres, therefore *de-facto* no autonomy existed.

Secondly, after unproductive and long-lasting negotiations concerning the fate of Kosovo, the declaration of independence followed, because for almost a decade there were no real moves towards political and territorial dispute settlements. The declaration of independence was supported by many UN member states and was highly advocated by UN Special Envoy Martti

¹⁶¹ “Kosovo Contact Group Statement,” London 31 January, 2006, accessed December 22, 2011, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/declarations/88236.pdf.

Ahtisaari. “From the very start, the process aimed at defining structure of an independent Kosovo,”¹⁶² because otherwise NATO and ‘West’ would lose its face and show its incapability to deal with unstable regions.

Third, autonomy was not a viable option due to the fact that “Kosovo has never experienced a high level of cordial coexistence. Instead, walls of mistrust had been built in Kosovo long before the outbreak of armed conflict.”¹⁶³ Kosovo has never been a place of peaceful coexistence of heterogeneous society, there was a deep division along ethnic lines, mutual antagonism and growing Serbian nationalism after the death of Tito. And as sociological research revealed, Kosovo had the lowest average level of tolerance towards other ethnic groups.¹⁶⁴

Fourth, even though nowadays Kosovo is functioning as independent state and received a considerable amount of recognition from UN member states, according to Republic of Serbia, Kosovo region is regarded as the Autonomous Province of Kosovo and Metohija, though, the major part is under control of self-proclaimed Republic of Kosovo. Nevertheless, Serbia still continues to run an administrative apparatus in the Autonomous Province. Thus, the autonomy should not be artificial in order to be an “effective means to prevent existing states from falling apart”¹⁶⁵ it has to *function* as one.

¹⁶² James Ker-Lindsay, *Kosovo, the path to contested statehood in the Balkans* (London 2009), 112.

¹⁶³ Duske Anastasijevic, “Policies Needed Before Good Practices Can Thrive in Kosovo,” in *Managing hatred and distrust: The prognosis for post-conflict settlement in multiethnic communities in the former Yugoslavia*, ed. Nenad Dimitrijevic and Petra Kovacs, 103.

¹⁶⁴ Randy Hodson, Dusko Sekulic, Garth Massey Source, “National Tolerance in the Former Yugoslavia,” *The American Journal of Sociology*, (May, 1994):1547.

¹⁶⁵ Hans-Joachim Heintze, “Implementation of Minority Rights through the Devolution of Powers – The Concept of Autonomy Reconsidered,” *International Journal on Minority and Group Rights* 9 (2002).

Unlike South Ossetia, Kosovo managed to gain international recognition due to several reasons. First of all, independence and recognition was the only feasible outcome, besides the potential of autonomy, imposition of it would lead to outburst of violence and ‘international community’ could not let it happen. Secondly, the UN was greatly involved in the settlement of the conflict; it established the UN Interim Administration Mission in Kosovo (UNMIK) to supervise the situation and provide guidance for establishment of new institutions, and since its deep participation, international community could not just go away and handed the problem back to Serbia.¹⁶⁶

Kosovo sets a precedent

Both, for South Ossetian and Kosovo political elite the ultimate goal was to attain independence. Both entities proclaimed independence at the beginning of 1990s, however it did not lead to official recognition, therefore up to 2008 South Ossetia and Kosovo had been referred as *de facto* states. Emergence of the new states of South Ossetia and Kosovo inevitably lead to the issue of secession from Georgia and Serbia respectively, but there is a worldwide consensus against secessionist moves in favor of territorial integrity. Since the dissolution of Yugoslavia and the Soviet Union major dispute was which of the principles should be respected more: territorial integrity or the right for self-determination, however, the issue whether either South Ossetia or Kosovo are *able* to function as independent and sovereign states did not attract that much of attention.

¹⁶⁶ James Ker-Lindsay, *Kosovo, the path to contested statehood in the Balkans* (London 2009), 109.

The question raised is whether South Ossetia and Kosovo able to, have a right to and whether it is in compliance with international law to achieve independence, but not whether those states are effective, do they have a potential to become truly independent in economic and social terms. Thus, the *effectiveness* of those states was less of importance than the particular interests which Russia was pursuing in South Ossetia and NATO and the US in Kosovo.

In case of South Ossetia, the entity was more of a puppet state than *de facto* one, as almost every action was coordinated by Moscow according to its interests and benefits. When in August 2008 President Dmitry Medvedev signed a decree which acknowledged the recognition of South Ossetia and Abkhazia, it did not imply that Russia considered them eligible for the membership in the club of Sovereign states. At that point, Russia's leadership decision was not guided by the normative aspects of statehood and state emergence. The decision was conditioned by the existing realities in the 'near abroad', where Russia had to maintain the influence over and it was a counter-reaction for the recognition of Kosovo.

It was clear that the 'uniqueness' of Kosovo which was often referred by the western media will cause the 'uniqueness' in other secessionist regions¹⁶⁷. Therefore, in early 2006, Putin hinted on the change in policy when he announced that there was a need for the "universal principles" to settle conflicts ranging from Kosovo to the frozen conflicts in Georgia¹⁶⁸. Otherwise, if Pandora box has been opened it is hard to hold it back. In any way, the recognition

¹⁶⁷ Pavel Baev, *Russia's policies in the Caucasus* (London: Royal Institute of International Affairs, 1997), 14.

¹⁶⁸ Ronald D Asmus, *A little war that shook the world: Georgia, Russia, and the future of the West* (New York: Palgrave Macmillan, 2010), 101.

of Kosovo has been setting a precedent, despite the negotiation between Belgrade and Pristina¹⁶⁹, or NATO's decision upon Kosovo status.

The decision regarding final status of Kosovo had an inevitable side effect on Georgia, and Georgian leadership was aware of the threat that recognition of Kosovo would bring in regard to its secessionist regions. However, Saakashvili had little room for maneuvers, because he had chosen pro-Western course in its foreign affairs and was heading into NATO, thus, Tbilisi had no choice, but to go along with whatever NATO and European countries thought was right. Regarding Kosovo, Saakashvili had no influence over Western policy in Balkans¹⁷⁰. Georgia simply had to live with the fallout of Western policy¹⁷¹ and the problem was that the West did not develop any kind of Plan B for managing the consequences of that policy for Georgia – either on the ground or diplomatically with Moscow¹⁷². Therefore Tbilisi was trapped between inability to protect itself from decision made by Western countries and Russia's escalation of tensions in Georgian conflicting regions as response to Kosovo independence.

If the United States, the European Union, and Russia could all agree that the compromise on Kosovo was unique, the thinking went that it would indeed be unique.¹⁷³ However, Russia was not willing or going to agree on Kosovo uniqueness, as “it was about Russian status and influence and the rules of the game, above all vis-à-vis the United States. Moscow had always

¹⁶⁹ Ronald D Asmus, *A little war that shook the world: Georgia, Russia, and the future of the West* (New York: Palgrave Macmillan, 2010), 103.

¹⁷⁰ Ibid, 104.

¹⁷¹ Ibid, 88.

¹⁷² Ibid.

¹⁷³ Ibid, 102.

viewed NATO's intervention in Kosovo as a demonstration of American power and its sphere of influence."¹⁷⁴

Under existing circumstances, Saakashvili could do little, as if there was any form of aggression from the Georgian side it had no chance to become a NATO member, therefore it had to "portray itself as a peace-loving nation in the eyes of North-Atlantic alliance"¹⁷⁵. The Kremlin saw Georgia's willingness to become a NATO member state as a threat to its influence in the bordering region, so it was manipulating the situation in conflicting regions to push Tbilisi to refuse on its plans, though, "as a sovereign state, Georgia may chart its own course, subject only to the will of its people, harming Russia in no way"¹⁷⁶. However, the Kremlin believed in another 'truth', as Professor Emeritus John Erickson writes that Russia "insists doggedly that the post-Soviet 'space' in its entirety, encompassing the former state of the Soviet Union, is and must remain a closed Russian geopolitical preserve"¹⁷⁷.

Thus, Georgia, in order to show its restraint, portrayed Russia as having malicious attacks on it, and showed Europe how Georgia is able to handle the crisis. In April 2008, Saakashvili gave a television address, where he said that:

"We will defend and not give up our territorial integrity... We will keep up maximum diplomatic efforts with our friends and allies to maintain our peaceful and democratic values in order to create guarantees for protection for Georgia's security and protection of

¹⁷⁴ Ronald D Asmus, *A little war that shook the world: Georgia, Russia, and the future of the West* (New York: Palgrave Macmillan, 2010), 103.

¹⁷⁵ "Sokhumi Rejects Tbilisi's Proposal as 'PR Sunt,'" 29 March 2008, www.civil.ge/eng/article.php?id=17476&search=.

¹⁷⁶ David J. Smith, "The Saakashvili Administration's Reaction to Russian Policies Before the 2008 War," in *The Guns of August 2008 Russia's War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 126.

¹⁷⁷ John Erickson, "Russia Will not be Trifled With: Geopolitical Facts and Fantasies." In *Geopolitics: Geography and Strategy*, ed. Colin S. Gray and Geoffrey Sloan (London: Frank Cass Publishers, 1999), 260.

peace and to force everyone to give up their aggressive and irresponsible policies towards Georgia”¹⁷⁸.

Nevertheless, Georgia’s ‘friends and allies’ did not help it on the grounds or through negotiations with Russia’s authorities, at the same time, the Kremlin was following its designated course: to respond ‘West’ on Kosovo. The big picture is that after Kosovo, Russia had decided to go to war in order to teach the ‘West’ a lesson and to stall Georgia’s westward movement, particularly its approach to NATO membership.¹⁷⁹ Saakashvili told Reuters on May 1: “They clearly have said – and this was reiterated by Putin to me – that this is a response to the Kosovo precedent, that this is a response to the West’s neglect of Russia’s positions, and that this is a response to the perceived threat of NATO enlargement in this region.”¹⁸⁰ Saakashvili insisted, Putin told him that

“As for the disputed territories of Abkhazia and South Ossetia, in this regard we shall respond not to you, but to the West – America and NATO, and in connection to Kosovo. You should not worry, it shouldn’t bother you. What we do will not be directed against you but will be our response to them.”¹⁸¹

From the very beginning Russia made its position clear that independent Kosovo will be precedent-setting, but despite the warnings Kosovo proclaimed its independence. Vladimir Putin stated that declaration of independence was prepared unilaterally and it undermined international law system. He said that: "They have not thought through the results of what they are doing. At the end of the day it is a two-ended stick and the second end will come back and hit them in the

¹⁷⁸ David J. Smith, “The Saakashvili Administration’s Reaction to Russian Policies Before the 2008 War,” in *The Guns of August 2008 Russia’s War in Georgia*, ed. Svante E. Cornell and Frederick Starr (New York: M.E. Sharpe, Inc, 2009), 126.

¹⁷⁹ Ibid, 141-142.

¹⁸⁰ Ibid, 139.

¹⁸¹ “Georgian pundits comment on results of Putin-Saakashvili meeting,” *24 Saati*, 28 February 2008, in BBC Monitoring.

face".¹⁸² Despite of the great effort to portray breakaway province of Kosovo as unique case gave no results, and one of the reasons was that Russia's authorities were keen to depict precedent-setting. The Minister of Foreign Affairs of the Russian Federation Sergey Lavrov stated: "Our support for Serbia's course of action in defending its sovereignty and territorial integrity also stays firm"¹⁸³. On May 29, 2009, President Medvedev described Serbia as a "key partner" for Russia in Southeast Europe and announced "We intend to continue to coordinate our foreign policy moves in future, including the ones related to the solving of the issue with Kosovo".¹⁸⁴

During the debate before the ICJ in December 2009, Kirill Gevorgian, who today acted as Russia's legal representative in the ICJ proceedings, said that general international law prevents Kosovo from declaring independence and that the people of Kosovo did not enjoy a right to self-determination, moreover he said that the unilateral declaration was illegal, and stressed that UNSCR 1244 was still in force, guaranteeing Serbia's territorial integrity.¹⁸⁵ But only half a year later Russian president signed a decree on the recognition of independence of South Ossetia and Abkhazia, referring the end should be put to what Georgia had done to the population in those regions. The war of 2008 became a catalyst to the South Ossetia and Abkhaz political process, but no less the catalyst was the Kosovo independence.

Despite of the contradicting attitude towards the recognition: in the case of Kosovo, the Kremlin fiercely opposed independence, giving the support for Serbian territorial integrity; in the

¹⁸² "A Long Road from Kosovo to Kurdistan," Asia Times Online, accessed March 10, 2012, <http://www.eubusiness.com/news-eu/1203714121.65/>.

¹⁸³ "Russia not getting ready to recognize Kosovo - Lavrov," RIANovosti, accessed May 7, 2012, <http://en.rian.ru/russia/20090220/120237609.html>.

¹⁸⁴ "Moscow on Kosovo: no means no!," RT, accessed May 10, 2012, <http://rt.com/politics/moscow-on-kosovo-no-means-no/>.

¹⁸⁵ "Russia-US clash at ICJ over legality of Kosovo's UDI," Kosovo Compromise, accessed April 10, 2012, <http://www.kosovocompromise.com/cms/item/topic/en.html?view=story&id=2378§ionId=1>.

case of South Ossetia, the Kremlin ‘preferred’ the right for self-determination over the territorial integrity of Georgia. The arguments which Mr. Medvedec brought up in favor of the Ossetian and Abkhazian independence were the following:

- 1) “Recognition of the independence of Abkhazia and South Ossetia is a necessary condition for the security of the peoples who live there.
- 2) Both republics already have all the necessary attributes of independent states, including democratically formed institutions of government, legislation and armies.
- 3) After Georgia refused to hold the March 1991 referendum on preserving the [Soviet] Union, its sovereignty no longer extended to the territory of South Ossetia and Abkhazia either de jure or de facto; by its arbitrary decision, the Georgian parliament deprived these republics of the status of autonomous entities, provoking civil resistance.
- 4) In demanding recognition as independent states, Abkhazia and South Osetia are acting in accordance with international norms, exercising the right of nations to self-determination.”¹⁸⁶

As it is seen, recognition of South Ossetia and Abkhazia by Russia’s leadership was done first of all, as a response to the recognition of Kosovo by the US, and UN member states. Secondly, as a counter measure to the aggressive actions by Georgia and genocide of Ossetian civilians, which Russia furiously tried to presents, and humanitarian disaster after the war. It is what can be said about Russia’s actions on the ground, however the bigger picture is somewhat different: Russia has always insisted that the CIS was a top foreign policy priority¹⁸⁷ and wanted to keep the post-Soviet space within its sphere of influence, and with the Saakashvilli’s presidency and his agenda to restore Georgia’s territorial integrity and clear move towards the ‘West’, the Kremlin had chosen the separatist regions as means of leverage for Tbilisi. Though, the ‘creation’ of new states on the territory of Georgia was not the primary goal for Moscow, due to existing circumstances the recognition of South Ossetia and Abkhazia turned out to be the instrumental tool in much larger ‘confrontation’ between the Russian Federation and the US with

¹⁸⁶ Ana K. Niedermaier, *Countdown to war in Georgia: Russia's foreign policy and media coverage of the conflict in south Ossetia and Abkhazia* (Minneapolis, Minn.: East View Press, 2008), 417.

¹⁸⁷ *Ibid*, 327.

NATO. Besides, having recognized these republics, Russia can bypass Georgia and directly sign state-to state agreements on locating Russian military bases there.¹⁸⁸

¹⁸⁸ Ana K. Niedermaier, *Countdown to war in Georgia: Russia's foreign policy and media coverage of the conflict in south Ossetia and Abkhazia* (Minneapolis, Minn.: East View Press, 2008), 418.

Conclusion

Since the break up of the Soviet Union, Russia's foreign policy was spinning around the post-Soviet space. With the emergence of the CIS, Moscow tried to keep influence over domestic and foreign policies of its member states. At the same time former republic of USSR – Georgia - tried to pursue its own political course in foreign relations as well as in domestic affairs. The dissolution of the Union led to the aspiration of the separatist movements on the territory of Georgia – South Ossetia and Abkhazia. Conflicting regions became the best means and reasons for Moscow to interfere in to the region. Since then and up to 2008, Russia was actively involved in the conflict settlement, providing peacekeeping forces for the secessionist territories.

Russia's involvement in the conflict was conditioned by its long-term interests to maintain its influence in the 'near abroad', therefore the Kremlin was balancing between the support for self-determination claims of South Ossetians and not granting the full recognition to them. After the break up of the Soviet Union, South Ossetia made an attempt to declare independence and expressed the wish to be unified with North Ossetia, however it did not lead to official recognition or unification. Since then, Lyudvig Chibirov, the president of the self-proclaimed republic, wanted to gain substantial cultural autonomy within Georgia and was cooperative with Georgian authorities in the conflict-settlement process. Thus, the conflict had been in the 'frozen' phase from 1993-1999, the relative stability could be observed between all parties involved.

However, significant changes started when Vladimir Putin became a Prime Minister. At the time, Russia had a considerable weight over the range of issues in the European countries, as it was a supplier of cheap energy resources to Europe. Of course, Europe wanted to diminish Russia's role in the transportation and supply of gas and oil. Therefore, the new alternative

Baku-Tbilisi-Ceyhan pipeline project gained momentum in 1998¹⁸⁹ and construction followed in 2003. The project implied political motives to diminish Russia's influence and role in the Europe, bearing this in mind, the Kremlin chose the weakest link in the chain – Georgia, and used all available means to push on Tbilisi.

By the early 2000 Georgian authorities became less loyal to Moscow and with the open declaration to join NATO, Russia's leadership staked on breakaway territories. First of all, it slowed down the process for Georgia to join NATO, as unresolved ethnic and territorial disputes on the territory prevent state to gain membership in NATO. Secondly, escalation of conflict became a means to push on Tbilisi and thirdly, Russia can arrange its military contingent on the separatist territories.

Thus, since the time of Putin presidency and deterioration of relations with Georgia, due to turn of political orientation towards the 'West' and NATO (after the Rose Revolution), Moscow started actively taking under the control the territory of South Ossetia: appointment of 'right' people to the leading positions, who were pursuing Russian interests; and granting citizenship to the overwhelming majority of South Ossetians, which later became the main reason to interfere in the war and as a result grant independence to South Ossetia and Abkhazia.

Concerning South Ossetia, it became an instrumental tool for the Kremlin in its long-term strategy to maintain the near abroad within its sphere of influence and be the answer for NATO, the US and Europe for Kosovo. By the time of dissolution of Soviet Union South Ossetian leadership and elite was concerned about gaining the cultural autonomy, the claims for self-determination came later when the autonomy was abolished and with the escalation of Georgian nationalism manifested by Gamsakhurdia. Nevertheless, during the Chibirov presidency his main

¹⁸⁹ "The Baku-Tbilisi-Ceyhan Pipeline: Implications for Turkey," Zeyno Baran, accessed April 10, 2012, http://www.silkroadstudies.org/BTC_6.pdf.

agenda was cooperation and conflict settlement, which by 2000 was not the course needed for the Kremlin. Thus, when Kokoity was elected and his top priority was to gain independence. But, despite of the fact that origins of self-determination claims of South Ossetians have roots in Soviet period, due to its national policies, the push and motivation for self-determination which implied secession was given by Moscow.

Even though South Ossetia is referred as *de facto* state, on the ground it became Russia's puppet state from 2000-2008. Despite this fact that independent statehood and recognition was a primary goal for South Ossetian elite, it had to play by Moscow rules, because otherwise, it had no one to turn to or who would provide financial support to the region. Nevertheless, despite of such a strong support for independence and self-determination claims, Russia did not grant a full recognition to South Ossetia, though proposals had been send for several times by Ossetian and Abkhaz leadership to Moscow. For authorities in Russia, creation of several states on the Georgian territory was not the plan from the beginning, the recognition itself occurred simply out of set of interacting circumstances in the head of which was the recognition of Kosovo.

Appendix

(CIA Factbook)



Location:

Southwestern Asia, bordering the Black Sea, between Turkey and Russia

Ethnic groups:

Georgian 83.8%, Azeri 6.5%, Armenian 5.7%, Russian 1.5%, other 2.5% (2002 census)

Languages:

Georgian 71% (official), Russian 9%, Armenian 7%, Azeri 6%, other 7% ¹⁹⁰

¹⁹⁰ CIA - The World Factbook – Georgia (April 28, 2010).
<https://www.cia.gov/library/publications/the-world-factbook/geos/gg.html>.

Table 1

(Taken from Illarionov, Andrei. “The Russian Leadership’s Preparation for War 1999-2008.” In The Guns of August 2008 Russia’s War in Georgia, edited Svante E. Cornell and Frederick Starr. New York: M.E. Sharpe, Inc, 2009.)

Russian Citizens in the Military and Political Leadership of South Ossetia, 2004-08:

Barankevich, Anatoly Konstantinovich , lieutenant-general; Minister of Defense of South Ossetia, July 6, 2004 – December 10, 2006; Secretary of Security of Security Council of South Ossetia, December 11, 2006 – October 3, 2008.
Yarovoy, Anatoly , FSB major-general; Chairman of KGB of South Ossetia, January 17, 2005 – March 2, 2006.
Chebodarev, Oleg , FSB colonel, chief of the State Border Guard of South Ossetia since 2005.
Mindzaev, Michail , FSB lieutenant-general; Minister of Interior, April 26, 2005 – August 18, 2008.
Morozov, Yuri Ionovich , prime minister of South Ossetia, July 5, 2005 – August 18, 2008.
Dolgopolov, Nikolai Vasiljevich , FSB major-general, Chairman of KGB of South Ossetia, March 3, 2006 – November 8, 2006.
Attoev, Boris Majitovich , FSB lieutenant-general, Chairman of KGB of South Ossetia since November 9, 2006.
Laptev, Andrey Ivanovich , lieutenant-general, Minister of Defense of South Ossetia, December 11, 2006 – February 28, 2008.
Kotoev, Vladimir Kuzmich , FSB colonel, Chairman of State Protection Guard, since 2007.
Lunev, Vasily Vasiljevich , lieutenant-general, Minister of Defense of South Ossetia, March 1, 2008 – August 18, 2008, from August 9 also Commander-in-chief of the 58 th Army of the North Caucasian Military District.
Tanaev, Yury Anvarovich , major-general, Minister of South Ossetia since October 31.
Bulatsev, Aslanbek Soltanovich , FSB colonel, prime minister of South Ossetia since October 31, 2008.
Bolshakov, Alexander Michailovich , Chief of the South Ossetia Presidential Administration since October 31, 2008

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