

**RUSSIAN-GEORGIAN WAR
IMPLICATIONS OF UNILATERAL INTERVENTIONIST POLICY
AND CONDITIONS UNDER THE RESPONSIBILITY TO PROTECT**

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War is more than a true chameleon that slightly adapts its characteristics to the given case.

With the collapse of the Soviet Union and Yugoslavia, the power structure within international relations has changed. During the last two decades, civil wars and ethnic conflicts have become more common than major wars. States encountered with internal fragmentation and political instability became unable to mediate during internal and ethnic conflicts. Issues concerning borders and secession rights have created new waves of tension within the field of international politics. Escalation of intrastate conflicts, often followed by mass human rights violations and based on ethnic antagonism, has forced the international community to intervene. International community has become engaged in peace settlement processes in different parts of the world.

At the beginning of the new millennium, human rights have become a crucial factor in determination of international security. The notion of human security and the need for international human protection mechanisms have shifted traditional threat perceptions, which have existed in the international system since the end of the Second World War. Humanitarian issues have recently started to play an important role in international politics. The structural change within the international system has also adjusted the foreign policy objectives of the great powers. Military interventions done for human protection during the peace enforcement operations have become an exceptional and extraordinary measure used by great powers as an instrument in achieving their foreign policy objectives.

During the ethnic conflicts in Somalia, Bosnia, Rwanda and Kosovo, the international community was unable to agree on rules for handling human rights violations and war crimes, and also failed to reach a consensus on the implementation of humanitarian intervention. The escalation of the situation in the Balkans, as well as in different regions of Africa increased the need to develop new international peace making mechanisms and an appropriate legal system to deal with crisis situations, particularly when the UN Security Council is blocked by the veto right of one of its five members. Throughout the last decade the Western countries unilaterally launched military interventions for humanitarian purposes, which in most cases bypassed the legally adopted UN framework. Traditional ideas regarding peace making and peace building have been replaced by new ones, presented in terms of liberal peace or the western way of peace making through intervention from the

outside. In this case, a further dilemma has risen during the discussions of legitimacy of unauthorized military intervention, driven from the moral responsibility of the great powers and the effectiveness of traditional legal norms under the changed circumstances of the world order. These have all given impetus to the development of de facto norms advocating external military intervention, and have stipulated the emergence of the initiative of *responsibility to protect* which also provides another kind of justification for military intervention. With the deployment of liberal peace principles in this way by the Western states, little space has been left for alternative approaches for resolving internal conflicts and creating peace settlements. Moreover, the external interventions done from humanitarian objectives for peace building purposes during internal conflicts have set certain templates.

Since the end of the Cold War, the great powers have been involved in peace settlement processes in many different parts of the world. Since the collapse of the Soviet Union, Russia, in an attempt to maintain its regional power status, has actively taken part in peace building operations and settlement of internal conflicts within the territories of the post-Soviet states. Russia's military intervention in Georgia in August 2008 and the argumentations made to justify unilateral and unauthorized use of force in terms of liberal peace took many western policy-makers and experts by surprise. In order to defend its military involvement in Georgia, the Russian government referred to the principles of peace settlement used by NATO member states during the humanitarian intervention in Kosovo and the responsibility to protect. The article presents motives of great powers in terms of intervention policies and explains the conditions and circumstances discussing how new emerging interventionist norms and principles of the liberal peace adopted and adjusted by Western states are used by the Russian government to justify its military actions in Georgia. The main point of the research is, through an analysis of the August War and its consequences, to identify the challenges and failings within peace settlement processes caused by the application of interventionist norms by individual actors of international relations.

The August War and its consequences have led to the continuation of international debates over the '*right of humanitarian intervention*', the legal aspects of foreign military intervention, approaches to settling frozen conflicts, mechanisms of peace-making, peace-building processes and foreign policy objectives of the great powers within the framework of the responsibility to protect. The study presents the implications of Russia's intervention policy in South Ossetia for emerging interventionist norms and international politics. The article answers to these questions. What does Russian military intervention in Georgia tell us about the nature of the emerging interventionist norms? What are the conditions under which the concept 'responsibility to protect' might provide an opportunity for great powers to instrumentalise humanitarian aspect and peacekeeping operations to achieve their security and foreign policy objectives?

In recent world politics, the human security is linked with security strategy objectives of the great powers. Outside involvement of certain states in peace-making and peacekeeping operations during internal or ethnic conflicts can be explained by their foreign policy motives and security strategies. Russia's military involvement as a part of its peace-making operations in Georgia underlined the existence of challenges and gaps within several issues. First of all, it should be mentioned that there is a standard of great powers initiating peacekeeping operations to achieve certain political objectives on regional and international levels. The main difficulties emerge in determining the line between peace building strategy and self-concerned foreign policy strategy of the great powers. Furthermore, the mechanisms of peacekeeping and peace-making operations developed by the international community are limited to avoid the process of instrumentalisation. The internal conflicts based on border disagreements and secessionism in South Caucasus on the one hand, and Russia's involvement in the peace-making/peacekeeping processes as a guarantor of stability and peace on the other hand, has provided an opportunity for the Russian government to maintain its political and military influence in the region even after the collapse of the Soviet Union. In the words of Clausewitz, it was a continuation of policy with other means, adapted to new circumstances.

The second issue describes the challenges caused by attempts done to institutionalize humanitarian intervention and interventionist norms under the conditions of the liberal peace. As could be observed during the last few decades, the Western states have attempted to institutionalize a new international security framework which emphasizes the development of new international norms which includes the promotion of democracy and protection of human rights even by interventionist means and policy. After NATO's intervention in Kosovo, advocates of humanitarian intervention have tended to justify new interventionist norms in the framework of the liberal peace and have argued that the state-based norms, which seek to safeguard the right of sovereign equality of states and non-intervention, are failing to meet the current objectives of international security.

It is worth mentioning that the military actions launched in Kosovo were considered successful by western states. Also, with the development of the responsibility to protect, there appeared a kind of legal framework to justify military intervention under humanitarian purposes. The emerging interventionist norms were to be a legal basis to which great powers could refer for legitimization or justification for the use of force outside of their own territories. However, the same application of this approach by the Russian government in August 2008 during the military intervention in Georgia caused several disagreements and met confrontation by the West itself. Through its military actions in South Ossetia, Russia seems to have made the transition to 'Western-style' foreign policy-making, where the projection of power abroad is less about narrow strategic interests, thereby making foreign intervention a much more self-conscious, introspective and problematic activity. An interesting question arises if we try to understand why there emerge contradictions concerning the application of interventionist norms by

a non-western state. It is worthwhile to study where the challenges and gaps are within the particular norms, i.e. the norms defined in terms of the right of humanitarian intervention and the responsibility to protect.

The final issue which should be analyzed is the difficulties caused by the inevitable recall of the precedents established after the military interventions. Currently, there is a lack of a stronger international authority able to coordinate the use of force and prevent the development of further tensions and consequences. Through military intervention in Kosovo in 1999 and recognition of it as an independent state, Western states created a precedent which was used by the Russian government in the South Ossetia conflict in Georgia. If we try to draw parallels between the Kosovo case and the case of South Ossetia, we see that the foreign military interventions and the justifications for such actions followed this same trajectory. By supporting the right to secession – Western countries in Kosovo and Russia in South Ossetia, as well as in Abkhazia – the great powers provided a precedent for settlement of future frozen conflicts. This fact is undeniable. In other words, one could say that Pandora's Box has been opened, and that Western countries have recognized and realized it after Russia's military involvement in Georgia and, following the August War, recognition of both conflict regions as independent states.

As the analysis of the case will demonstrate, there is certain vagueness and gaps within the concepts and mechanisms forming principles of humanitarian intervention, de facto interventionist norms; namely, the responsibility to protect, and peace-making operations. These norms leave an open door for great powers to manipulate them and achieve their policy ambitions. Since there is a lack of authority in the international system to coordinate the use of force in terms of human security, certain states chose their own ways of solving challenges emerging after the Cold War. Development of new interventionist norms will contribute to legitimize their policies. Without political consensus and clear rules over the implementation of humanitarian responsibilities, the international community will not be able fairly exercise the emerging norms. Otherwise, the liberal norms of international law will be misinterpreted or the existing gaps will be used to justify the ulterior motives of the states. As demonstrated during the August War, despite the misuse of the norms and irrational justifications provided by the Russian government, the international community was not able to prevent such a sequence of events.

The first part of the article deals with Russia's security strategy and foreign policy objectives in the South Caucasus, and how these are linked with its peace-making operations, mainly in Georgia. The second part describes the legal framework and elaborates the different aspects of the emerging interventionist norms – the responsibility to protect concept and the right of humanitarian intervention. The third, and last part covers implications of the August war on international law and emerging interventionist norms.

Part I:

Enforcing Peace in the South Caucasus: Perspectives of Russia's Security Strategy and International Policy

Since the collapse of the Soviet Union encountered with sequences of several system reform crises, Russia's security concept and foreign policy has turned to be adjusted to the new circumstances of the post-Cold War world order. The security concept itself is a flexible term and for the great powers, as for Russia, its meaning is legitimately, indeed almost necessarily, expanded to the something beyond simple self-defense. The security dynamics evolved at domestic, regional and international levels have shaped Moscow's security strategy and foreign policy objectives. Also, changes within the power structure in the world order and the escalation of the ethnic conflicts in its neighborhood had another impact on formation of Russia's political discourse at the beginning of 1990s.

Until the summer of 1992 the Kremlin's foreign policy course developed in pro-western and universal directions based on the idea of "*new thinking*" (*novoe mishlenie*) and considering political integration to European security structures. However, the 'idealistic' discourse of Russian foreign policy at one side and the western perceptions of Russia as a *junior partner* at another side, were decreasing Russia's traditional status as great power within the new power structure of the international relations. All these led to internal fragmentation among political elite in Moscow and stipulated development of conservative foreign policy strategy.

A new phase in Russian foreign policy has started with re-determination of its sphere of influences in the territories of post-Soviet states, where Russia historically and traditionally played a crucial role. By pursuing policy of *eurasianism* (*evrazijsstvo*) after 1992 Russia was intended to restore its power status first in terms of geopolitics. Maintenance of the political and military dominance in the territories of the post-Soviet states and involvement into the conflict settlement processes in Caucasus and Central Asia became main objectives of Russia's security strategy. Escalation of internal conflicts, based on ethnic disagreements, in the South Caucasus has created an opportunity for Moscow to be involved into the conflict settlement processes. Consequently, such option contributed to the development of military dominance of Russia in the region. Moscow has instrumentalized the peace-making and peacekeeping operations for political purposes. By becoming a central power in the Eurasia, Russia attempted to achieve a power balance between west and east within the international system. At the same time, the decisive factors of Russia's new security strategy were including the main issues concerning "how political power is defined, acquired, legitimized and used" and "how the outside world is regarded and addressed".

To gain a better understanding of Russia's security strategy and foreign policy objectives and the way of its involvement into the peace-making policy the security

dynamics at regional and international levels should be elaborated. First, going through the analysis of constitutive elements of Russia's political intercourse at the regional level will explain its great power policy during settlement of the internal conflicts emerged after the dissolution of the Soviet Union in the South Caucasus. The main assumption is that the changes of Russia's regional policy and security objectives are directly connected with the structural change of the power relations in the current international system.

1.1. Russia's Security Strategy and Internal Conflicts

Generally the extremes of national and global securities interplay at the regional level and the security of the separate units are grasped by the regional security dynamics. After the collapse of the Soviet Union, the complexity of Russia's security strategy mainly has been defined within the terms of regional security and in curious way connected with maintenance of its political, economical, cultural and military influence in the territories of the states in South Caucasus and Central Asia. Moscow has perused the foreign policy with new independent states on the principle of the core and periphery where Russia intended to play the role of the central power. The post-Soviet space has been defined Russia's sphere of influence and it was considered as an important aspect of the foreign policy and security strategy. The main aim of such strategy was to prevent or minimize the interference of external actors into the political, economical and cultural processes in the territories of the post-Soviet States.

At the early 1990s the countries of the South Caucasus have faced with challenges caused by ethnic and territorial conflicts – in South Ossetia, Abkhazia and Nagorno Karabakh. The regional security was threatened by instability and crisis situation. The possibility of spreading out the ethnic tension to the territories of North Ossetia and Chechnya was threatening the territorial integrity and the security of Russia's south borders. For Russian policymakers, at the first place, it was important to take control over the situations and restore its regional power status. Moscow intervened both openly and covertly into the internal affairs of the post-Soviet states, ostensibly for peace building purposes, and has repeatedly sought international sanction via the UN, OSCE and CIS for its actions. Russian military involvement was considered as crucial factor to re-establish the status quo and peace in the region from Russian perspectives. Also at the beginning of the 1990's the western states were busy with restoring peace and stability in Balkans and Russia's involvement into the peace-making operations in Caucasus was considered as a best alternative.

The circumstances which naturally happened in the South Caucasus set appropriate conditions for Russian government to continue its regional power policy. To maintain its political dominance and achieve security strategy ends in the South Caucasus Russia has used military instruments, namely launched peace making operations in the conflict regions. As a part of the peace making operations

Moscow sent military troops and continued to keep Russian military bases in the territories of the independent states for peacekeeping and humanitarian purposes. However, the transformation of the Russian military troops into the peacekeeping missions failed, because of undefined principles of the peacekeeping/making activities and characteristic of military operations during the armed conflicts.

Throughout the history of the conflicts Russia has been involved at different levels into the conflict settlement processes. In Nagorno Karabakh its peacekeeping activities have been limited in the framework of OSCE – Minsk mission. But in South Ossetia and Abkhazia Russian military troops have maintained their pre-eminence within multinational peacekeeping forces qualitatively and quantitatively. This has enabled Russian government to control joint commissions established to oversee peacekeeping/making operations. Later, peacekeeping missions have been instrumentalized by Russian government and its military dominance in Georgia gave a *carte blanche* to control political situation in the region.

However, Russia's military involvement in peace-making processes cannot be determined in terms of neutrality. The several issues were mentioned by government officials to justify Russia's military dominance and involvement in peace making process in the '*near abroad*'. At the first point it was argued that Russia as the successor of the former Soviet Union has a special role to play in the region which it has traditionally ruled. The next argument described the territory of the former Soviet Union as a geostrategic space in which Russia has special interests. The third argument has been related to Russia's special responsibility for the security and well-being of Russian citizens, ethnic Russians, and Russian-speaking communities throughout the CIS. Finally Russia's involvement was justified by its regional and global responsibilities which emerge from its great power status.

To deflect criticism within the UN structures regarding Russia's unilateralist/interventionist policy, Moscow's leadership adopted two strategies: "first, it demanded an extended role for the CSCE/OSCE in conflict resolution and peacekeeping operations, realizing full well that this body is too weak to be able to deliver on that front. Second, it put pressure on other former Soviet republics to join the Commonwealth of Independent States (CIS), especially those suffering dire economic problems, and then it started to use the CIS as a mechanism both to further Moscow's own interests in relations with other CIS states, and "also to explore with international organizations possibilities of cooperation, particularly in the area of crisis and conflict management". The attempts to form peacekeeping and peace-making missions under CIS, indeed, were considered military dominance of Russia during conflict settlement.

Russia's foreign and security policy objectives significantly are differing in the South Caucasus from Central Asia. Here Moscow has been clearly pursuing a foreign policy which is not based on consensus and cooperation, rather on the

national interests of Russian Federation which are connected with the maintenance of the stability in the North Caucasus. If at the early 1990s the South Caucasus was the absolute priority for Russia, today Russia officially does not claim that the region is exclusive sphere of influence, but rather refers to it as “there are regions in which Russia has privileged interests... with which Russia shares special historical relations and is bound together”. In the South Caucasus Russian foreign policy-makers are seeking to preserve their exclusive role through being involved directly into the settlement processes of the frozen conflicts.

Existence of military troops in the territory of the Georgia established unconditional authority of Russian government in the conflict regions, which provided an opportunity for the latter to direct peacekeeping missions according to its political will and interests in the region. The physical existence of military troops in the territory of the Georgia not only provided advantages for Russia’s foreign policy at the regional level, but also increased its influence at the international level. And throughout the history of the conflicts in Georgia there have been established a perfect condition for Russia’s power performance. By demonstrating its power and influence at the regional level, Russia got an opportunity to manipulate international developments and restore its great power status.

1.2. The peace-making policy in Georgia

At early 1990s the intentions of the South Ossetian autonomic oblast to get another higher status or to unite with North Ossetia caused political disagreements in terms of Georgia’s territorial integrity. The tension in the region increased after the declaration of self-independence by South Ossetian Higher Soviet (Council) in 20 September 1990. Consequently, issues regarding Georgian territorial integrity were questioned. The state administration under President Zviad Gamsakhurdia called the independence declaration illegal and abolished existed autonomy status of the South Ossetia in December 1990, which led to the escalation of the conflict between autonomic oblast and Georgian government. The disagreements followed with internal instability and military violence in the region.

Russian Federation as a direct successor of the Soviet Union, bound with obligations of *Sowietföderalismus* became directly involved into the conflict. The federal system existed during the Soviet Union determined administrative status of the autonomic regions in terms of direct dependence from the center. Essentially, self-administration of the South Ossetia was coordinated directly from Moscow rather than from Tbilisi. During the escalation of the situation in the South Caucasus the former president Michael Gorbachev was issued a decree in January 1991 where Georgian government was accused in violation of the Soviet Union Constitution by abolishing autonomy status of the South Ossetia. A new status was promised to the South Ossetia within a new federal structure that included political and military assistance from Moscow.

After changes in political administration in Moscow in spring 1991 and later in Tbilisi increased attempts for peaceful settlement of the conflict. Moscow took the role of mediator in peace negotiations and in June 1992 the ceasefire agreement (Sochi Agreement) was signed between Boris Yeltsin, the president of Russian Federation, and Eduard Shevardnadze, the president of Georgian Republic. However, the agreement has bypassed issues concerning the status of the South Ossetia within territory of Georgia and described the conflict between the ethnic Georgians and Ossetians. In fact, this served to freeze the conflict in a form that maintained the de facto separation of South Ossetia from the rest of Georgia. According to the ceasefire agreement, Tskhinvali, the capital of the South Ossetia, was controlled by the separatist regime, and villages in the conflict zone remained split between those inhabited and controlled by the Georgians and those inhabited and controlled by the Ossetians.

Since 1992 Russian peacekeepers have been stationed in the South Ossetia under the terms of the ceasefire agreement. The 1992 “Agreement on the Principles of the Settlement of the Georgian-Ossetian Conflict between Georgia and Russia” produced a ceasefire and a Joint Control Commission (JCC), a quadrilateral body with Georgian, Russian, North and South Ossetian representatives, and participation from the Organization for Security and Cooperation in Europe (OSCE). However, the OSCE mission in South Ossetia had no mandate over the peacekeeping operations and its presence in the region has been frequently mentioned as an example of capable form of cooperation between Russia and OSCE in the conflict resolution in CIS. The established Joint Peace Keeping Forces under Russia’s supervision were responsible to restore peace, maintain law and order in the zone of conflict. Despite the ceasefire agreement between South Ossetia and Georgia, the several cases of escalation and violation of the ceasefire were noticed on de facto borders of the conflict parties. The situation was always marked by intensive interactions.

In parallel with the conflict in South Ossetia, Russian government also has become involved in the conflict resolution processes in Abkhazia in 1993. In reality, Russia’s intervention, disguised as peacekeeping mission to restore the status quo, led to the negative criticism among political elite in Georgia. Its military dominance in the conflict regions has been considered as a challenge. When Russia entered as the ‘solution’, it is often accused of freezing rather than solving the conflict in order to continue to utilize it. The main characteristic of the involvement into the conflict resolution processes in Georgia can be described as relation within a triangle among secessionist minority, the Georgian state and Russian government. At the same time Russia’s involvement into the conflict settlement process left it with open-ended commitments.

For Russian policy it was priority to prevent outside intervention into the conflict settlement processes in South Caucasus. On that way, the main task was to prevent internal political fragmentation emerged in autumn of 1992. The political gap was increasing among Russian state officials regarding the implementation of the

peacekeeping operations. The disagreement on peace-creation doctrine emerged between president Yeltsin and foreign minister Kozyrev, on the one hand, and the defense ministry on the other. Yeltsin and Kozyrev were emphasizing the importance of much more aggressive and tough line on peace-creation policy, focusing upon Russia's 'special rights and responsibilities'. Also disparity increased between JCC commander and Russian defense minister during discussions weather peacekeeping operations should be done in collective or unilateral framework.

CSCE report on conflict situation in Caucasus published in 1993 led to the intensification of the international pressure on Russia. Also in summer 1993 U.S. government called for American involvement in the conflict resolution in the former USSR and for much stronger control by UN over the peacekeeping activities there. At the one side, Russia needed legal and financial backing from international community, but negatively reacted to its intention of interference into the Russia's internal affairs and it sphere of influence. If at the early stages of the conflict international community was not involved actively in peacekeeping operations in the region and Russia more or less had full control over the situation, after that Russian government found out itself under the international pressure. After the CSCE report, the conflicts in South Caucasus, mainly conflicts in Georgia, got an attention of the western countries. The possible involvement of US and European countries into the conflict resolution processes was considered as an alternative option to Russian peacekeeping mission by Georgian side.

Seeing western support, Georgia has started to change its political course in direction of European integration and implied on its intention to leave CIS. However, Russia's military dominance as regional power and mediator provided an opportunity to use the conflict settlement as a bargaining chip to achieve its political ends and maintain its political influence. Through manipulating with support of rebellions Russia eventually offered assistance to Georgia for a price. In this case the price was Georgian re-entry into the CIS and acceptance of military cooperation with Russia in terms of CIS peacekeeping and permission for Russian military bases. Acceptance of these conditions by Georgian side provided Russian government with an opportunity to manipulate with the crisis situations to achieve its political objectives and keep its control in the region. Several times Georgian political opposition and some politicians had tried to present Russia as a conflict party and called for more international involvement into the conflict settlement processes. Despite disagreements, the situation in the disputing territories of Georgia could be described as stable in the framework of ceasefire agreement until 2000.

The new phase in Russian and Georgian relationship has started at the beginning of the new millennium, which led to the decrease of Russia's power status in the region. New elected Georgian government has started to mishandle its relationships with Russia and South Ossetia, abandoning real confidence building and often following confrontational policies towards the conflict regions. The new government led by Michael Saakashvili conducted anti-Russian policy and demonstrated an

intention to integrate to the western military and security structures, namely into the NATO. The main goals of the new government concerning to the conflict in South Ossetia were internationalizing it by involving the U.S. and European countries, transforming it to Georgian-Russian conflict and presenting as an example of Russian neo-imperialism policy and rejecting the exclusive role of Russia as a guarantor of peace. These actions were reviewed as a threat to Russia's great power status and security strategy in region.

Changes of political perceptions regarding the global peace and security issues at the beginning of twenty first century had its impact on the conflict situation in the Caucasus. The threat of terrorism has become a focus point of securitization policy in the region and a ground for involvement of external actors, on another hand. In early 2002, U.S. forces assisted Georgia in fighting so called terrorist groups linked to both al-Qaeda and Chechen rebels in the Pankisi Gorge. The rise of U.S.-Georgia cooperation in the framework of NATO has shifted the power relation in the region, against Russia's interests. With its intention to get NATO membership Georgia was viewed as a *Trojan horse* in the Russia's near abroad. Russia has come to recognize the limits of its power. On the other hand, with the escalation of crisis situation in Balkans and change of international situation, followed unilateral-interventionist actions of the Western countries offended Russia's power status in international system. The decisions made by Western countries concerning Kosovo and NATO's enlargement to the East which in most cases bypassed Russia's policy interests and positions forced Russian government to react to protect its great power status in international system.

The old rules shaped after the collapse of the Soviet Union by Russian government did not worked any more. Medvedev-Putin administration has started to set up new rules which will redefine the power relations without giving up Russia's paramount position in the area. Also developments in regional and international levels are instrumentalized to restore Russia's status as a central power in the region and as a great power in the international politics. As it was stressed by George Friedman, Russia also responded to the western policy in Kosovo by implementing military actions in Georgia where they had all the cards. From that point has started new phase in Russia's foreign policy, which has been tended to shift power relation not only in the South Caucasus but also in the world order.

1.3. The August War

Throughout the history the intervention policy done by external actors has been intended to influence internal affairs of other sovereign states and change existed political regime. During Putin's administration, Moscow steadily built up the presence of its military personnel in the South Ossetian, and Russian recognition of Georgian territorial integrity seemed to be expressed narrowly in the sense of not voicing territorial claims on Georgia. The tension between governments of Georgia and Russia was challenging the conflict resolution processes in South Ossetia and

principles of peacekeeping operations. The situation in the conflict region started to change radically in March 2008, when Georgia unilaterally withdrew from Joint Control Commission overseeing peace negotiations over the conflict in South Ossetia and afterwards as a respond to this action in April of the same year Russian President passed a decree on the establishment of direct legal ties between Russia and the Georgian separatist regions of Abkhazia and South Ossetia.

On May the number of Russian peacekeepers was increased in both conflict regions. Tbilisi started accusing Russia in preparation for a military intervention in Georgia. In July and August 2008 the situation in the conflict region deteriorated sharply and followed by frequent violations of the ceasefire agreement. On August 3, the Russian Ministry of Foreign Affairs blamed Tbilisi of aggravating tensions in the conflict zone and announced that Moscow will undertake efforts to defuse the tensions on the ground. The situation started to escalate. A thousand 'volunteers' came from North Ossetia to South Ossetia. Georgia accused Russia of direct complicity in allowing such 'mercenaries', and their military hardware, through the Roki tunnel (connecting South Ossetia with North Ossetia), while Russia claimed that the movement of Georgian troops and heavy armor to the conflict zone betrayed preparations for war.

The military operations continued occasionally in the conflict zone of the South Ossetia without involvement of Russian militaries until 8th of August 2008. Russian military forces launched first attack and full scale war after the Georgian militaries entered into Tskhinvali and Russian peacekeepers were killed. The frozen conflict between South Ossetia and Georgia has transformed into open combat between Russian and Georgian troops. The asymmetry between military capabilities was obvious. The war completely broke the status quo in South Ossetia. By the involvement of Abkhazia, another disputed area, into the conflict the situation changed political-legal configuration in Georgia.

By demonstrating its power and influence at the regional level, in the territory of the Georgia, Russia has gotten an opportunity to manipulate international developments, on another hand. The existence of certain, de facto norms and rules regarding the peace-making operations and humanitarian intervention which are applied by Western states in Balkans and other crisis situations has provided Russia with a legitimate ground to justify its actions in South Caucasus. In other words, during the August War the scenario written by the western countries for Kosovo was used by Russian government in South Ossetia, later in Abkhazia, challenging the territorial integrity of Georgia. Also the primary involvement of Russia in conflict settlement processes in Georgia throughout the history of the conflicts and its military dominance in the regions created advantageous situation for its power policy.

The Russian-Georgian war directly presented challenges of legality of the intervention and the limits of Russia's so called peacekeeping operations. But in any case the August War can not be considered unexpected or spontaneous. Deployment of

Russian troops, their intervention in South Ossetia and then involvement deeper into the territory of Georgia indeed was a planned and predicted. However, Moscow insisted on that the war was defensive and retaliatory, in response to Georgia's massive attack on Tskhinvali and on the locally deployed Russian peacekeeping contingent and the war was neither desired nor provoked by Russia. On their argumentations Russian politicians tried to convince the international community about Georgia's "aggressive intentions" against South Ossetia.

Russian officials have provided various justifications for the military intervention in South Ossetia, including the arguments based on international law, new emerging concept responsibility to protect and principles used by western states for interventions in the Balkans and in other parts of the world. These justifications have been intended mainly for an international audience, since the Kremlin seems to have expected that a basic self-defense argument would be sufficient to win domestic backing and that this would enable it to disregard domestic legislation that requires a resolution of the Federation Council to authorize the use of armed forces outside Russia's borders.

1.4. Toward new ceasefire agreement and restoring Russia's power dominance

As it might be observed from historical trajectory of Russia's involvement into peacekeeping and peace-making operations, three phases of Russia's power policy in relation with other factors could be distinguished. First phase encompasses period from early 1992 to 2000, when Russian government hold whole control over the conflict situation and maintained its military and political dominance in the region. The second phase differs with decline of Russia's influence in the region caused by involvement of external actors, namely after NATO's enlargement to East. The third phase started with the August War and internationalization of the conflict which intended to restore Russia's traditional power status not only in the region, but also on international level.

The August War forced international community to react to the crisis situation in South Caucasus. It had called upon all parties involved to immediately cease all violence from the very beginning of the escalation. UN Security council has failed to reach a common position concerning the issue. Then a high-ranking delegation consisting of representatives of the EU, the U.S, and the Organization for Security and Cooperation in Europe arrived in Georgia to mediate between the parties. France became actively involved into the mediation processes. Mediation by French President Nicolas Sarkozy produced a six-point ceasefire agreement signed on 15-16 August 2008, which included cessation of military actions, withdrawal of military troops, re-establishment of status quo before the war, return of IDPs, return of Russian military forces to their pre-conflict positions and undertaking of additional security measures by Russian peacekeepers in territory of disputed regions, and open of international discussions on the modalities of security and stability in Abkhazia and South Ossetia.

In general, the ceasefire agreement strengthened Russia's dominance in the region and provided a legal basis for continuation of its peace-creation operations in the disputed territories of Georgia. Under the peacekeeping mandate Russian government has maintained its presence in the so called 'security zone' of 14 km length inside of Georgia and conducted demilitarization of the neighboring areas, referring to its right to take 'additional security measures' under the terms of the ceasefire agreement. Also Kremlin initially tried to exclude EU observers even from the 'security zones' and showed that it had no intention of allowing the ceasefire agreement to ease its political control of South Ossetia and Abkhazia. The perceptions regarding the procedure of ceasefire agreement caused open-ended disagreements between Russia and Western countries.

It was expected that Russian government will act more flexible under the provision of the ceasefire agreement during the international discussions upon question of South Ossetia and Abkhazia. For Moscow it was important to discuss the issues concerning the ways to ensure security, stability in the region and solution of the issue of refugees and displaced persons during the international meetings. Also, the status issues of South Ossetia and Abkhazia have been excluded from the schedule of international discussions. The point about security and stability had to give Russia the latitude to raise all kinds of matters regarding its security agenda and the question about Georgian refugees was considered as possible from Moscow, but after the lengthy political negotiations.

Within a short period of time the Russian government recognized the independence of both disputing regions referring to the will of Ossetian and Abkhazian population and emphasizing a need for taking pre-emptive actions to prevent new reckless ventures. According to Kremlin, the decision of the Russian government was guided by the provisions of the UN Charter, Helsinki Final Act and other fundamental international instruments. The August war has become more internationalized as it was expected. The territorial integrity of Georgia was challenged and two of the frozen conflicts existed in the post Soviet space have found out the solution based on secession right.

1.5. The ulterior motives of 'peace-creation actions'

Since Russia's military intervention in Georgia most of international political debates over the August War and its consequence have been reviewed in comparisons between cases of Kosovo and South Ossetia and also in the framework of Russia–West 'geo-strategic rivalry'. At the first point, scholars have considered the Russia's policy toward Georgia as a tit-for-tat for the Western states' policy in Balkans, which followed by recognition of Kosovo's independence. From another perspective, by using hard power in Georgia Russia clearly manifested its intension to shift the balance of power in the region for its own favor against NATO's enlargement to the East and to restore its status as a great power in the international system, which was declining since early 2000s.

Moreover, the August War, in its sense, was a step toward returning of Russia's great power status as a part of its policy strategy. Political decisions made by Western countries regarding the humanitarian intervention in Balkans and recognition of Kosovo's independence afterwards have directly bypassed Russia's positions and threatened its security strategy. The political decisions made without its agreement shifted Russia's power status in international system offending its international prestige.

Since the nineteenth century, Balkan states, mainly Serbia, have played a vital role in Russia's foreign policy. Throughout the history Russian state officials always claimed a stake in the Balkans' political affairs under the pretext of supporting their fellow Slavic and Orthodox nation. After the collapse of the Soviet Union, Russia's political influence in Balkans was limited by policy of NATO member states. During the last decade Moscow's policy objectives on international relations were tended opposing recognition of Kosovo's independence. Despite Russia's official position the western states recognized Kosovo's independence in February 2008. Kremlin declared the action *immoral* and *illegal* driven from politics of 'double standards' pursued by western states. Vladimir Putin, the Russian president at the time, warned that the Kosovo case would inevitably set a precedent for other "frozen conflicts", especially in Abkhazia and South Ossetia. Also Russian ultranationalist leader Vladimir Zhirinovskiy, described Kosovo's independence as "a new division of the world", with the West's demonstration of how to "create new states" from the bodies of older, sovereign ones.

Russia felt that it needed to respond to these events firmly in order to reassert its credibility and prestige as a major world power. Using the same scenario in South Ossetia, Moscow has responded in the identical way to the actions of the West in Balkans. In other words, during the August War the scenario written by the western countries for Kosovo was used by Russian government in South Ossetia, later in Abkhazia, challenging the territorial integrity of Georgia.

Russian military intervention and peacekeeping policy in Georgia were definitely driven by complex of political motives and objectives connected with regional and broader geopolitical strategies. As it was mentioned by Kenneth Waltz, a state will use force to attempt its goals if, after assessing the prospects for success, it values goals more than it values the pleasure of peace. Moscow has instrumentalized its peacekeeping mandate and military dominance to achieve its international policy objectives and to restore its great power status. In general the August War and its consequences have been caused by competing strategy interests and foreign policies of the great powers. The rise of political, economical and military involvement of the external actors in the Eastern Europe and South Caucasus has been considered as a threat to the Russia's security.

The vulnerability of Georgia, caused by destruction of its military capabilities after the August War, is used as an *instrument* by Russian government to pursuit more

specific higher-order security and energy policy objectives. First, Russia has sought by creating ‘new facts on the ground’ to diminish decisively the attractiveness for NATO states of offering Georgia a Membership Action Plan (MAP), with the closer relationship with NATO which could bring or indeed taking any other major steps towards Georgian accession to NATO. The main aim was to stop NATO’s enlargement in Russia’s near neighborhood and even prevent closer military cooperation between U.S.A. and former Soviet states.

At the same time the August War challenged the energy transportation of the oil and gas from Caspian Basin to the Europe through south energy transport corridor. The unstable situation and the risk of escalation of the armed conflicts in the territory of the Georgia questioned Georgian ability as a transit country to ensure the security of the energy projects. As Allison mentioned the issue of energy security cannot be viewed on country-specific basis and it has to be considered in the context of wider uncertainties raised by the Georgia conflict about Russian foreign policy towards countries on its periphery and the use of force as an instrument of policy.

Reweaving the sequences of the events at international and regional levels it is possible to say that the geopolitics in terms of power is matter even today. By acting and demonstrating its power on regional level Russia achieved its international purposes.

(To be continued)

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Summary

RUSSIAN-GEORGIAN WAR IMPLICATIONS OF UNILATERAL INTERVENTIONIST POLICY AND CONDITIONS UNDER THE RESPONSIBILITY TO PROTECT

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Still today war takes place within a political milieu from which it derives all its purposes and many of scholars argue that it is still matter of politics. The case of the August War, once more, proved that the great powers are mostly intended to use peacekeeping operations to disguise their foreign policy motives and power ambitions. By military intervention in Georgia Russia was once again determined itself not just as a regional but also as a global power in two decades after collapse of Soviet Union. If at the beginning of 1990s the peacekeeping missions were used to maintain the regional dominance, starting from Putin's period the peacekeeping missions were instrumentalized to achieve objectives of international policy.

Faced with deadlock international community has failed first to prevent and then to find common position to settle the conflict transformed into Georgian-Russian War. Even the pointes putted in the ceasefire agreement first was agreed by Russian officials and then signed by Georgian government. As it was mentioned by Waltz, with many sovereign states, with no system of law enforceable among them, with each state judging its grievance and ambitions according to the dictates of its own reason and desire – conflict, sometimes

leading to war, is bound to occur. Also the war as it is an act of choice. A small state may have no influence over the events that lead to its being invaded, but it chooses how to react. Irrational actions and rhetoric's of Georgian government formed another opportunity for Russia to strength its arguments and justifications.

Russia has used several principles of international law and referred to the emerging interventionist norm – responsibility to protect – to justify its military intervention in Georgia. The question concerning the recognition of the both disputed territories as independent states also was explained in terms of international norms and settlement of the Kosovo conflict was applied as a existed precedent in Georgia.

The second part of the article presents a detailed analysis of the legal aspects and international law norms concerning to the August War and its consequences. It intends to present main challenges of the international institutes to prevent biased application/ implementation of international norms during the military intervention.