



# A PROPOS OF CONFLICTS, FROZEN AND OTHERWISE

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**T**his article was first written before the armed clash between Russia and Georgia and sought to explore new arguments to support the case for settling frozen conflicts in the territories of the South Caucasus republics, Azerbaijan and Georgia, whose people have been maintaining close cultural, economic, humanitarian and everyday personal relations with Russia over the centuries. It seemed essential at the time to identify a common reference point (the opposing sides did not necessarily have the same points of reference) and track down, step by step, those positions and actions that fuelled the conflict and, last but not least, to try and identify those interested in “defrosting” the situation and stabilizing positions on both sides of the confrontation. To all intents and purposes analysts and experts from South Caucasus, Russia and the West seemed to have built a strong case for that at the time, based on a broad range of facts and arguments.

But after everything that happened during what policy makers and political journalists rushed to brand as a “Five-Day War”, Russo-Georgian relations have sunk to an all-time low so that a way out of the prevailing situation will now have to be explored from scratch, this time in a totally different direction. What is going to the recycle bin now is not only the CIS, following the Georgian Parliament’s decision to quit it, and not only the USSR — a source of nostalgia for certain people on both sides of the border — but the 1783 Treaty of Georgievsk itself.

The political and military crisis in Russo-Georgian relations is so severe that its effects will be hard to mitigate even with good will on both sides. It will be far from easy to erase from our shared memory the TV coverage of destruction by bombers and salvo rocket launchers, refugees streaming into Russia and Georgia, Russian army units appearing in Georgian cities along with “volunteers” — fewer than expected, however — some of whom were caught looting.

The military outcome of the “peace enforcement operation” proved to be far from spectacular; in Lieutenant General Yuri Netkachev’s estimation, “it was by no means a walk-over; the Russian military leaders had failed to learn the lessons of the Chechen war”.

*By contrast, he made an objective assessment of “the fighting efficiency and combat activity that Georgian troops have demonstrated today” (Nezavisimaya Gazeta, 11 August 2008). As to the Russian army’s actions in Georgian territory, a number of Western observers have said that Georgian forces deliberately offered no resistance as they sought to avoid any more damage to Georgia’s Western areas.*

*The political outcomes of the August campaign are not quite clear but the leaders of South Ossetia and Abkhazia, who have received extensive support from Moscow, albeit only verbal at this point, are wasting no time before reaping their first “fruits of victory”. This will doubtless be followed by negotiations to define a new status for both republics, with renewed references to the Kosovo precedent and more clearly defined interests of various social and political as well as ethnic groups both in the South Caucasus republics — Azerbaijan, Armenia and Georgia — and in Russia.*



**T**he root causes and subsequent evolution of conflicts in the territories of Georgia and Azerbaijan have, in fact, many common features both between them and with the Kosovo conflict. This is due to the common legacy of their authoritarian and totalitarian regimes and the sharp political confrontation that emerged during the phased disintegration of the USSR and the Socialist Federal Republic of Yugoslavia. As to the post-Soviet space, Russia’s politics were initially compounded by a quest for its own Russian identity. Far from everybody in Russia was prepared to put up with the loss of Moscow’s former, essentially imperial positions. Many people, including policy-makers, struggled to acknowledge the objective contradiction between their desire and ability to retain their former positions, on the one hand, and the need to build their relations with the newly independent states in a new fashion, on the other.

At the same time, in the early post-Soviet days the elites in former Soviet republics failed to put their ethnic policies in the context of democratic change (the most graphic example was the abolition of the South Ossetian Autonomous Region in Georgia under President Zviad Gamsakhurdia). As the leaders of Azerbaijan and Georgia in the early 1990’s (Abulfaz Elchibei and Zviad Gamsakhurdia respectively) placed their republics in defiant opposition to Russia, this was used by those Russian politicians who chose to challenge them by supporting secessionist trends in the autonomous regions. This formed the basis for a knot of contradictions that has not been undone to date and which has been continually generating a “risk zone” not

only for the states directly involved in the conflicts but for the total security system in Europe.

Each of the conflicts mentioned above — those around Nagorno-Karabakh, Abkhazia and South Ossetia — have developed their distinctive traits and dynamics in line with the general parameters of the domestic and foreign policies of their “lesser parent states”. These parameters have changed more than once over the last two decades. As of today, however, the leaders of Georgia, weakened by the Russo-Georgian conflict, and of Azerbaijan are adamant about restoring the territorial integrity of their respective states. They are building their case on the norms of international law and refusing to accept the Kosovo case as a *precedent*. Meanwhile their tactical decisions tended to be inconsistent and sometimes even out of sync with one another even before August 2008.

In the opinion of prominent Russian legal scholars, although the proclamation of Kosovo’s independence is a fait accompli the legal basis for this process is far from being clear and perfect. The point in question now is not about disputing the wrongful recognition of this new entity, ill-equipped for civilized self-government, but about developing a sustainable interpretation of key tenets of international law that would apply in other similar cases. If the impasse in the UN Security Council is to be broken the injured state should speak out directly from the rostrum of the UN General Assembly, according to the well-known Russian legal scholar Bakhtiyar Tuzmukhamedov, a professor at the Russian Foreign Ministry’s Diplomatic Academy. Azerbaijan and Georgia have already taken this opportunity in May and June of 2008.

Their territorial integrity was confirmed more than once at the time of their international recognition and UN admission, and also sealed by the CIS Charter as set out in its interrelated and equipollent principles, viz. “the inviolability of state borders, recognition of the existing borders and renunciation of unlawful territorial acquisition; the territorial integrity of states and renunciation of any actions directed towards the dismemberment of foreign territories” (*Charter of the Commonwealth of Independent States as adopted by the Council of Heads of State on 22 January 1993*).

Later on a number of multi- and bilateral documents governing the legal aspects of relations among the CIS countries were adopted. From a legal viewpoint, secession by ex-autonomous entities claiming independence is only possible with the consent of the states within the framework of which they are recognized. Resolutions passed by a consensus of the Council of CIS Heads of State also endorsed the content and nature of peacekeeping operations in the zones of conflicts which emerged after the collapse of the USSR. Moreover, both the decisions of the CIS Heads of State and the multiple resolutions of the UN Security Council reiterated the necessity of observing the territorial integrity of Azerbaijan and Georgia. Committing Russian peacekeeping forces to the confrontation zone may have stopped the armed clashes but did not create the necessary conditions for resolving conflicts on a mutually acceptable legal basis.

In the context of mounting militarization of the South Caucasus countries and the emergence of a Kosovo *precedent* their leaders came to believe that restoring their territorial integrity by armed force was increasingly a more realistic prospect. In November 2007 the International Crisis Group issued its third regular report (*Nagorno-Karabakh: Risking War: Europe Report No. 187 — 14 November 2007*), discussing the high probability of renewed hostilities in the Armenian-Azeri confrontation zone. International experts stated, in a section of the report discussing the likelihood of the current military balance being upset, that by and large the balance was still there while the ongoing buildup of the Azeri forces’ operational capability was offset by a configuration of the frontline that was advantageous to the Armenian side, and also by continued Armenian-Russian cooperation and Armenia’s membership of the Collective Security Treaty Organization. Nevertheless, the report also mentioned possible Azeri attempts to resolve the standoff by armed force.

International media have backed up these findings with statements by a number of political leaders to the effect that the settlement of contentious issues has tended to rely more and more on force in recent times. This was

mentioned, in particular, by Armenian President Serge Sarkisyan, when he claimed during his May 2008 visit to Moscow that Azerbaijan could restart hostilities “overnight”. Yet an armed conflict between Azerbaijan and Armenia has been held in check by both countries’ interest in developing relations with Russia.

The shaky stability in the Georgian-Abkhazian and Georgian-Ossetian conflict zones was shaped by a much more complicated environment marked by a sharp deterioration of Russo-Georgian relations after October 2006, on the one hand, and Georgia’s proactive drive toward integration with NATO and recurrent tension along the confrontation line monitored by the Russian peacekeepers, on the other.

In March 2008 the Russian State Duma held parliamentary hearings followed by a statement saying that in light of the unilateral proclamation of Kosovo’s independence Russia had to revise its policy vis-à-vis Abkhazia, South Ossetia and Transnistria with due regard to the free will of their resident populations. The document went on to say that in the event of a possible Georgian armed assault on Abkhazia or South Ossetia or proactive Georgian steps to join NATO it was necessary to consider the possibility of accelerated sovereignisation for Abkhazia and South Ossetia and their recognition.

It should be stressed that the radical proposals made by members of the State Duma, with no legal repercussions in any case, were substantially modified by Russian Foreign Minister Sergei Lavrov, who addressed the Duma on that occasion. While he agreed that the recognition of Kosovo constituted a *precedent*, he went on to explain that Russia had a “consistent and unopportunist commitment to the principles of state sovereignty and territorial integrity, the rule of international law, its obligations under the UN Charter, and a responsible attitude to its terms of reference as a permanent member of the Security Council”. Moreover, Lavrov stated that “attempts [were] now being made to impose on us such rules of the game as would undermine these principles” and made a plea for “avoiding the temptation to disregard them”.

In the latter half of June, four Russian servicemen were arrested in Georgian territory (in the Zugdidi District, albeit within the 12-kilometre operational area of the Russian peacekeepers) as they accompanied unauthorized military cargo with no supporting documentation. The incident was eventually resolved but this was followed by mutual accusations from top officials in Moscow and Tbilisi, who appraised the incident as a “provocation fraught with unforeseen consequences”.

According to Tskhinvali representatives, the very same days in South Ossetia saw the shooting of Russian



peacekeepers from the Georgian side, with seven wounded. Military observers from the Organization for Security and Cooperation in Europe and the Joint Peacekeeping Force were asked to join in the investigation of the incident. But skirmishes had by that time become an almost daily occurrence and it would be hardly possible to establish now who opened fire first. In any case the incident had a negative impact on the ongoing talks between the Georgian and South Ossetian sides.

Of course, everything that happened between March and June 2008 can only be understood with due regard to the close interrelationship of a series of factors and steps taken by both sides. These included Georgia's proactive bid to join NATO, lack of progress until very late in the day in the normalization of Russo-Georgian relations against the backdrop of Russia's cooperation with the unrecognized Abkhazia and South Ossetia and, finally, Moscow's steps to defrost its practical contacts with Georgia that had been frozen since 2006. As Alexander Russetsky, Director of the Tbilisi-based South Caucasus Institute for Regional Security, has justly noted, these are links in a chain. Two concurrent processes are under way: fence-mending, on the one hand, and escalating tension around Sukhumi and Tskhinvali, on the other. In other words, attempts were being made to undo the intricate knot that had emerged in Russo-Georgian relations in recent years, but both sides were clearly inconsistent in their statements and actions.

It was also more apparent than ever before that both in Georgia and in Russia there was an ongoing confrontation between a "war party" and a "peace party". Their roots go back to a showdown between democratic and hardline ("communist-patriotic") forces early in the 1990s, the latter having been much more active in Russia as they re-emerged under different names.

Yet another serious aggravation of conflicts around Abkhazia and South Ossetia was timed to coincide with the arrival in Georgia of a delegation from the Atlantic Council of the United States and Columbia University (14-20 June 2008). Members of the delegation — political and civic leaders and researchers — first went to Sukhumi for meetings with the de facto leaders of Abkhazia and then to Tbilisi to meet the leaders of Georgia. A Forum was held in Tbilisi on 19 June, organized by the above-mentioned US organizations in conjunction with the Georgian Foundation for Strategic and International Studies and also attended by representatives from Russian-based research centres and Russian journalists.

Russian participants said, in particular, that the Kosovo precedent was not seen by Moscow as a basis for recognition of separatist territories or, still less, annexation of unrecognized territories of neighbouring

states. At the same time, the prospect of NATO moving closer to Russia's borders was unacceptable to the Russian leadership backed by a broad consensus of Russian public opinion. Each side was entitled to deal with these matters with due regard to the totality of its national interests but in so doing, it was held responsible for the consequences of its actions.

Reports by the US participants in the Forum who visited Abkhazia indicated that the Abkhazian leaders Sergei Bagapsh and Sergei Shamba had spoken to them of their serious apprehension about the danger of a new armed clash and thought it possible to enlist the assistance of neutral international mediators in negotiations that could lead to a settlement of the conflict based on the "Kosovo model". Similar ideas were also expressed in an interview given by Oleg Domeniya, Director of the Centre for Strategic Studies under the President of Abkhazia, to the newspaper *Chegemskaya Pravda*. "We support Russian interests as they coincide with our own interests," he said, "but if the situation were exacerbated Russia would be confronted by the US and NATO. Today it would not be enough for Abkhazia if Russia alone supported it and recognized its independence (as evidenced by the example of the Turkish Republic of Northern Cyprus, which has only been recognized by Turkey and isolated from the rest of the world)". All this was suggesting the need for Abkhazia to pursue a multi-vector policy and for an atmosphere of trust to be built with neutral forces' participation, he said.

Georgian experts presented their vision of the issue, insisting that it was inconceivable for Georgia to lose Abkhazia. At the same time they acknowledged that Georgian policymakers had made a big mistake by failing to set up a negotiating process with the Abkhazians at an appropriate time, which Sergei Bagapsh referred to directly in an interview. As to members of the international community, they were not, in the Georgian experts' opinion, fully aware of the dangers and complexities of the situation around Abkhazia. In the Russian participants' opinion, the danger of a conflict emerging in South Ossetian territory had not been recognized by the Georgian side either.

US participants showed an unmistakable interest towards everything they heard in Sukhumi and Tbilisi. The Atlantic Council of the United States, the main sponsor of the trip to Abkhazia and of the Tbilisi Forum, is, in the words of its Charter, designed to encourage new ideas, stimulate discussion about critical international issues and help to shape the positions of the Administration, the Congress and the media in the United States and Allied countries. In the wake of their meetings and discussions with Georgian and Abkhazian policymakers and Russian experts the At-

lantic Council and the Columbia University research team represented at the Forum were contemplating preparing a report on the situation around Abkhazia and Russo-Georgian relations, to be forwarded to, among others, the transition team of the next US President elect Barack Obama.



The armed conflict that erupted in August 2008 erased all previous agreements and tentative accords between the conflicting parties. When hostilities are finally over and Russian troops are withdrawn from Georgian territory, Tbilisi, Sukhumi and Tskhinvali will have to get back to a discussion of contentious issues even if the leaders of the self-proclaimed republics think that their independence from Tbilisi is a done deal. Evidence of massive violations of human rights in Georgian territory during the August war and of how each of the parties to the conflict was involved in them should also be presented for examination by European judicial bodies.

In summing up the results of the Five-Day War it is important to assess its repercussions for Russia's international positions.

The Russian stance and actions towards Georgia have not been supported by the world community as the vast majority of countries have either maintained silence (for the time being!) or condemned the invasion of Georgia by Russian troops. Viewed against this background, the Georgian assault on Tskhinvali seemed to look justified while the declared goal of "restoring constitutional order" was perceived by many foreign commentators as a "copycat Chechnya". International mass media have paid special attention to economic damage inflicted on Russia by the Five-Day War, viz. a drop in the rouble rate against major international currencies and reduced foreign investment in the Russian economy.

But these and other developments that are not good for Russia will make themselves felt later. What is obvious at this point in time is that the war in Georgia has signalled the final phase in the disintegration of the former Soviet empire. Not only did Russia fail to receive the backing of the GUAM countries and the Baltic nations who sided with them, but there was also silence from Ukraine, Belarus and the Central Asian republics. President Nursultan Nazarbayev began to talk again about the feasibility of creating a Union of Central Asian States and one

can understand why: his recurrent efforts over the years to boost meaningful integrating processes across the post-Soviet space have failed while the CIS cannot discharge the function of the Council of Heads of State after its leaders were not consulted on steps contemplated in relation to Georgia. As to the problem of separatism, it is common knowledge how relevant it is not only to Georgia, so much so that statements about possible support for Abkhazian and South Ossetian independence have put many of Russia's neighbours on their guard.

Following the collapse of the USSR, Russia took major steps to enter the world community in the 1990s and especially after 11 September 2001, a process that was also marked by, among other things, incremental differences and divergences over some key issues of world politics. Russia's positive image was undoubtedly boosted by its refusal to recognize Kosovo's independence and most countries across the world are known to have supported Russia over that.

The "Five-Day War" in Georgia has become the worst international crisis since the Cold War. All legal rules were set aside in Russia's relationship with Georgia, including those upheld in respect of Serbia in the days of the "Kosovo crisis" (specifically, support for its territorial integrity). Is this a sign of "double standards" in Russia's policy or of some kind of "special interests"? In any event Russia's major international ally and/or rival, the Euro-Atlantic world, has shown unanimity — even in spite of its members' different interests in their relations with Russia. What happens next will depend on Russia: either it takes time to deal with the effects of the crisis and get back on the legal track or it faces dangerous isolation, which is fraught in the present environment with all sorts of unforeseen consequences for domestic (including economic) development.

And last but not least. Policy-makers and political scientists today would not hesitate to extol the geopolitical role of the Caucasus and its significance as a bridge between Europe and Asia, Russia and the Near and Middle East, an energy and transportation hub, and a complex and in many respects unique mix of civilizations. As a general rule, however, they stop short of concluding that Russia's Caucasus policy needs to be overhauled, first and foremost, with respect to its historical ally, Georgia. To all intents and purposes, this is an inevitable conclusion from Russia's currently unacceptable situation as well as from the historical background of its policies in the Caucasus. There would be no harm in checking this background from time to time. ■