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Negotiations in the UN Security Council on the aftermath of the "Georgian-Russian War"©

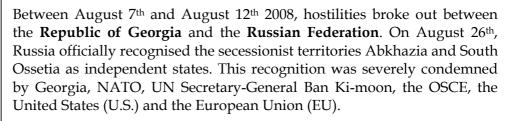




Case developed by Dr. David Criekemans ¹, Louis-Alfons Nobels ² & Karen Van Laethem ³

Problem and setting







Georgian-Russian relations have been seriously worsening since 2004, when Georgian President Saakashvili adopted a liberal reformist course, a Euro-Atlantic foreign policy orientation and an assertive approach to the protracted Abkhaz and South Ossetian conflicts. Viewing Georgia's deepening ties with NATO, the EU and the U.S. as a threat to its security, Russia has employed a range of political and economic levers against Georgia, including economic sanctions, visa restrictions and closure of transport links. Georgia argues that Russia directly intervenes in its internal affairs by nurturing trouble with Abkhazia and South Ossetia. It has criticised Moscow's economic, budgetary and military support to the

breakaway regions and has convinced many in the U.S. and the EU that neither Russia's mediation efforts in the conflicts nor its peacekeeping troops are neutral. Moscow's heavy-handed policies have in turn reinforced Georgia's desire to join NATO (International Crisis Group, 2008). Russian and Georgian relations go far beyond the bilateral problems between two countries. The two countries have competing political projects and geopolitical visions

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of the Southern Caucasus. The Southern Caucasus with its post-Soviet legacies of authoritarian rule, endemic corruption, military stockpiles, overlapping ethnic and religious fault lines, economic growth inequities, mineral wealth, and geo-strategic positioning, stand at a tipping point in their history. Without proper monitoring and support, they could become epicentres of international instability (Tim Radjy, 2006).

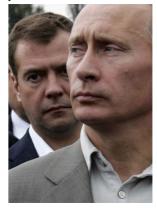
The Georgian-Russian conflict is divided over a number of issues including trade, espionage and energy (Ivars Indans, 2007). Most dangerously of all is the conflict on the status of the two pro-Russian breakaway regions, Abkhazia and South Ossetia: although so often described as frozen conflicts, the situation in both regions, which seek independence from Georgia, has deteriorated quickly. The precedent of Kosovo heartened the leaders of the breakaway regions and spurred Georgia to take action to reintegrate its lands. In reaction to the West's recognition of Kosovo's independence, Russia began to institutionalize its support for South Ossetia and Abkhazia and formally lifted trade sanctions against them (Sergei Markedonov, 2008). Since the early years of independence, Georgia has been negotiating terms of political status with these breakaway regions, although the process has often reached a deadlock. The existing formats of political negotiation and peacekeeping have proved ineffective and the Georgian side has requested a comprehensive review of the entire peace process. Many factors hinder the process of conflict settlement. Topping the list are images of the other as the 'enemy' and a deep mistrust among the sides. A comprehensive strategy to break the deadlock needs to be devised (Archil Gegeshidze, 2008). As conflict resolution has proven impracticable, it is now time to consider altering existing arrangements in order to prevent a further escalation of violence (Stacy Closson, 2008).

This setting forms the core of the negotiation exercise which you are about to embark upon.

A Reconstruction of the events of the "Georgian-Russian War" ⁴, and the confusion and rhetorical escalation in the days that followed...

There has been much confusion about the events which took place. Therefore, an overview:

- On **Thursday August 7th**, Georgian forces and separatists in South Ossetia agree to observe a ceasefire and hold Russian-mediated talks to end their long-simmering conflict. Hours later, Georgian forces launch a surprise attack, sending a large force against the breakaway province and reaching the capital Tskhinvali. According to Saakashvili, the attack he launched was in response of more than 100 Russian tanks entering the country unexpectedly. In his view, Georgia only exercised its "right to self defence".
- On Friday August 8th, Russia engages its troops and armour towards South Ossetia and engages Georgian forces in and around Tskhinvali. Russia claims it has to intervene to help its own peace keeping forces so as to stave off the "South Ossetian genocide" caused by the Georgian regime. Georgia on its part says its military bases have been attacked by Russian aircraft as Saakashvili says his forces control Tskhinvali. The separatists, for their part, say they control the city.
- On **Saturday August 9th**, the Georgian parliament approves a presidential decree declaring a "*state of war*". Russia says its troops have wrested control of the South Ossetian capital,



⁴ The events of the Georgian-Russian War have been reconstructed, mostly based upon the journalistic data provided by the British Broadcasting Corporation (television & radio news and website).

Tskhinvali, from Georgian forces. Russian planes attack military targets in the central town of Gori, close to South Ossetia.

- On **Sunday August 10**th, Georgia says it has ordered its troops to begin a ceasefire, that its forces have withdrawn from South Ossetia and that the Russians are fully in control in the region's capital, Tskhinvali. But Russia says clashes are continuing, and it launches fresh bombing raids near Tbilisi. Russian warships are deployed near ports along the Georgian Black Sea coast, including Poti, where Georgian officials say wheat and fuel shipments are being blocked. Meanwhile, the separatist authorities in Georgia's other breakaway region of Abkhazia announce a full military mobilisation, saying they have sent 1,000 troops to drive Georgian forces from their only remaining stronghold in the Kodori Gorge. Meanwhile, the US government deplores the "disproportionate and dangerous escalation" by Russia in the conflict and warns it could have a "significant" long-term impact on U.S.-Russian relations.
- On Monday August 11th, Russian and Georgian forces both continue operations with reports of Russian air attacks against Georgian targets close to South Ossetia and nearer to Tbilisi. Moscow accuses Tbilisi of ignoring its own self-declared ceasefire and attacking the South Ossetian capital, Tskhinvali. European diplomats meet Georgia's president in Tbilisi, convincing Saakashvili to sign a draft ceasefire agreement. Russian officials reject the ceasefire before the diplomats even arrive, accusing Georgia of continued bombardments of South Ossetia. Georgian officials then claim that Russian troops have moved south from the region and "captured" Gori in central Georgia. Elsewhere, tensions are rising in Abkhazia. Russia deploys thousands of troops to the region and later moves from Abkhazia deep into Georgian territory.
- On Tuesday August 12th, Russian-backed rebels in Abkhazia announce the beginning of operations against Georgian troops in the Kodori Gorge area. Then, ahead of a meeting with French President Nicolas Sarkozy, Russian President Dmitry Medvedev announces that his forces will end their operation in Georgia, claiming that Russia's aims have been achieved. Later, Medvedev holds a joint news conference with Sarkozy in Moscow to say Russia has agreed a *six-point peace deal*. Under the plan, both sides would agree not to use force, and all troops would return to the positions they held before the beginning of the hostilities. Sarkozy travels to Tbilisi, where he and Saakashvili announce that Georgia also accepts a ceasefire.
- The days following the "Six Day War" from August 7th till 12th were bewildering, and show an escalation in rhetoric and confusion about the situation on the ground.
- On Thursday August 21st, Russia tells NATO it is suspending all military co-operation. Russian foreign minister Sergei Lavrov said Moscow was not shutting the door to future



co-operation, but that NATO had to decide what was more important to it - supporting Georgia or developing a partnership with Russia. Separatist leaders of Georgia's breakaway regions of Abkhazia and South Ossetia urge Russia to recognise their independence, as thousands attend proindependence rallies in both territories. Russian Foreign Minister Sergei Lavrov says Moscow's response to their pleas would depend on the conduct of Georgian President Saakashvili. Russia

says it will keep troops in a security zone around South Ossetia, establishing eight checkpoints at which 500 peacekeepers will be deployed.

• On Friday August 22nd, Russia says it has completed its withdrawal of troops from Georgian territory - but Georgia, France and the US say it continues to violate the terms of a ceasefire deal. Earlier in the day, large columns of Russian armour leave Georgian territory for the breakaway regions of South Ossetia and Abkhazia. Russia's Deputy Chief of General Staff, Gen Anatoly Nogovitsyn, says that nearly 2,600 troops, with

armoured personnel carriers and helicopters, will remain as peacekeepers in a "zone of responsibility" around South Ossetia and Abkhazia. He says the zone will encompass segments of a strategic highway, linking the eastern Georgia with its Black Sea coast to the west. The US and France say Russia's buffer zones and checkpoints outside the breakaway territories flout the ceasefire deal.

- On Saturday August 23rd, Russia defends plans to keep its forces in the key Georgian port of Poti, saying it does not break terms of the French-brokered ceasefire. The US, France and UK say Russia has already failed to comply by creating buffer zones around the breakaway regions of South Ossetia and Abkhazia. Russia's Gen Anatoly Nogovitsyn says combat troops have now left Georgia and only peacekeepers remain. He warns that should the US start rearming the Georgian army, Russia might enlarge its peacekeeping force. Georgia accuses Moscow of creating an economic stranglehold on the country. For the first time in more than two weeks the main road from the capital Tbilisi to Gori is packed with traffic. Minivans ferry passengers back to the towns they left and carry provisions to villages where very little has got through since the conflict began.
- On Sunday August 24th, a US warship arrives in the Georgian port of Batumi carrying the first delivery of aid supplies by sea. Russian forces still control the military port of Poti, to the north. French President Nicolas Sarkozy, who brokered the ceasefire, calls a special summit of EU leaders on Georgia for September, 1st. Earlier, he phoned Russian President Dmitry Medvedev to urge him to pull his forces out of Georgia proper. A train full of fuel is blown up by a mine near the Georgian town of Gori.

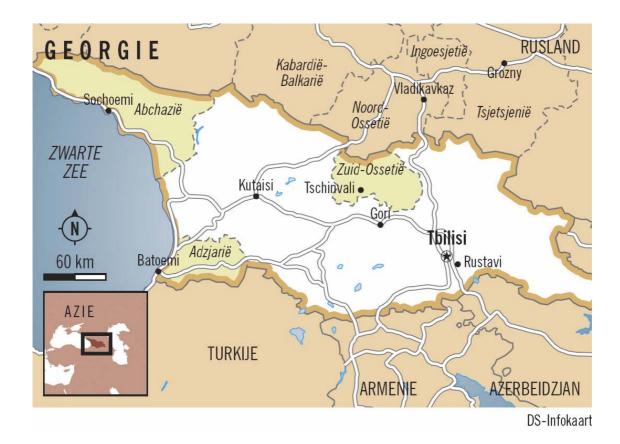


- On Monday August 25th, Russia's parliament backs a motion urging the president to recognise the independence of Georgia's breakaway regions of South Ossetia and Abkhazia. Both houses vote unanimously in favour of the non-binding motion. US President George W. Bush says he is deeply concerned and calls on Russia's leadership to meet its commitments and not recognise these separatist regions. Leaders from Germany, the UK and Italy also expresses concern that the vote would raise tensions further in the Caucasus. Alexander Stubb, the head of the Organisation for Security and Cooperation in Europe (OSCE), says Russia is trying to empty Georgia's breakaway province of South Ossetia of its ethnic Georgian population. Britain says it "would be a mistake" if Russia and NATO did not maintain links in the wake of the Georgian crisis. This follows Russia's announcement that it was stopping military co-operation with the alliance.
- On Tuesday August 26th, President Dmitry Medvedev declares that Russia formally recognises the independence of the breakaway Georgian regions of South Ossetia and



Abkhazia. The move, in defiance of a specific plea from US President George W. Bush, prompts widespread condemnation from around the world. Russia also cancels a visit by NATO's secretary general, one of a series of measures to suspend co-operation with the military alliance. The US says its warships will deliver aid to Georgia's port of Poti, which is under Russian control.

This could mean US and Russian forces coming face-to-face...



Historical and Geopolitical Background (1): a brief history of the Southern Caucasus

Background

The Caucasus region is conventionally divided into two parts separated by the Caucasus mountain chain. The *Southern Caucasus* exists out of the new independent states of Armenia, Azerbaijan and Georgia. Whereas the *Northern Caucasus* is one of the seven large Russian federal regions, and includes the seven federal entities of Dagestan, Chechnya, Ingushetia, North Ossetia, Kabardino-Balkaria, Karachai-Cherkessia, and Adygea. Both sub-regions are distinct, but interlinked through cultural, historical, ethnical, and strategic dynamics. The Caucasus region has, however, never developed functional regional institutions or a shared political identity. The region is linked to the Middle East geographically, and by being a so-called 'fault line' between Christian and Islamic civilization; to Europe by institutions (the Organisation for Security and Cooperation in Europe (OCSE), the Council of Europe, the EU, the North Atlantic Treaty Organisation (NATO), and the Partnership for Peace (PfP); and to the Russian north by economic dependencies and complex cultural and demographic affiliations (Craig Nation, 2007).

The Caucasus is plagued by many of the typical dilemmas of post-Sovietism, including incomplete nation-building, cultural disorientation, deeply rooted corruption, socio-economic and environmental disintegration, regional conflict and separatism, fragile democratization, and flourishing criminal networks. In the post-Soviet period, the Caucasus region has become one of the most volatile and potentially unstable regions in world politics with four unresolved armed conflicts in place, all related to the attempt by small, ethnically defined enclaves to assert independence from larger metropolitan states (the cases of Chechnya, Abkhazia, South Ossetia, and Nagorno-Karabakh). Unresolved 'frozen conflicts', continued armed resistance in secessionist Chechnya and associated Islamic radicalism, the 'Rose Revolution' in Georgia, competition for access to oil and gas in the Caspian basin,..., demonstrate the ongoing political, economical, and ethnic tensions in the region (Craig Nation, 2007).

Thus, the Caucasus is a region with important oil and natural gas holdings, characterized by a great amount of instability, diverging political implications, and a large number of unresolved local disputes. The states of the Southern Caucasus are weak and actively have courted the support of great power sponsors - the competitive engagement of external powers is a significant part of the region's security profile. For almost a century, Russia has considered the region of the Southern Caucasus as its own. The recent wave of local regime changes is a blow to its international prestige and a challenge to its authoritarian practices. Access to Eurasian oil and gas reserves stands high on its priority list. As a primary target of Islamic radicalism, the U.S. can no longer afford to let religious extremism fester, and is lobbying to contain Iran's economic and ideological outreach. The E.U.'s expansion has also increased its vulnerability to Eurasian dynamics, and since the Prague Summit in 2002, NATO has been seeking closer cooperation opportunities with the Southern Caucasus within the framework of its Partnership for Peace Program (Craig Nation, 2007). Problems between Georgia and its two breakaway provinces are framed by a broader Georgian-Russian clash about the future of the Southern Caucasus and the shaping of post-Cold War spheres of influence between Russia and the Euro-Atlantic alliance (Crisis Group Europe Report, 2008). At regional and global level, countries and organisations are involved in a struggle for power and energy security. The stakes in the Southern Caucasus region are significant. Georgia forms a gateway linking the Black Sea to the Caspian Sea, and is vital for the control of Central Asia's massive fossil resources, and the well-known Baku-Tbilisi-Ceyhan pipeline. Georgia's geographic position is also critical to assure the Black Sea region, and it allows the U.S. to project power toward the Middle East (Ivars Indans, 2007).

The Caspian 'Energy Knot'

The geopolitical importance of the Southern Caucasus is based on the presence of energy resources. The most important object of discord undoubtedly has been the hydrocarbon reserves of the Caspian basin. Azerbaijan is a major oil producer, and the Caucasus as a whole represents an important potential transit corridor for bringing Caspian oil and natural gas into regional and global markets. The region serves as a point of transit in a larger sense as well, as part of an emerging transportation artery defined by the EU's Transport Corridor Europe Caucasus Asia (TRACECA) project.⁵ Stability in the Caucasus is a vital requirement for the uninterrupted transport of Caspian oil and gas (Craig Nation, 2007). The importance of the region has also grown as a result of energy policies by consumer states in the West that want to decrease their dependence on resources from Russia and the Middle East. EU countries as a whole currently import 50 percent of their energy needs (the U.S. imports 58 percent of its oil), and will import 70 percent by 2030. Furthermore, EU countries import 25 percent of their energy needs from Russia, which may rise to 40 percent in 2030 (another 45 percent comes from the Middle East). A number of states and organisations are making efforts to end Russia's near monopoly on the transport of energy supplies in the Eurasian region by creating alternative pipeline routes to transport these supplies. Thus, the Atasu-Alashankou oil pipeline (China and Kazakhstan), the Baku-Tbilisi- Ceyhan (BTC), the Baku-Tbilisi-Erzurum (BTE) pipelines (Georgia, Azerbaijan, Turkey and Kazakhstan) and the Nabucco gas pipeline (European Union, Turkey, Bulgaria, Romania, Hungary and Austria) are operational, under construction or planned. The West considers the enhanced access to the region energy's supplies a strategic imperative, most notably the Baku-Tbilisi-Ceyhan (BTC) pipeline, running from the Caspian Sea across Southern Caucasus to Turkey (Ivars Indans, 2007).

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⁵ Launched by the EU in 1993, TRACECA includes a series of infrastructure initiatives including the construction of highways, railroads, fiber optic cables, and oil and gas pipelines, as well as a targeted expansion of exports, intended to recreate the Silk Road of the medieval centuries binding Europe to Asia.

The Caspian hydrocarbon reserves are unquestionably an important resource of conflict and geopolitically non negligible. However, a lot of uncertainty remains as to the basin's effective potential. In 1997, the U.S. was estimating the Caspian basin as to be the third largest source of oil and natural gas reserves in the world, after Saudi Arabia and Russian Siberia. More recent, although disputed, estimates have shifted direction dramatically. According to those estimates, the region is a 'strategically negligible' area whose long-term potential has been 'deliberately exaggerated' by 'a spectacular bluff'. Is it possible to make a reasonable estimate as to the real potential of the Caspian area as an energy hub? As the sea has not been explored fully, the gap between proven reserves (modest), and full potential (potentially significant) cannot be fixed accurately yet. It is however certain that its potential does not approach that of the Russian Federation or Saudi Arabia and the Gulf (Craig Nation, 2007). Nonetheless, the basin contains strategically significant resources that can usefully supplement global supply in ever-tighter energy markets. The Caspian Sea region contains about 3-4 percent of the world's oil reserves and 4-6 percent of the world's gas reserves. In itself, the Caucasian share of global oil and gas reserves is not considerable. However, in light of the uncertainty over the reliability of Persian Gulf supplies, as well as the possibility that Russia may use energy delivery as a power tool, the transport of Caspian and Central Asian (Kazakhstan and Turkmenistan) energy supplies to the West via the Caucasus has gained vital importance (Ivars Indans, 2007).



The Baku-T'bilisi-Ceyhan or BTC pipeline: turning Central Asian oil into "Anglo-American oil"

Driven by the quest for energy, U.S., EU and the Russian Federation pursue assertive regional policies in the Caucasus. The presence of oil and natural gas resources, as well as the strategic position of the Caucasus as a 'corridor of access' for transporting those resources into world markets, lead to a battle for geopolitical leverage in this region. Access to the energy resources of the Caspian historically has been monopolized by the Russian Federation. The Russian energy politics go far beyond the politics of the Caspian. Russian production has increased considerably in recent years. The energy revenues have become the essential motor of Russian economic revival. The U.S. on their part are eager to reduce the Russian influence, and thus promote the sovereignty of new independent states with the aim of assuring access to the resources of the Caspian, and securing regional allies and potential military access into Inner Asia. The EU has become attracted by the transit of energy resources and concerned by the challenges of trafficking and criminality that regional instability aggravates (Craig Nation, 2007).

The Caucasus region has thus taken on a strategic weight that is incommensurate with its inherent fragility, and potentially dangerous in its consequences (Craig Nation, 2007).

Historical and Geopolitical Background (2): Georgia, South Ossetia and Abkhazia

Georgia

After being the object of rivalry between Iran, Turkey and Russia, Georgia was annexed by the latter in the 19th century. Georgia was the first former Soviet republic to leave the Soviet Union. It formally proclaimed its independence in 1991, and relations with Russia have been fraught ever since. Today, Georgia is still largely dependent on Russia for its energy supply, Russian troops are still stationed on its soil, and three of its regions contest its authority, being Abkhazia, South Ossetia, and the Pankisi Gorge (Tim Radjy, 2006).

Georgia has been the most contested state of the post-Soviet Southern Caucasus. When Georgia declared its independence from the Soviet Union in 1991, non-Georgian ethnic groups within the country also sought to assert their cultural identity. Some of these peoples, like the Abkhaz or Ossets, who lived in distinct autonomous ethnic regions of Georgia, also strove for more political autonomy. Politicians in these minority areas saw the democratic and nationalist wave as an opportunity to create breakaway entities and to establish their own rule, escaping control from a Georgian dominated centre. In the early 1990s the political leaderships of the secessionist regions of Abkhazia and South Ossetia eventually declared their independence from Georgia, which ultimately led to armed clashes between armed rebel forces representing these minority groups and the armed forces of the Georgian central government (Gegeshidze, 2008). The Ajara district in the southwest also moved to proclaim a kind of de facto authority. Ceasefires in 1994 brought the fighting to an end without achieving any resolution of underlying differences. In both Abkhazia and South Ossetia Russian peacekeepers continue to monitor disputed borders. Georgia insists on the premise of sovereignty, but is too weak to act decisively to reassert control (Craig Nation, 2007).

During the 1990s, the Georgian government of Edvard Shevardnadze was forced to tolerate the existence of the de facto states on Georgian territory against a background of precipitous national decline. Vote fraud in the election of 2005 led to the ouster of Shevardnadze as a result of the "Rose Revolution". Subsequently, the new government of President Saakashvili has struggled to lead Georgia. Russia asserted that the Georgian Revolution was an overt use of American soft power to exploit dissatisfaction and impose pro-Western and anti-Russian regimes in areas where it had vital interest at stake. In the wake of the Orange Revolution in Ukraine 6, a serious blow to Russia's interests, Putin's advisor Sergei Yastrzhembskii put forward a conspiracy theory that interpreted the larger phenomenon of "Colored Revolutions" as a manifestation of American grand strategy devoted to keeping Russia down. Apart from any other effects, Georgia's Rose Revolution opened a significant new front in the struggle for influence between the U.S. and Russia in the Caucasus (Craig Nation, 2007).

Georgia always has been skeptical toward the CIS, wary of Russian intentions, and attracted to strategic partnership with Washington. Early in his tenure in office, Saakashvili went out of his way to articulate, in both Moscow and Washington, that a democratic Georgia would not become "a battlefield between Russia and the United States". But his actions have in some ways belied his words. The government born of the Rose Revolution clearly has established the strategic objective of reinforcing a special relationship with the U.S. and expanding cooperation with NATO and EU. Tbilisi has accepted the status of subject of the European Neighbourhood Policy (ENP) without caveat and not forwarded the goal of eventual accession to the EU as forcefully as have, for example, the Central European states of Moldova and Ukraine. Georgia presently is engaged in far reaching military-to-military cooperation with the U.S., high points of which include the *Georgia Train and Equip Program* launched in 2002, and the *Sustainment and Stability Operations Program*, underway since 2005.

© 2008 – Dr. D. Criekemans, L.-A. Nobels & K. Van Laethem – The aftermath of the Georgian-Russian War

⁶ The Orange Revolution of November-December 2004 in Ukraine led to the ouster of Ukrainian President Leonid Kuchma as a result of popular protests with strong international support.

It is also reforming and bolstering its armed forces under U.S. guidance. Tbilisi concluded an *Individual Partnership Action Plan* to define guidelines toward eventual accession to NATO in October 2004, and seeks to move forward to a *Membership Action Plan* with the possibility for accession as soon as 2008-09. In 2005 a new National Military Strategy and the draft of a National Security Strategy were released that unambiguously assert Georgia's Euro-Atlantic vocation and cite Russian policies as a primary threat to Georgian security. Military cooperation with Turkey also has expanded, fuelled by a shared interest in the security of the BTC and Baku-Tbilisi-Erzurum natural gas pipeline (Craig Nation, 2007). Furthermore, Saakhasvili's policies aim to close the Russian military bases in Georgia, and to make the most out of Georgia's position on the route of new pipelines taking gas and oil from the Caspian Sea region to the west (Ivars Indans, 2007).

Despite Georgia's improved international stature and prospects for democratic development, the economic situation remains dire and the potential for social and political unrest, high. Georgia has experienced a massive economic regression between 1990 and 2000, with GDP decreases of more than 70 percent. Nonetheless, Saakashvili has achieved some notable accomplishments. In 2007, Georgia has known a 9 percent growth; the World Bank counts Georgia as one of his top reformers (Tim Radjy, 2006).

An accord of May 2005 committed Russia to withdraw its remaining two military bases from Georgian territory by December 31st 2007. In July 2004, Ajara was peacefully reincorporated into the Georgian body politic. Georgia has, however, made no comparable progress in coming to terms with the separatist states of Abkhazia and South Ossetia. The resumption of armed conflict in South Ossetia in August 2004, including harsh but ineffective Georgian military provocations, if anything, has made the situation worse. Under pressure as a result of U.S. inroads, the Russian Federation has become more committed to support for the status quo. Meanwhile, the U.S. has sought to discourage a resort to force, fearing the possible effects upon regional security and the integrity of the BTC. Mainstream evaluations describe Abkhazia and South Ossetia, no doubt realistically, as "de facto subjects of international relations". The ability to serve as external sponsor for the separatist states gives Moscow real leverage in the region (Craig Nations, 2007).

The conflict between Georgia and Russia goes back a long way. In April 1989, Soviet tanks put down massive demonstrations in the Georgian capital, Tbilisi, after considerable bloodshed, what hastened the demise of the Soviet republic two years later. In 1993, Russian troops intervened in a civil war in support of former President Shevardnadze. Since then, tensions have risen steadily over a number of issues, from the presence of Russian military bases in Georgia to Russian allegations that Chechen rebels used Georgia as a safe haven. For much of the 1990s, Russia was however unable to restore its authority over Georgia. This changed in 2000, when Vladimir Putin became the Russian president. The recovery of Russian economy, powered by high oil and gas prices has allowed Moscow to rebuild its influence over Georgia and other energy-poor neighbours. In 2003, the Russian state natural gas monopoly Gazprom made its entry in Georgia taking over the gas transportation business. In 2006, the company doubled the gas prices for Georgians. Further, Russia has banned imports of Georgian mineral water and wine. Georgia has retaliated by withholding approval for Russia's bid to join the World Trade Organisation (Ivars Indans, 2007). Russian troops in Georgia were put on "high alert" in September 2006 and ordered to "shoot to kill if provoked" while defending Moscow's two military bases in the Caucasian country. Tensions between Russia and Georgia were escalating after Tbilisi arrested four Russian officers on September 27th 2006 on spying charges. As a consequence, Moscow withdrew its diplomats from Tbilisi and warned that it could postpone pulling out its troops by 2008 as initially planned. Russian President Vladimir Putin warned there could be a "bloodbath" in its breakaway regions. "The issue does not lie between Russia and Georgia, the issue is between Georgia and South Ossetia and Abkhazia," Putin said. "To our regret and fear, it is heading for a bloodbath.

Georgia wants to resolve the disputes with military action." He added that the recent deterioration of relations between Moscow and Tbilisi, were sparked by Georgia's arrest of four Russian army officers on spying charges which had been fabricated for political purposes. "The initiative to worsen relations originated not from Russia," claimed Putin. Further, he accuses new NATO members of supplying arms to Georgia, and states that drawing Georgia into the NATO does not help to enhance stability in Europe (International Crisis Group, 2008).

'Frozen' territories

In the early 1990s, Abkhazia and South Ossetia broke away from Georgia when the Abkhaz and Osset ethnic groups revolted against central Georgian rule, resulting in the mass expulsion of ethnic Georgians. In 2004, Saakhasvili succeeded in re-establishing Georgian authority over one of his three problem regions, Adjara, a Black Sea province bordering Turkey. The same cannot be told for Abkhazia and South Ossetia. Unlike the Adjarans, the Ossets and Abkhaz are ethnically different from Georgians. Further, both were involved in civil wars with Tbilisi in the early 1990s, when they established de facto authority. Russia has warned that it would defend the separatist territories if the Georgian government launched an assault to win back control (Craig Nation, 2007).

Backed by the U.S. and the EU, Saakashvili said he was ready for a negotiated settlement based on maintaining Georgia's territorial integrity but he argued the key lies in Russia's attitude. Putin recently urged both South Ossetia and Abkhazia to abandon separatism and build a common state inside Georgia. But, he also accused Georgia of preparing for military action. Tbilisi has increased defence spending to about 3 per cent of GDP, with additional training and equipment coming from the US and NATO (Ivars Indans, 2007).

Abkhazia - Abkhazia, with about 200,000 residents is a large and attractive province for Russia. Abkhazia is a region of north-western Georgia on the Black Sea coast. During the Soviet era, Abkhazia was an independent Soviet Socialist Republic until February 1931, when it became an autonomous republic of the Georgian S.S.R. As the Soviet Union began to unravel, tension developed between Georgia and Abkhazia as the Abkhaz began demanding the restoration of the region's pre-1931 status and the Georgian independence movement became increasingly nationalistic (Craig Nation, 2007).

Following Georgia's declaration of independence, armed conflict began in August 1992 when Georgian troops were deployed to Abkhazia. Large-scale hostilities ended after the Abkhaz side broke the ceasefire agreement of July 27th 1993 and captured the Abkhaz capital city of Sukhumi on September 27th. Most of the Georgian population of Abkhazia fled or was forcibly expelled as a result of the conflict. On April 4th 1994 in Moscow, the sides signed a Declaration on Measures for a Political Settlement of the Georgian/Abkhaz Conflict. In this agreement, the parties committed themselves to the strict observance of a cease-fire and to cooperate to ensure the safe, secure and dignified return of people who had fled the area of the conflict. On May 14th 1994 an Agreement on a Cease-Fire and Separation of Forces was signed, also in Moscow. Under this agreement, a demilitarized security zone was created on either side of the Inguri River. A peacekeeping force of the Commonwealth of Independent States (CIS) was deployed to this zone to monitor compliance with the ceasefire agreement. The United National Observer Mission in Georgia (UNOMIG) was established to monitor compliance with the ceasefire. In May 1998, fighting broke out between Georgians and Abkhaz in Gali district of Abkhazia, when Georgian partisans attempted to take back part of that district. By 1998, several tens of thousands of Georgian internally displaced persons (IDPs) had returned to their former homes in Abkhazia's Gali district. After days of escalating hostilities culminated in a large-scale Abkhaz sweep operation, upwards of 40,000 Georgians were expelled and some 1,500 houses burned. Since that time, the security situation has remained precarious.

During the conflict, Russia played a leading role as mediator. Since December 1993, the UN has chaired negotiations toward a settlement. The UN mediator is the Special Representative of the Secretary General (SRSG), currently Ambassador Heidi Tagliavini of Switzerland. A "Group of Friends of the Secretary General" supports the UN-led peace process. Russia continues to play a special role as facilitator. Under the auspices of the UN, the two sides met in Geneva in November 1997, where they agreed to establish a Coordination Council to resolve practical issues between them. Within the framework of the Council, three working groups were established to deal with security issues, refugees and internally dispersed persons (or IDPs), and economic and social problems. In early 2000, then-UN Special Representative of the Secretary-General Dieter Boden and the Group of Friends drafted and informally presented a document to the parties outlining a possible distribution of competencies between the Abkhaz and Georgian representatives, based on a core respect for Georgian territorial integrity. The Abkhaz side, however, has never accepted the paper as a basis for negotiations. In 2003, a meeting of the Group of Friends in Geneva began what would become a series of talks with the purpose of defining principles for the political settlement of the Georgian-Abkhaz conflict. In early 2004, these UN-sponsored talks between Abkhaz authorities and the Georgian government broke off amid growing tensions between the sides. The standstill continued through the end of the year as the Abkhaz carried out protracted elections for a de facto president. In April 2005, meetings between the parties, represented by the new Georgian Saakashvili government and the new Abkhaz leadership, resumed in Geneva with the Group of Friends.

In 2004, Saakhasvili installed a government in the isolated Tbilisi-controlled Kodori Gorge. The influence of this parallel administration is however insignificant compared to the Abkhaz administration in Sukhumi. Abkhaz leaders are divided between those seeking outright independence and those wanting to join Russia (Ivars Indans, 2007).

South Ossetia - In 2004, Saakhasvili tried to impose his will on South Ossetia. This originated violent clashes between Tbilisi and Eduard Kokoity, South Ossetia's self-proclaimed pro-Russian president, and his Russian advisers (Ivars Indans, 2007). Under pressure from the U.S. and the EU to avoid violence, Saakashvili has switched to a less aggressive tack. When Kokoity staged an independence referendum and presidential election, Tbilisi responded with polls of its own in South Ossetian districts it controls. The result was the election of two presidents - Kokoity in Tskhinvali's polls and, in Tbilisi's, Igor Sanakoyev, a former South Ossetian Prime Minister who now favours a deal with Saakashvili. The outcome gives Tbilisi the option of trying to undermine Kokoity by running a parallel administration.

At the end of January 2006, Saakashvili presented a peace plan for South Ossetia to the Council of Europe. The offer granted the breakaway province broad guarantees of autonomy. The plan also gave citizens in South Ossetia the right to elect the province's government, which would oversee local culture, education, economic policy, and environmental issues. It was expected to guarantee the rehabilitation of the province's economy as well. In addition, the president announced a three-year transitional period for building cooperation between the police of Georgia and South Ossetia and integration of the region's military forces into the national armed forces. To implement this plan the region would have to start demilitarising and be under permanent monitoring to "make sure that there are no military units that could violate the stability of the region". In other words, the aim is to establish control of the border with Russia to prevent armed groups from entering the province. Kokoity, the President of South Ossetia, has rejected this plan, saying the region has been independent, and has maintained no relations with Georgia since the collapse of the Soviet Union. South Ossetia, with 95 percent of its population being Russian nationals, wants to unite with North Ossetia, which is a part of the Russian Federation. According to several sources the financial resources of Kokoity are linked to the criminal world, drug and gun trafficking, and he has even been convicted in Russia. Since Kokoity is dependent on Russia,

Georgia has turned into some kind of a hostage of South Ossetia; everything will depend on whether Russia orders Kokoity to withdraw or makes him negotiate (Papava, 2006).

Situation on the ground (1): a complex geopolitical situation

The Caucasus is geographically bounded by Russia's Krasnodar and Stavropol districts in the north, the Araxes River and Iranian and Turkish boundaries in the south, and the Black and Caspian Seas. As explained before (see supra 'Historical and Geopolitical Background (1)), the Caucasus region is characterized by ethnic, linguistic, and cultural diversity. The *Northern Caucasus* is one of the most ethnically complex regions in the world. Dagestan for instance, with a population of about 2 million, contains more than 30 distinct ethno-linguistic groups. Ethnic complexity is less pronounced in the *Southern Caucasus*, but not less real: i.e. Georgia's population is approximately 65 percent Georgian, but the Georgians have important local affiliations and there are Armenian, Azeri, Osset, Greek, and Abkhaz minorities. The region is also a point of intersection between confessional communities, such as Shia Islam, Sunni Islam, the Georgian Orthodox church, the Armenian Monophysite church and Jewish communities. The Caucasus never has developed functional regional institutions or a shared political identity.

The territory of Georgia - a representative democracy, organized as a secular, unitary, presidential republic - covers 69,700 sq. km. Mountains are the dominant geographic feature of Georgia (highest summit: Mount Shkhara, 5,201 m), which is bordered to the north by the Russian Federation, to the east by Azerbaijan, to the west by the Black Sea, to the south by Armenia and to the southwest by Turkey. Its population is 4,5 million, nearly 84% of whom are ethnic Georgians. Its capital and largest city is Tbilisi. Other major cities include Kutaisi and Batumi. Georgia's current president, Mikhail Saakashvili (since 2004), is one of the very few rulers of Southern Caucasus and Central Asia who can claim to derive the legitimacy of their power directly from the people. He has been beset by daunting domestic challenges since his Presidential accession, such as the secessionist provocations in South Ossetia and interethnic tensions elsewhere in the country. For much of the 20th century, Georgia's economy was within the Soviet model of command economy. Since the fall of the USSR, Georgia embarked on a major structural reform designed to transition to a free market economy. However, as with all other post-Soviet states, Georgia faced a severe economic collapse: Georgia has experienced a massive economic regression between 1990 and 2000, with GDP decreases of more than 70 percent. That is why financial help from the West (World Bank, International Monetary Fund, ...) became inevitable in the 1990s. The new century has brought positive developments and made Georgia one of the fastest growing economies in Eastern Europe. However, the country has a high unemployment rate and fairly low median income.

Abkhazia (President: Sergei Bagapsh) has about 200,000 residents and is quite desirable to Russia. Abkhaz leaders are divided between those seeking outright independence and those wanting to join Russia.

South Ossetia (President: Eduard Kokoity) is a mountainous inland district with an estimated population of under 50,000, an area of about 3,900 sq. km and a primarily agricultural economy. Its main asset is a tunnel through the mountains linked to the Russian region of North Ossetia, which Georgian officials say is used for smuggling guns, drugs and counterfeit \$100 bills (Ivars Indands, 2007). South Ossetians see independence from Tbilisi only as a stage on the way to joining the North Ossetians under Moscow's rule.

Situation on the ground (2): different actors, different positions

Despite all efforts, **Georgia** remains a deeply troubled polity struggling with entrenched corruption and systematic abuses of authority. The economic situation remains dire, and the potential for social and political unrest high. However, there is no doubt that under Saakashvili's direction Georgia's international stature has improved. Georgia (like Azerbaijan) has cultivated the geopolitical sponsorship of the U.S., and is linked militarily to the U.S., Turkey, and key European powers, including Germany and the UK.

Citizens of **South Ossetia** have been able to obtain Russian citizenship: Russia issued passports to the majority of residents in the secessionist territories and is their self-declared protector. The lack of an immediate international legal precedence for this issuance raises several questions about the possible violation of the non-intervention norm by sending agents into Abkhazia and South Ossetia to issue passports. South Ossetian leadership openly declared its aspiration to have accession to the Russian Federation through unification with North Ossetia, the most prosperous republic in the Northern Caucasus. Presumably, it would be a challenge for the North's economy to absorb the much poorer South, including the possibility of significant numbers of South Ossetians moving north. It is also unclear if the South Ossetian leaders would willingly give up their positions to join the North's structures (Stacy Closson, 2008).

The **Abkhaz** are also ethnically different from Georgians. However, although considering Russian passport policy in the secessionist territories, it is actually questionable whether the recipients in Abkhazia consider themselves to be citizens of Russia.

The *objectives for the main powers* are quite transparent, since both the West and Russia have the aspiration of being the major players in the Southern Caucasus:

Russia has not played a very neutral role in these conflicts. It has always had a historical stake in Southeast Eurasia, and considered the region its own fief for close to a century. The recent wave of local regime changes was a blow to its international prestige and a challenge to its authoritarian practices (Tim Radjy, 2006). It is engaged in a protracted counterinsurgency campaign in Chechnya that repeatedly has threatened to spill over into the larger Northern Caucasus region and into Georgia to the south. It sustains a military alliance with Armenia, keeps forces deployed in Georgia and cultivates positive relations with neighbouring Iran. Russia has an obvious motivation to restore order and to promote a positive regional balance supporting its national purpose to the south. However, the weakened Russian Federation of the post-Soviet era has not been strong enough to sustain the region as a closed preserve as it has done in the past (Craig Nation, 2007). Some say Russia's role in the secessionist conflicts is being exaggerated: Moscow did not create the tensions that led to declarations of independence and it is not in a position to resolve them unilaterally (Craig Nation, 2007). However, since the Rose Revolution in Georgia, Moscow's presence in Abkhazia and South Ossetia has expanded, and the dependence of the separatist entities upon Russian sponsorship has grown stronger. Georgian policies towards the EU and NATO have evidently angered the Kremlin, and its officials fear the emergence of a stronger Georgia could complicate Russia's handling of its own often troubled ethnic minorities in the region, most importantly Chechnya. According to Andrei Kokoshin, Chairman of the State Duma Committee on the CIS and Compatriots Abroad, the overwhelming majority of the Russian political class has a markedly negative attitude to the NATO enlargement (Ivars Indans, 2007).

The United States is keenly aware of the risks in the region, and has openly declared its regional strategic interests as: security, energy and regional economic cooperation, and freedom through reform – underlining that these objectives are both indivisible and mutually reinforcing (Tim Radjy, 2006). More directly, U.S. regional goals seem to be to

contain Russia, isolate Iran, ensure some degree of control over the hydrocarbon reserves of the Caspian and develop alternative pipeline access routes; and to reinforce regional stability and resolve the issues of Abkhazia and South Ossetia by encouraging their reintegration into the metropolitan states with some kind of guaranteed autonomy. The U.S. has been drawn to the window of opportunity to forward a policy of reducing Russian influence and promoting the sovereignty of the new independent states and 'geopolitical pluralism' within the post-Soviet space; assuring access to the resources of the Caspian; and securing regional allies and potential military access (over-flight and potential basing), extending its strategic reach into Inner Asia (Craig Nation, 2007). It is obvious that Washington wants a stable Southern Caucasus region for its investment in the energy sector, as well as for its geostrategic interests in the region (Asmus, 2006). Furthermore, the U.S. is lending Georgia its support with a US\$ 295 million economic aid package, military training, and the facilitation of private investments in the BTC pipeline (Tim Radjy, 2006).

The European Union increasingly has become engaged in the Caucasus region, but it has not established itself as an independent strategic partner. The European agenda in the region remains broadly consonant with that of the U.S.-led western security community. The EU has become attracted by the transit of energy resources and concerned by the challenges of trafficking and criminality that regional instability aggravates. In 2004 the states of the Southern Caucasus were made subjects of the European Neighbourhood Policy (ENP), with the objective of avoiding the emergence of new dividing lines between the enlarged EU and its neighbours and strengthening the prosperity, stability and security of all concerned. The ENP allows the negotiation of bilateral 'Action Plans' to permit states without immediate prospects for accession to take advantage of more limited forms of association. With the ENP, the neighbours of the EU are being offered a privileged relationship, building upon a mutual commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development). The level of ambition of the deeper political relationship and economic integration will depend on the extent to which these values are shared. The ENP remains distinct from the process of enlargement although it does not prejudge possible evolution in the future, in accordance with Treaty provisions. In 2004-2005 the EU deployed its first-ever civilian Rule of Law mission under the aegis of the European Security and Defence Policy in Georgia, dubbed EUJUST Themis. The results may be described as modest (Craig Nation, 2007).

The clash between Russia and Georgia, is only a symptom of the broader strategic positioning of the West and Russia in and around the Southern Caucasus. In this scenario, at regional and global levels, countries and organisations are involved in a struggle for power and energy security (Stulberg, 2005). Evidently, energy security is high on the international agenda as the U.S., EU and NATO have expressed their concern about threats to energy security. Not only is there a growing dependency, but it has become clear that the energy instrument is an essential part of Russia's external security policy. Matters of energy security tend to attract the attention of military organisations. Both Russia and the West are directly involved in energy security in the Southern Caucasus, and it seems like it is going to develop further. There is reason to believe that NATO has, or will have, a role in pipeline security in the Southern Caucasus, for clear geostrategic reasons. The EU is also likely to build up its activities, especially in energy infrastructure. Consequently, NATO and EU will share a longlasting involvement in the region, which, by establishing a labour division in their best fields of expertise, may be able to bring security and prosperity to the Southern Caucasus. However, considering that the U.S., NATO and the EU are likely to be involved in energy security in the Southern Caucasus, as is Russia with the CSTO, this could lead to rivalry or to a local arm race (Ivars Indans, 2007).

Thus, the tensions are likely to continue if these global powers and their organisations cannot find consensus or 'peaceful coexistence'.

Situation on the ground (3): involvement of international organisations

Since countries and organisations seem to be involved in a struggle for power and energy security, the current situation in Southern Caucasus needs to be analysed to be able to have future expectations. In addition to countries, some *international organisations* might play an important role in this game:

The Organisation for Security and Co-operation in Europe (OSCE) Mission to Georgia was established in December 1992 in response to armed conflicts in the country. The Mission assists the Government of Georgia in the fields of conflict settlement, democratization, human rights and the rule of law. According to the original mandate, the objective of the Mission was to promote negotiations between the conflicting parties in Georgia which are aimed at reaching a peaceful political settlement. However, the tasks of the OSCE Mission to Georgia have been gradually widened ever since.

The United Nations Observer Mission in Georgia (UNOMIG) was originally established in August 1993 by the UN Security Council (S/RES/858) to verify compliance with the July 27th 1993 ceasefire agreement between the Government of Georgia and the Abkhaz authorities in Georgia, and to investigate and report ceasefire violations. Its mandate was revised following the signing of the Moscow Agreement (May 1994), which established the ceasefire and separation of forces. In accordance with this agreement, a security zone of roughly 12 km was created on either side of the ceasefire line. The mandate tasks UNOMIG to monitor and verify compliance with the Moscow Agreement, and to observe the operations of CIS peacekeeping forces (under UN auspices) along the ceasefire lines, as stipulated in the Moscow Agreement. Therefore, its primary tools are observation and patrolling, reporting and investigation, and close and continuous contact with both sides at all levels. The UNSC, by its resolution S/RES/937 (July 1994), authorized the increase in UNOMIG's strength and expanded the mission's mandate. Most recently, the mandate of UNOMIG was again extended until October 15th 2008 by UNSC resolution S/RES/1808 (April 2008).

Already during the hostilities in August 2008, the **NATO** Secretary General Jaap de Hoop Scheffer called on all sides for an immediate end of the armed clashes and direct talks between the parties. NATO also reaffirmed strong support for the efforts by the EU and the OSCE to achieve an immediate end to the violence and reach a political solution to the conflict. NATO stressed its support for the sovereignty and territorial integrity of Georgia and urged Russia to respect it. NATO decided to develop, together with Georgia, a NATO-Georgia Commission, that would follow up the decisions taken at the Bucharest Summit, and oversee the NATO-Georgia relationship.

In a 1996 article in *Foreign Affairs*, former UN Secretary-General Boutros Boutros-Ghali referred to the use of the "Group of Friends of the Secretary-General" as one of the tools available to him in carrying out his functions at the United Nations. Very little information is available in UN documents, yet the use of the "Group of Friends"-concept has been growing. The Friends groups are made up of a small number of Member States, usually three to six Members, which keep in close contact with the Secretary-General and support his efforts to find a peaceful solution to a specific crisis. Keeping the Groups small is essential so that meetings can be called quickly and easily and a consensus can be maintained. These Groups tend to include at least one country that is a UNSC Member and often include some countries that represent the region concerned, as well as a major power. They are usually constituted in response to a crisis in a country where the UN is involved to some degree and often where there is an ongoing UN operation. A self-constituted group referred to as the "Friends of Georgia" rather than the "Friends of the Secretary-General" exists since December 1993 and includes France, Germany, Russia, the UK and the US (Dr. Jean E. Krasno, unpublished).

GUAM is the regional cooperative organisation for democracy and economic development of the four post-Soviet states Georgia, Ukraine, Azerbaijan and Moldova. GUAM's charter was signed in 2001 by the current members and Uzbekistan, which later withdrew, and sets objectives for cooperation, such as promoting democratic values, ensuring stable development, enhancing international and regional security and stepping up European integration. Critics point out that only Georgia and Ukraine have shown a deep commitment to democratic values.

The **Black Sea Economic Cooperation (BSEC)** is a model of multilateral political and economic initiative aimed at fostering interaction and harmony among the Member States⁷, as well as to ensure peace, stability and prosperity encouraging friendly and goodneighbourly relations in the Black Sea region.

The **Black Sea Naval Co-Operation Task Group (BLACKSEAFOR)** is a multinational naval on-call peace task force, established for the purpose of enhancing peace and stability in the Black Sea area, by increasing regional co-operation, and improving good relationship. The "Blackseafor Establishment Agreement", the most important milestone of this initiative, was signed by ministers and their authorized representatives on April 2nd 2001 in Istanbul. The tasks of the BLACKSEAFOR are mainly Search and Rescue (SAR) operations, Humanitarian assistance (HA), Mine counter measures (MCM), Environmental protection, Goodwill visits and any other tasks agreed by all the parties. The BLACKSEAFOR is composed of naval elements only, without direct participation from air or army services. It can be supported by elements from other services, as and if necessary.

The Caspian Sea Force (CASFOR) is a Russian-proposed joint naval force of Caspian Sea countries. According to the proposal, the five littoral states (Iran, Russia, Azerbaijan, Kazakhstan and Turkmenistan) join efforts to prevent terrorism and trafficking in arms, narcotics and weapons of mass destruction in the Caspian Sea. The first Caspian Sea summit was held in 2002: in the five years since the first conference, the littoral states have reached a greater understanding and their viewpoints have begun to converge. All the Caspian nations agree that the sea's issues should be settled exclusively by the littoral states, and only those countries should be allowed to deploy ships and military forces in the sea.

The charter of the Collective Security Treaty Organisation (CSTO) ⁸ (within the Commonwealth of Independent States (CIS)) reaffirmed the desire of all participating states to abstain from the use or threat of force. Signatories would not be able to join other military alliances or other groups of states, while aggression against one signatory would be perceived as an aggression against all. To this end, the CSTO holds yearly military command exercises for the CSTO nations to have an opportunity to improve inter-organisation cooperation. Georgia is a former member (1994-1999) of the CIS Collective Security Treaty, but chose not to join CSTO.

© 2008 – Dr. D. Criekemans, L.-A. Nobels & K. Van Laethem – The aftermath of the Georgian-Russian War

⁷ On June 25th 1992, the Heads of State and Government of eleven countries: Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey and Ukraine signed in Istanbul the Summit Declaration and the *Bosphorus Statement* giving birth to the Black Sea Economic Cooperation (BSEC).

⁸ Charter signed by the Presidents of Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan on October 7th 2002.

Diplomatic Developments, March 2008 – August 2008

The Georgian-Russian relationship hit a new low after Kosovo's declaration of independence on February 17th 2008 and the pledge of NATO's Bucharest summit on 2-4 April that Georgia and Ukraine would eventually be admitted to membership in that alliance. Russia took a series of legal, diplomatic and military steps to increase its support to Abkhazia and South Ossetia, and openly warned that its assistance "will continue to have not a declarative, but a substantive character". On March 6th, Moscow cited "changed circumstances" and withdrew from the 1996 CIS pact "On Measures to Regulate the Conflict in Abkhazia, Georgia", which imposed trade, economic, financial and transport sanctions on Abkhazia. On March 13th, the Russian State Duma held hearings on possible recognition of Abkhazia's, South Ossetia's and Transnistria's independence, pursuant to the call by the de facto leaderships of the first two of those regions for this based on what they called the "Kosovo precedent". On March 21st, the Duma adopted a non-binding resolution urging the government "to intensify efforts aimed at the protection of the security of citizens of the Russian Federation, residing on the territories of Abkhazia and South Ossetia" and consider "the possibility of reinforcement of the [Russian] peacekeeping troops". The government was also encouraged to open representation offices in Abkhazia and South Ossetia, ease border restrictions, boost economic ties and consider formal recognition if Georgia joined NATO. On March 28th, Saakashvili unveiled a new initiative for resolution of the Georgian-Abkhaz conflict. He asserted that "Georgia's disintegration" was impossible, then offered the Abkhaz "unlimited autonomy, wide federalism and very serious representation in the central governmental bodies of Georgia", all with international guarantees. Specifically he proposed for the Abkhaz a new post of vice president; the right to veto laws related to the constitutional status of Abkhazia and the preservation of Abkhaz culture, language and ethnicity; establishment of a jointly controlled free economic zone adjacent to the ceasefire line; gradual merger of Abkhaz and Georgian law enforcement and customs; and, among the autonomy guarantees, that Russia could help mediate conflict resolution issues. On April 16th, after NATO's Bucharest meeting, then Putin issued instructions to the Russian government to strengthen its official links with de facto counterparts in Abkhazia and South Ossetia. The government was also tasked to "create mechanisms for the comprehensive defence of the rights, freedoms and lawful interests of Russian citizens living in Abkhazia and South Ossetia". On May 12th, Tbilisi's former chief negotiator and current UN ambassador, Irakli Alasania, went to Sukhumi for the first direct talks since 2007. On May 15th, the UN General Assembly adopted a resolution recognising the right of return to Abkhazia of refugees and IDPs, but only by the unusual vote of fourteen in favour, eleven opposed, 105 abstaining. On May 30th, Moscow began to move troops - according to some accounts up to 400 - into Abkhazia to rehabilitate the railroad from Sukhumi to Ochamchira. Georgia strongly protested, calling it a military intervention unconnected to peacekeeping and again accusing Russia of annexation (International Crisis Group, 2008). In reaction to the upgrading of links with Abkhazia and South Ossetia, Georgia suspended bilateral talks on Russia's application for membership in the World Trade Organisation (WTO). Georgia also announced it would prosecute Russians involved in business in Abkhazia not subject to Georgian law. Furthermore, Russia is using Abkhaz infrastructure and resources as it prepares for the 2014 Winter Olympic Games in Sochi some 40 km away. Georgia calls such use of Abkhaz territory without its consent annexation.

In March and April 2008, the situation also deteriorated worryingly on the ground and in the air. On March 18th, Abkhaz authorities claimed they downed an unmanned Georgian spy aircraft over their territory. Georgia denied any loss, though wreckage was shown to journalists in Sukhumi. On April 20th, Sukhumi claimed it shot down a second drone. This time Georgian officials, after initial denials, admitted the loss but blamed it on a Russian MIG-29 fighter. The Russian defence ministry announced on April 29th that it was increasing

its peacekeepers in Abkhazia within limits envisaged by the 1994 Moscow Agreement, asserting "a rise in provocations by Georgian power structures" against CIS peacekeepers as justification. Georgia mainly responded diplomatically, but several sources, including senior diplomats, confirmed that the western Georgian military base in Senaki was strengthened and put on combat alert. The same was reportedly true for interior ministry elements along the ceasefire line and in Upper Kodori. An international expert said Tbilisi's suggestion to the Abkhaz to increase the number of interior ministry troops on both sides of the ceasefire line from 600 to 2,000 was viewed in Sukhumi as an indication of present Georgian strength in the area. On May 5th, Georgia announced withdrawal from the 1995 CIS agreement on the "Creation of the Integrated Air Defence System of CIS Member States" and urged the UN to investigate the presence and utilisation of air defence systems by the Abkhaz authorities. The UN report released in late May concluded that the flights constitute military action and contravene the 1994 Moscow Agreement; Georgia pledged to suspend them on May 30th. Tensions peaked once more on May 18th, as Georgian security forces detained six, and by some accounts sixteen, Russian peacekeepers in Zugdidi.

The international community reacted to the Russian moves with unusually strong statements. The first criticism came after Moscow announced it was upgrading ties with Abkhazia and South Ossetia. EU High Representative Javier Solana's statement was followed rapidly by the UK and the U.S., the latter of which declared "unshakable support" for Georgia's territorial integrity and sovereignty. After an April 23rd 2008 emergency UNSC session on Georgia, the four Western members of the Group of Friends of the Secretary-General on Georgia (but not Russia) issued a statement expressing concern at the implications of the Russian measure and calling on Moscow to revoke, or at least not implement it. The reaction to the Russian troop increases was somewhat more nuanced. While Georgia has welcomed the criticism directed to Russia, both Georgian and Western officials believe it has had limited impact. Tbilisi would especially like the West to say clearly that Russia has compromised its neutrality as a peacekeeper and mediator. It has also been lobbying Brussels for a statement that the EU has no plans to recognise Abkhazia, but EU member states appear to have virtually no interest in such a statement.

On August 12th 2008, after several days of hostilities between Russia and Georgia, the so-called Georgian-Russian war (see supra 'A reconstruction of the events'), Russian President Medvedev met French President and President-in-Office of the European Union Nicolas Sarkozy, and approved a *six-point peace plan*. Later that night Georgian President Saakashvili agreed to the text. Sarkozy's plan originally had just the first four points. Russia added the fifth and sixth. Although Georgia intended to ask for additions, Sarkozy convinced to agree to the unchanged text. On August 14th, South Ossetia President Kokoity and Abkhazia President Bagapsh signed the peace plan as well. The six-point peace plan includes:

- 1. No recourse to the use of force
- 2. Definitive cessation of hostilities
- 3. Free access to humanitarian aid
- 4. The Armed Forces of Georgia must withdraw to their permanent positions
- 5. The Armed Forces of the Russian Federation must withdraw to the line where they were stationed prior to the beginning of hostilities. Prior to the establishment of international mechanisms the Russian peacekeeping forces will take additional security measures.
- 6. an international debate on the future status of South Ossetia and Abkhazia and ways to ensure their lasting security will take place.

Immediately after the Georgian-Russian war, other relevant events took place: on August 13th, the remaining Georgian troops retreat to Georgia. On August 15th, Saakashvili signs the six-point peace deal in Tbilisi in presence of U.S. Secretary of State Condoleezza Rice. On

August 23rd, Russia declares the withdrawal of its forces to lines it asserted fulfilled the sixpoint peace deal: into Abkhazia, South Ossetia, and the "security corridor" around South Ossetia. The bulk of its forces left Georgian soil altogether. However, thousands of Russian troops remain on Georgian soil in what Russia claims to be a peacekeeping role. For instance, some checkpoint installations remain on the main road from Tbilisi to Poti, where it passes within 8 kilometers of South Ossetia. On August 26th, Russia officially recognises both entities, Abkhazia and South Ossetia, as independent states. This recognition is severely condemned by Georgia ("annexation of its territory"), NATO, UN Secretary-General Ban Kimoon, the OSCE, the U.S. and the EU. Few sovereign states are supportive of Russia's decision, others remain neutral. Two days later, the Georgia Parliament passes a resolution declaring Abkhazia and South Ossetia "Russian-occupied territories".

Due to all these events the United Nations Security Council decided to devote a considerable amount of attention to the conflict.

The difficult debates within the United Nations Security Council

Already in **July** 2008, a month before the Georgian-Russian war, Georgia had requested a closed debate in the United Nations Security Council under article 35 of the Charter, to discuss the intrusion of Russian military aircraft into Georgian airspace. It was then obvious that relations between Russia and Georgia had become very tense over the recent weeks. The day Russia admitted having flied over Georgian air-space, U.S. Secretary of State Condoleezza Rice was in Tbilisi where she called for international mediators to take a bigger role. Despite some hostilities now and then, the Security Council decided to discuss the issue, but to take no immediate action.

After the breakout of hostilities on **August** 7th, the Security Council met several times and in several different settings (both as a whole and at the expert level) to discuss the unfolding situation in Georgia. That same day, the Secretary-General expressed serious concern about the mounting violence in South Ossetia and urged parties to refrain from actions that could escalate the situation and threaten the stability of the region. He ended up issuing a second statement on the evening of August 9th. Of course, most Council members shared this grave concern over the way violence escalated and the consequential humanitarian situation in Georgia. However, with a permanent member of the Council involved as a party to the conflict, the Council has proceeded with great caution. Tensions increased between the US and Russia with often emotional exchanges taking place. The French (EU presidency) and the Belgian (Security Council presidency) played a key role in trying to find language that all members could agree to. Also the other members showed genuine concern and desire to be able to take a united position on this issue.

At the **end of August**, two draft resolutions, one by France and the other by Russia, were on the table. The Council may also have to consider the impact of Russia's recognition on August 26th of South Ossetian and Abkhazian independence. The *French draft resolution* was circulated on August 19th and contained the following: (1) reaffirmation of Georgia's sovereignty, independence and territorial integrity; (2) a demand for full and immediate compliance with the ceasefire agreement; and (3) a demand for the immediate withdrawal of Russian forces to pre-7 August positions and the return of Georgian forces to their usual bases. On August 20th, *Russia produced its own draft resolution* (S/2008/570 – August 21st 2008) on the situation in Georgia, which contained the six principles of the ceasefire agreement (six-point peace deal), but did not mention Georgia's sovereignty, independence or territorial integrity.

The Council could at this point (1) continue negotiations on a consensual resolution; (2) vote on the Russian draft; or (3) choose not to take any action.

Most members want a consensual resolution but Russia's recognition of South Ossetia's and Abkhazia's independence has made this unlikely. The U.S. and the European members of the Council object to the Russian draft as it does not include references to Georgia's territorial integrity. They have also called for further clarification of the six principles. Russia is clearly against mentioning territorial integrity and it appears to be supported by some members. Other members refused to openly take sides.

A Deep International Crisis Seems Imminent

"Don't sleep Malkhaz (Georgian name), wait for an attack from the Abkhaz"

Popular, informal army slogan

In studying the situation in South Ossetia and Abkhazia, both experts and politicians talk about "frozen conflicts". Unfortunately, this description is no longer correct. The "frozen" status of a conflict assumes the absence of any dynamics, whether positive or negative, and thus the preservation of the status quo. However, over the last years, the conflict in the two Georgian territories has evolved, has "warmed up": there were several attempts to change the status quo in the conflict zones at the end of the 1990s and the beginning of the 2000s. The situation changed once more in 2004, when the international recognition of Kosovo's independence reached its final stage. Recognition of this territory as an independent country by members of the United Nations created a precedent for de facto recognition of states in the post-Soviet space. Even though the US and Europe recognized Kosovo's independence, they described the situation as a special case. And even if South Ossetia first announced its ambition to seek greater autonomy already in 1990, when the Kosovo precedent itself didn't exist; today the leaders of Abkhazia and South Ossetia see Kosovo as a precedent of successful ethno-political self-determination, which is possible without compromising with the state that legally controls the territory. The year 2004 marked a turning point in Georgia's policies toward the breakaway regions: Georgia's strategic goal was to destroy the status quo and reject the existing formats for peaceful conflict resolution (Sergei Markedonov, 2008).

Already on March 17th 2008, an influential National Movement parlementarian (Georgian) said: "we will continue very active and very vigorous attempts to restore our territorial integrity as soon as possible, but if these means are not enough, we will manage to do it with the help of our armed forces". So even if Tbilisi favoured a peaceful solution, Russia's increasingly sharp measures could provoke it into a rash response. Moreover, individuals closely linked to the Georgian administration were already speculating that war in Abkhazia would be a real possibility.

A former senior Georgian politician told his Moscow counterparts if Tbilisi "turns its back side to the West", Georgia will have no problems in Abkhazia and South Ossetia, but if it does not, Abkhazia and South Ossetia "will be a mess" (International Crisis Group, 2008). From the Russian side, Moscow has issued an extraordinary warning to the West that military assistance to Georgia for use against South Ossetia or Abkhazia would be viewed as a "declaration of war". This extreme rhetoric from the Kremlin's envoy to NATO was emphasized by the warning that Moscow is closely monitoring what it claims to be a build-up of NATO firepower in the Black Sea. The incendiary warning on Western military involvement in Georgia – where NATO nations have long played a role in training and equipping the small state – came in an interview with Dmitry Rogozin, a former nationalist politician who is now ambassador to the NATO. "If NATO suddenly takes military actions against Abkhazia and South Ossetia, acting solely in support of Tbilisi, this will mean a declaration of war on Russia," he stated.

It is clear that the situation on the ground in Abkhazia and South Ossetia could dramatically deteriorate if no diplomatic solution can be found soon. This debate in which you will participate in the UN Security Council can thus indeed be seen as a last chance to avoid renewed bloodshed and a destabilization of the region.

What Options are on the table, and what consequences might they generate?

Today one can debate the uniqueness or universality of Kosovo and its 'independence'. But it is impossible to ignore one problem: the "independence" has put before the international community the problem of identity and the loyalty of citizens. To what extent is it possible to preserve a country's territorial integrity, if the population living in this land is not prepared to recognize the sovereignty of the state? If you accept that territory and population are inseparable, then theoretically there are only two ways to resolve the question: either ethnic cleansing, or many long years of peacefully resolving the conflict through concessions and compromises (Sergei Markedonov, 2008).

We should ask ourselves what kind of role the Security Council could play in calming tensions in the region. What kind of role could the Security Council play in resolving the current crisis? What is the future role of the United Nations in the region anyway? Will the permanent members find the necessary common ground on a wider and stronger UN presence in Georgia?

Following questions should also be taken into account:

- What could be the effects of this situation on the surrounding countries?
- Is a stronger Georgia a threat to Russia's handling of its own often troubled ethnic minorities in the region, most importantly Chechnya?
- Is Russia keeping the frozen conflicts alive to slow down Western influence in the Caucasus?
- Could the Georgian president be accused of war crimes for his military activities?
- Does Russia infringe upon international law when unilaterally recognizing the new independent provinces of South Ossetia and Abkhazia? What are the underlying reasons of Russian support for the breakaway territories?
- How does the Kosovo precedent relate to the Abkhaz and South Ossetian sovereignty claims?
- Is Russia in violation of the EU's six-point peace plan, and what could be the consequences of this violation at the international level?
- Does the EU have a common stand on the Georgian-Russian conflict?
- Are there any incentives that could be provided to Georgia in order for it to agree to abide by a resolution that, from its point of view, would be a less than perfect solution?
- Will international observers be necessary in the immediate future and would this involve UNOMIG expanding to South Ossetia or will there need to be two separate missions and how will this affect UNOMIG's mandate?
- Where would any observers be deployed, when we know that Russia doesn't want EU or OSCE observers in South Ossetia or Abkhazia? The EU and OSCE feel that without access to those two regions it would be difficult for them to do their jobs. It remains to be seen if there would be greater flexibility regarding UN observers...
- Is protection and security for UN personnel still guaranteed, and by whom?

Beware of the Dynamics in the Decision-making Arena!

The UN Security Council consists of five permanent members (the so-called "P-5", with veto powers); the People's Republic of China, the Republic of France, the Russian Federation, the United Kingdom and the United States. *Furthermore*, the UNSC consists of an additional ten non-permanent members; currently Belgium, Burkina Faso, Costa Rica, Croatia, Indonesia, Italy, Socialist People's Libyan Arab Jamahiriya, Panama, South Africa and the Socialist Republic of Viet Nam. *In addition*, a number of delegations will also be invited to the work of the Security Council during the negotiations, a representative of the following countries:

- the Republic of Armenia,
- the Republic of Turkey,
- the Republic of Azerbaijan,
- the Republic of Ukraine,
- the Islamic Republic of Iran,
- Finland (current president of OSCE),
- The Republic of Georgia,
- Germany ("Group of Friends of the SG"),
- UNOMIG.

Be aware that these invited delegations can be a source of advice and/or exert informal pressures on the negotiations. However, they do *not* have any voting powers in the UNSC... At the end of the day, it will thus be upon the 15 to (try to) decide upon an international course of action to safeguard peace and stability.

The presidency of the Security Council will be observed by a number of professors, together with 2 vice-presidents (assistants).

The distribution of the delegations among the different Flemish universities is as follows:

Universiteit Antwerpen	Vrije Universiteit Brussel	UNIVERSITEIT GENT	LEUVEN
United Kingdom	China	Russia	United States
France	Libya	Burkina Faso	Vietnam
Costa Rica	Panama	Croatia	South Africa
Ukraine	Turkey	Italy	Iran
(observer)	(observer)		(observer)
Azerbaijan	Germany	Belgium	Georgia
(observer)	(observer)		(observer)
Finland	Armenia	Indonesia	UNOMIG
(observer)	(observer)		(observer)

The Role of the Security Council in this Case, and Your Role



In the scenario in which we will be negotiating, the consultations have made some progress, although not decisive. It is decided that support will once again be sought for within the UN Security Council (UNSC) on the actual status of the breakaway regions in Georgia.

Together with your colleagues, you will have to come to a decision concerning the following questions;

- 1. Can the current situation on the ground be considered a basis for a final and long-lasting settlement of Abkhazia and South Ossetia?
 - **if the answer is an unambiguous 'no'**, what options will have to form the starting point for a new resolution? (*Protectorate*; *Complete Independence*; *Autonomy within the Republic of Georgia*; *Conditional Independence (and under which conditions?)*; or even other options?)
 - if the answer is an inconclusive 'maybe', what elements of the current situation can/should be 'rescued', and which other additional provisions or elements should be added?
 - **if the answer is a 'yes'**, how should the situation now evolve to include both the latest 'developments on the ground' (e.g. partial recognition) and results of the diplomatic debates? What other measures should be added? What modalities have to be build in, and how can those be operationalised?
- 2. Can Saakashvili's proposal be a starting-point for an acceptable solution?

In late march 2008 President Saakashvili unveiled a new initiative for resolution of the Georgian-Abkhaz conflict: he asserted that "Georgia's disintegration" was impossible, then offered the Abkhaz "unlimited autonomy, wide federalism and very serious representation in the central governmental bodies of Georgia", all with international guarantees. Specifically he proposed for the Abkhaz a new post of vice president; the right to veto laws related to the constitutional status of Abkhazia and the preservation of Abkhaz culture, language and ethnicity; establishment of a jointly controlled free economic zone adjacent to the ceasefire line; gradual merger of Abkhaz and Georgian law enforcement and customs; and, among the autonomy guarantees, that Russia could help mediate conflict resolution issues.

- 3. *In the resolution which you will try to draft, the following aspects should be incorporated:*
 - definition of the secessionist territories as what kind of entities;
 - relationship of local institutions of self-government to possible administrative or security presence of international organisations and institutions;
 - nature of the secessionist territories' borders and their relationship to neighbouring states;
 - relationship of secessionist territories to Georgia and the Russian Federation.
- 4. Should the parties be given additional time to reach a settlement (solely) on their own? If yes, what are the modalities of such an arrangement?

- 5. Should certain 'incentives' or 'penalties' be imposed on the secessionist territories, on the Russian Federation, or on the Republic of Georgia, so as to broker a deal more swiftly? If yes, what kind of incentives/penalties & what kind of time-framework should be envisioned?
- 6. What additional measures can be taken by the UNSC to de-escalate the current situation on the ground, both in Georgia and in the region of the Caucasus?

The United Nations Security Council will convene in an Emergency Meeting in Brussels, from November 27th till November 30th 2008 in an attempt to develop a common answer from the international community to this volatile crisis. A Plenary Session will give each of the member-countries of the UN Security Council an opportunity to influence the course of current international politics. Some other countries will also be invited by the 15 to have a say, although they will themselves not be deciding parties. You will act as the Ambassador of one of the 15, or of an invited delegation. Some delegations, though not all, will receive individual mandates from their capital, which will serve as rough guidelines for the upcoming negotiations. Be aware, however, that negotiations constitute a *dynamic process*; it will be up to you to defend the interests of your country/delegation! You and only you will also be answerable for your actions to your own Government upon returning to your capital.

Thus, much is at stake... It will therefore prove crucial that you reflect in advance about the strategy you will follow during the deliberations. For this purpose, you will be asked to write a *position paper* and a *strategy paper* in preparation of the Emergency Meeting. The position papers will be officially distributed in advance. The strategy papers however should be considered top secret material which can only circulate *within* and *not between* delegations.

It is very probable that the UNSC will move from a formal setting to an informal setting during its deliberations. This is called 'caucusing', a setting which can be suggested by one or more of the delegations. It is however for the presidency to decide upon the appropriateness of such a course of action. There are two forms of 'caucusing'; moderated and unmoderated. Both are informal ways of negotiating. The difference can be stated quite simply; (1) a 'moderated caucus' is led by the presidency around the negotiating table, (2) an 'unmoderated caucus' can be seen as an interaction between delegations away from the negotiating table.

When you return to a formal setting, be aware that a resolution is adopted if 9 out of 15 votes are in favour and if there is no veto against it. Any amendments will be voted upon before the resolution has become final. In procedural matters, a veto cannot be used. The decision about whether or not a matter is procedural is subject to a veto (so-called 'double veto'). The presidency calls the meeting to order and as it proposed this emergency session of the Council, he/she will speak up first. After this opening address the permanent members will take the floor, followed-up by the non-permanent members. The Secretariat will open a Speakers List. The president chairs the negotiations.

The final goal of the negotiations should be the drafting of a UNSC resolution. If this would ultimately prove politically and/or technically unattainable, the negotiating parties can draw up statements, on their own or as a group. If a resolution is attainable, the negotiating parties can also issue explanatory statements. *Last but not least*, if certain countries were to agree upon separate 'secret' deals, the parties involved will be asked to disclose the content of their arrangements during the evaluation *after* the negotiations, so that a full *group-evaluation* of the political process can be made, all the cards on the table.

A final piece of advice; be aware that the negotiations can also be affected by 'new developments on the ground'. You must therefore 'be prepared for anything'. Good luck!

United Nations S/2008/570



Provisional

21 August 2008

Original: English

Russian Federation: draft resolution

The Security Council,

Recalling all its previous relevant resolutions,

1. Endorses the following plan agreed in Moscow on 12 August 2008:

President of the Russian Federation Dmitry Medvedev and President of the Republic of France Nicolas Sarkozy support the following principles of resolving the conflicts and call on the parties concerned to adhere to these principles:

- (a) do not resort to the use of force;
- (b) definitive cessation of hostilities;
- (c) free access to humanitarian aid;
- (d) withdrawal of the Georgian forces to their permanent bases;
- (e) withdrawal of the Russian Federation forces to the line prior to the beginning of hostilities; pending the establishment of international mechanisms the Russian peacekeeping forces take additional security measures;
- (f) opening of international discussion of lasting security and stability arrangements for South Ossetia and Abkhazia;
- 2. *Calls upon* the parties concerned to implement the above-mentioned plan in good faith.

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