

The Security Issues in the 2008 Russian-Georgian War

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Abstract

The article aims to establish the security issues present in the 2008 Georgian conflict, and explore the securitization process by the Russian Federation, Georgia, and other involved parties. The allegations made by the parties to the conflict created more political and security instability. In this way, the security dilemma is addressed in relation to Georgia and Russia, and NATO and Russia. Furthermore, attention is also drawn to the intensity and type of the Russian-Georgian war. The regional conflict has sparked the attention of the international community. Therefore, the research paper provides an assessment of the tools of dispute settlement used by the international community. Considering the in type and intensity of the conflict, the paper identifies various crimes committed by each party to the conflict by also engaging legal arguments. The paper employs a qualitative study analysis by applying security theories to the case of the 2008 Russian-Georgian war. Consequently, the article identifies possible key element of the securitization process during the conflict.

Keywords: Russian Federation, Georgia, South Ossetia, Abkhazia, Securitization, Security dilemma.

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1. Introduction

Tensions between South Ossetia, Abkhazia, the Russian Federation, and Georgia have been visible for years. These tensions have been intensified

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due to South Ossetia's attempts to reaffirm its independence in 2006, the Georgian president's efforts to increase border control, and Russia's political (granting citizenship to South Ossetians) and military involvement (Roudik & Law Library of Congress (U.S.), 2008, p. 2) (paramilitary elements sent in the region) (Nichol & Library of Congress, 2014, p. 25). However, the conflict escalated in 2008. The five days war raises legal, political and security questions. The conflict has brought insecurity in the region and sent a wave of concern towards other post-soviet countries. Therefore, the paper aims identify possible key element of the securitization process during the Russian Georgian war.

The first and second chapters aims to establish the security issues present in the conflict, and to investigate the securitization process by both parties. The third chapter discusses the security dilemma between Georgia and Russia, and NATO and Russia. The fourth chapter examines the degree and type of war crimes in the Russian-Georgian war. The paper is concluded with an assessment of the instruments used by the international community to reach a settlement to the conflict.

2. Security issue and Securitization

Each party to the conflict has had its own proclaimed security priorities at stake such as independency, sovereignty, and "self-defense". The security concerns of Georgia appear to be clear as the then president Mikheil Saakashvili used territorial integrity (Green, & Waters, 2010, p.12) threat as an object of securitization. On the other side, the Russian Federation rested on the defense of its citizens and peacekeepers (Green, & Waters, 2010, p.13) present in the zone of the conflict. President Putin went further by stating that Russia has a duty to stop crimes, not only against Russian peacekeepers and people who live in South Ossetia, but also Georgian citizens as Georgia suffered a hit against its territorial integrity (Chinkova, 2008). Similarly, Dmitry Medvedev stated that: Now in South Ossetia, peaceful people are dying, women, children, old people, and most of them are Russian citizens. According to the constitution and the Federal Law, as the President of the Russian Federation, I am obliged to protect the life and dignity of the Russian citizens wherever they are. (Medvedev, 2008).

These statements show how the politicians try to persuade the audience by changing and adding a referent subject of securitization.

The exposed security concerns of the belligerents can be analyzed using the core concepts of the securitization theory. Thierry Balzacq, Sarah Léonard, Jan Ruzicka suggest that “Securitization theory addresses the following main questions: What makes something a security issue? What kind of responses does this call for? What are the specific consequences of agreeing that something is a threat?” (Balzacq, Leonard, & Ruzicka, 2016, p. 496). Accordingly, the central concepts of the theory are the securitizing actor which is “an agent who presents an issue as a threat”, the referent subject which is the entity that is threatening, the referent object which is the entity that is being threatened, the audience, and “the context and the adoption of distinctive policies” (Balzacq, et al, 2016, p. 495).

In the case of the Russian Federation as a securitizing actor, it can be concluded that the referent subject is Georgia, the referent object is mainly Russian citizens and the audience are Russians and the international community. According to a survey conducted by “Levada Center” in 2018, 34% of respondents consider that Georgia itself is responsible for the five-day war (Levada-Centre, 2018). Moreover, 24% consider that the responsible parties are the United States and NATO countries (Levada-Centre, 2018). 59% of respondents consider that Russia did everything possible to stop the conflict from escalating (Levada-Centre, 2018). Observing the data of the survey, it can be concluded that the Russian government succeeded to convince its citizens about the threatening nature of the referent subject.

However, in the case of Georgia as a securitizing actor, the referent subjects are South Ossetian and Abkhaz separatists, and Russia; the referent objects are territorial integrity, sovereignty, citizens; and the audience are Georgian citizens and the international community. The Georgian government succeeded to persuade the audience (at least the Georgian audience) about the eminent threat of territorial fragmentation and loss of sovereignty. As a result, the 2008 Georgian national survey showed that 91% of Georgian citizens are against the independence of the two regions (International Republican Institute, 2008). Furthermore, 42% of respondents consider territorial integrity an important issue (International Republican

Institute, 2008). It was also established that 21% of respondents are alarmed about the threat of a resumed war with Russia and 5% are concerned about the threat of Russian occupation (International Republican Institute, 2008).

Regardless of the portrayed security issues, other factors have also contributed to the escalation of the conflict. These factors are:

- NATO's enlargement and its position in Eastern Europe,
- Georgian foreign policy and its position towards South Ossetia and Abkhazia,
- the dominating Russian foreign policy towards Eastern European countries.

While Georgia claims to direct its military activities as defensive actions, (Green & Waters, 2010, p.160) the Russian government casts its actions as self - defense (Allison, 2013, chapter 7, p.3). The two parties accuse each other over the conflict creating a suitable atmosphere for a security dilemma.

3. Anarchy and Security Dilemma

The chapter discusses such notions as the dilemma of response, dilemma of interpretation, strategic challenge, and security paradox in relation to the 2008 Russian-Georgian war. Further, the relation between Russia and NATO is examined in the condition of the security dilemma. But first, the chapter aims to address the condition of anarchy and its relation to the security dilemma.

The condition of anarchy places security as the primordial concern of the states (Hanami & Walt, 2003, p. 84). The decisive factor causing security dilemma is the presence of anarchy in international relations and no central governing mechanism (Gvelesiani & Mölder 2018, p. 147, as cited in Waltz, 1986a, pp. 98-99). From the point of view of anarchy, due to the lack of trust between Russia and Georgia, the relations between the two states are illustrated by a degree of insecurity. Under anarchy, the logical decisions are mistrust and skepticism. This idea is plausible if indeed trust is unachievable between states. However, this thinking further increases uncertainty and contributes to the establishment of the security dilemma.

According to Nicholas Wheeler and Ken Booth, the existential condition of uncertainty in the framework of international relations entails that no government can be completely certain about the “motives and intentions” of parties able to inflict military harm (Booth & Wheeler, 2008, p. 138). In the case of Georgia for instance, it cannot be certain that the intentions of the Russian government are of a “peacekeeping”/humanitarian nature and does not follow any other motives of occupation and/or disruption of the Georgian territorial integrity. Considering the *ambiguous symbolism* of weapons that refers to the difficulty of distinguishing between offensive and defensive weapons, how can we differentiate between „offensive“ and „defensive“ weapons in the Georgian-Russian conflict (Booth & Wheeler, 2008, p. 138). For instance, the Russian decision on April 29th, 2008 to send more troops to Abkhazia can be viewed by the belligerent parties differently. While Russia claims that it has a defensive character to counteract Georgia’s intentions for an attack, (CNN Library, 2019) Georgia sees it as an offensive action threatening its citizens and territorial integrity. This is an illustration of the security dilemma in the 2008 Russian-Georgian war.

Authors Wheeler and Booth describe the security dilemma in a “two-level strategic predicament”: “dilemma of interpretation” and “dilemma of response” (Booth & Wheeler, 2008, p. 139). The first level, “Dilemma of interpretation” entails “predicament facing decision-makers when they are confronted, on matters affecting security, with a choice between two significant and usually (but not always) undesirable alternatives about the military policies and political postures of other entities” (Booth & Wheeler, 2008, p. 139). The second level “dilemma of response” “begins when the dilemma of interpretation has been settled” and “decision-makers then need to determine how to react” (Booth & Wheeler, 2008, p. 139).

3.1 Dilemma of Interpretation

Analyzing the Georgian-Russian conflict with relation to “dilemma of interpretation”, it can be stated that by 2008, both parties to the conflict viewed each other’s military developments as offensive. This decision was sparked by many events such as: Georgia’s request that Russian peacekeepers have visas (CNN Library, 2019); shooting down a Georgian drone over

Abkhazia; (Chivers, 2008) Russia sending troops in Abkhazia (The New York Times, 2008, a.); the recognition of independence by Russia of South Ossetia and Abkhazia (The New York Times, 2008, b.).

3.2 Dilemma of response

From the perspective of the dilemma of response, the decision-makers reacted in a militarily hostile manner and created a confrontational environment. It is hard to establish whether the conflict was created because of “misplaced suspicion” concerning the true motives of the parties involved or “misplaced trust” (See Booth & Wheeler, 2008, p. 139). Moreover, if trusting both justifications to why the conflict escalated in the first place and what exactly sparked the aggression, it can be challenging to determine whether or not either party was seeking a conflict.

According to the Russian Federation, it acted in self-defense with the intent to protect its citizens. However, its claim is viewed as legally and politically controversial (Allison, 2013, p. 3). Even if the self-defense need could be justified with a convincing reason, Russian actions do not follow the legal principle of proportionality. The extension towards the Georgian territory outside the conflict zone and the degree of force used cannot justify Russia’s response (Allison, 2013, pp. 4-5). Although Georgia could have tried to settle the tensions in a different manner, observing the Russian response to the alleged “Georgian attack”, it cannot be certainly stated that the Georgian reaction is based on misplaced suspicions.

On the other hand, according to the Georgian accounts of events, “peacekeepers were not attacked prior to Russia’s invasion” (IIFFMCG, V. I, 2009, pp. 186-188), thus, Georgia acted in a defensive manner. Accordingly, Georgia claims that it tried to resolve the conflict on a diplomatic level before the conflict escalated (Green & Waters, 2010, p. 160). If Georgian claims are valid then the state tried to resolve the dilemma of response in a peaceful manner but failed.

3.3 Strategic Challenge and Security Paradox

If, however we analyse Russia/Georgia relations since the 2000s entirely from the Georgian point of view, and consider all Georgian claims as

true and valid, then the conflict is no longer in the state of the security dilemma. On the contrary, since the Georgian government blames the conflict on Russian aggression, the relationship is recognized as a *strategic challenge*. According to Wheeler and Booth “[w]hen a dilemma of interpretation is settled in favour of the view that another state is a definite threat to one’s own national security, there is no longer a security dilemma; the relationship is best understood as a *strategic challenge*”(Booth, & Wheeler, 2008, p. 141).

Yet, if we consider that the Georgian interpretation of Russia’s intentions is incorrect, and the other state responds in a defensive manner, then, the situation may result in increased hostilities and insecurity. The situation created between Russia and Georgia can then be classified as a *security paradox* (See Booth & Wheeler, 2008, p. 141).

3.4 Russia-NATO Security Dilemma and its Consequence for Georgia

Georgia-NATO relationship can be counted as one of the reasons for the conflict escalation. Russian prime minister Dmitry Medvedev stated in 2008 that NATO was responsible for provoking the conflict in Georgia (Dyomkin, 2008). The power struggle between Russia and NATO has affected the Russian foreign policy. Its involvement in Georgia can be characterized as a determination to secure its vital interests and regain its influence in Eastern Europe (Özgöker & Yılmaz, 2016, p. 653). NATO enlargement has threatened Russian interests and ambitions. The security dilemma between the two actors has played a role in Russia/Georgia relations since the 2000s. Georgian ambition to become a NATO member became a security concern for Russia even if it was not intended as such.

4. Actions of the Parties Involved, War Crimes, and Humanitarianism

Each party to the conflict engaged in war crimes to some extent (Mullins, 2011, p. 932). During the conflict, indiscriminate attacks resulting in civilian casualties were documented (Amnesty International, 2008). The four parties to the conflict: Georgia, Russia, South Ossetia, and Abkhazia are responsible for war crimes at different variations and committed violations of the Geneva Conventions. The violations were documented by Amnesty

International, Human Rights Watch, the European Union and the Council of Europe's Commissioner for Human Rights.

4.1 Russia

Prior to and during the 2008-armed conflict, Russia's policy towards Georgia has been characterized by granting passports to South Ossetia and Abkhazia, and substantial media coverage. Months before the conflict, Russian activities appear to be suspicious. Increase in the troop strength, railroad repair and other activities (Mullins, 2011, p. 929) suggest a military, hostile intent. Article 3 (c) of the Genocide Convention states that "[d]irect and public incitement to commit genocide" must be punished (United Nations, 1948, p. 277).¹ Accordingly, Russian propaganda that resulted in provoked violence in South Ossetia can be classified as a criminal activity (Mullins, 2011, p. 929).

The allegations of "genocide" and "ethnic cleansing", have been signaled as a justification for the Russian intervention (Green & Waters, 2010, p. 56). However, Russia did not directly invoke the humanitarian intervention as a legal justification. Furthermore, it must be noted that there was no genocide event prior to Russian intervention, (Mullins 2011, p. 56) consequently, it uses false information to communicate its audience (Russian citizens and the international community) its "moral" duty to stop the atrocities.

Article 43 of the 1907 Hague Convention states that the Occupying power must ensure public order and safety.² Nevertheless, Russia as the occupying party, has violated this provision by failing to maintain public order which led to "South Ossetian forces to engage in their ethnic cleansing" (Mullins, 2011, p. 925). Russia was involved in disproportionate use of force that caused destruction to cultural objects and civilian injuries (Mullins, 2011,

¹ UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, available at: <https://www.refworld.org/docid/3ae6b3ac0.html> [accessed 8 December 2019].

² International Conferences (The Hague), *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, 18 October 1907, available at: <https://www.refworld.org/docid/4374cae64.html> [accessed 8 December 2019].

p. 926). Moreover, it conducted attacks against civilian population (Mullins, 2011, p. 926) that directly amounts to a war crime.

4.2 Georgia

Christopher W. Mullins argues that the war crimes committed by the Georgian side were not intended against non-ethnic Georgian population or as commission of atrocities (Mullins, 2011, p.927). Compared to other belligerents, Georgia “committed fewer documented war crimes“ (Mullins, 2011, p. 927). Most Georgian war crimes amount to targeting civilians and disproportionate use of force (Mullins, 2011, p. 927). Although Georgian actions amount to lesser war crimes, it does not in any way exonerate it.

4.3 South Ossetia

South Ossetian forces were recorded to commit most war crimes during the conflict. Human Rights Watch found that South Ossetian forces (with the involvement of Russian forces) robbed, “destroyed, and burned homes [...] deliberately killed at least nine civilians, and raped at least two”(Human Rights Watch, 2009). Human Rights Watch also uncovered that South Ossetian forces detained 159 ethnic Georgians, killing one and exposing almost all of them to “inhuman and degrading treatment and conditions of detention” (Human Rights Watch, 2009). The party to the conflict, along with Russia, were implicated in torturing prisoners of war (Mullins, 2011, p. 925). The belligerent party has repeatedly violated international humanitarian law. I argue that Russian support facilitated this behaviour by lack of control of the occupied territory and propaganda. Under article 43 of the 1907 Hague Convention, Russian Federation holds responsibility for the actions of South Ossetian forces.

4.4 Abkhazia

Abkhazia is the belligerent that committed minimum atrocities during the conflict. Moreover, it took specific measures to protect and secure the civilians during the conflict (IIFMCG, V. III, 2009, p. 532). The lack of crimes in the region is impressive and noteworthy. Christopher W. Mullins

notes that such behavior might be explained by the presence of the Georgian military resistance (Mullins, 2011, p. 931).

4.5 The Possibility of a Humanitarian Intervention

A possible response from the international community in the name of humanitarianism in Georgia raises a lot of question. Would a humanitarian intervention really follow its scope, or would it be used as a pretext for a party's own interest? Can an intervention stop atrocities, or will it fuel more cruelty? Can an intervention be a right decision in a conflict where such an actor like Russia is involved? Could Georgia accept a bigger threat upon its sovereignty?

Under the responsibility to protect norm (R2P), the international community has a duty to step in and stop atrocities (See Responsibility to Protect n.d.). R2P represents a political commitment to stop the “the worst forms of violence and persecution”. It “seeks to narrow the gap between Member States’ pre-existing obligations under international humanitarian and human rights law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing and crimes against humanity” (Responsibility to Protect n.d.).

Nevertheless, the involvement of more parties in the Georgian conflict could have deteriorated the situation even more. Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide states that “[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish [...]”¹, therefore reaffirming the norm. In theory, war crimes in Georgia could have triggered the responsibility to protect norm and ask for a humanitarian intervention. The humanitarian intervention can be invoked under articles 1(3), 55, 56, and 39 of the UN Charter, and the IV Geneva Convention. However, it is doubtful that such an intervention would have been a strategically right decision. Moreover, the short length of the conflict, which did not allow enough time for a response,

¹ UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, available at: <https://www.refworld.org/docid/3ae6b3ac0.html> [accessed 10 December 2019].

in interdependence with the element of information is also a reason why other outside parties did not intervene. Misinformation that dominated the conflict may have prevented states to take action, yet, it is not the direct reason why it did not happen. It can also be noted (although morally wrong) that the scale, and the number of war crimes during the conflict could not have triggered a humanitarian intervention.

If we further investigate the situation from the legal point a view, then an authorized Security Council intervention under article 39 of the United Nations Charter would not be possible. As Russia is a party to the conflict and also a Security Council member, such a resolution would be blocked by a veto. Accordingly, the veto power is the biggest obstacle that could have blocked a humanitarian intervention in Georgia.

Although Russia tried to invoke the humanitarian intervention justification in response to alleged “genocide”, because there was no direct proof of the event, it claimed it was a self-defense response in an attempt to protect the Russian citizens. The party has been widely criticized by the Western actors for the role it played in the war, regarding Russian justification as unconvincing. Accordingly, it can be determined that an intervention requires a strong political and legal support.

5. International Response

The Georgian-Russian war provoked a range of reactions on the international level that urged actors to respond to the conflict. The international community has a series of peaceful instruments at its disposal to try and solve the conflict such as sanctions, peace and diplomatic talks, and international law. However, whether or not all of these instruments would be successful in a peaceful conflict settlement is still unclear.

5.1 Sanctions

According to Eaton J. and Engers M. “[s]anctions are measures that one party (the sender) takes to influence the actions of another (the target)” (Eaton, Engers, & National Bureau of Economic Research, 1990, p.2). However, sanctions might not always be effective in every situation.

Sanctions can be ineffective because they are not adequate for the task, they can increase the support of the target state allies or that the imposition of sanctions might increase the general support for the government (Hufbauer, 2007, pp. 7-8).

Sanctions targeted at Russia would further worsen the situation since one reason for the conflict is Russia-NATO relations. While this tool might help to shift population's attitude towards the government, it would also fuel the belligerent to continue to assert its power. A sanction regime would alienate Russia from the Western world and create more tensions.

As a response to the conflict, the international community imposed only symbolic sanctions on Russia, afraid of worsened relations (Larsen, 2012, p. 116). German president Steinmeier was against suspending the EU-Russia Partnership and Cooperation Agreement and discouraged any tangible sanctions against Russia advocating for dialogue (Larsen, 2012, p. 110). European countries such as France, Germany and the United Kingdom stressed the importance of economic and political partnerships with Russia. This position did help to ameliorate the situation in the short term, however, this light attitude towards Russia did not discourage it to further target (by occupation, sanctions, embargoes and threats) other Eastern European countries, such as Ukraine, Georgia and Moldova.

5.2 Diplomacy and Cooperation

The international community took the diplomacy and cooperation approach towards the Russia-Georgia conflict and rejected the use of force. The attention was drawn to the implementation of a cease fire and a humanitarian relief. The war triggered various diplomatic reactions mostly directed towards the disproportionate use of force by Russia. The EU Monitoring Mission in Georgia is an example of the EU's readiness to act as a mediator to the conflict (Larsen, 2012, p. 106). The Mission has the aim to ensure "no return to hostilities" and "to build confidence among the conflict parties" and has been active for more than 10 years.¹ Despite the approach taken by the European Union, Russia failed to comply with the six-point

¹ EU Monitoring Mission in Georgia website. Retrieved from: https://eumm.eu/en/about_eumm/mandate. Accessed on [December 11, 2019].

peace plan negotiated between Medvedev, Sarkozy and Saakashvili (See Phillips, 2011, p. 3).

A different solution that can help in ameliorating the conflict is a NATO-Russia cooperation. Although the parties are already involved in talks in the EU-Russia Partnership and Cooperation Agreement, and NATO-Russia Council, a deeper cooperation is primordial for peace in Eastern Europe. Talks with Russia concerning no further NATO enlargement in the East can be a way to avoid future conflicts in the region. However, from this point of view, in allowing outside parties to decide the fate of Eastern European countries amounts to taking away their voices and liberty in conducting their own foreign policies. In my opinion it is already a breach of sovereignty against the post-Soviet states.

Although UN's role is to provide international security, it was undermined in the Russian-Georgian war. The position of Russia within the Security Council has a direct effect on the way UN acted as a response to the conflict. An example is the failed Resolution Extending the Mandate of the Georgia Mission, as Russia voted against it (Security Council, 2009). UN was unable not only to stop the conflict but also to prevent it. The role the European Union in mediating the conflict shows the inability of UN to do so. The UN Security Council and the UN General Assembly failed to respond accordingly and to determine whether Russian response amounts to an act of aggression.

5.3 International Law

Although the conflict "was concluded" with a ceasefire, parties further engaged in a legal war. Each party tried to justify its own actions and to discredit the other seeking legal justice. Russian and South Ossetian people filed over 3,000 lawsuits in the European Court of Justice (Green & Waters, 2010, p. 153). On the other hand, Georgia filed a lawsuit in the International Court of Justice against Russia (Green & Waters, 2010, p. 153). The fact that the belligerents are using International law as a platform of dispute settlement is evidence of its importance and to some extent, its effectiveness. Nevertheless, international law does not have a comprehensive response for

the non-compliance issue. In this way, the international legal system becomes ineffective to some extent.

6. Conclusion

Russia-Georgia relations since 2000s have been characterized by political, legal, and military challenges. The Russian desire to assert its position, the Georgian foreign policy towards the West, and its aim to establish the territorial integrity of the country, contributed to a military clash. Accusations and allegations among certain parties has led to the development of a security dilemma. International organizations have documented numerous war crimes at different variations committed by every party involved in the conflict. The international community has condemned the conflict and somewhat succeeded to negotiate a ceasefire; however, its response did not prove to be effective in the long term. Thus, the Russian Federation continued its policy against Eastern European countries, and the aftermath of the 2008 events remain a “frozen conflict”.

Considering the Russia-NATO rivalry, a deeper cooperation amongst the two parties is needed in order to secure peace in Eastern Europe and perhaps even solve, on common grounds, the South Ossetian and Abkhaz “frozen conflict”. Furthermore, the usage of international law as a tool for conflict settlement is already visible in the Russian-Georgian conflict. In this way, an increased commitment for the international law instruments and enforcement mechanisms would further aid the conflict settlement. The European Union role in achieving a cease-fire is remarkable. Yet, the Russian noncompliance with the six-point peace plan urges an additional EU attention towards the conflict. Most importantly, the UN which is tasked with the maintenance of international peace and security has failed in the Russian-Georgian conflict. Therefore, even if the UN Security Council’ response can be compromised by having a belligerent party to the conflict as a member to the Council; the UN General Assembly needs to take the lead and engage more actively in the dispute settlement.

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