



Georgia - South Ossetia – Russia

The historical context of the August 2008 war

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The five-day war opposing Georgia, South Ossetia and Russia in August 2008 cannot be fully understood without putting this tragic event back in a broader context. If recent history and international law must be taken into consideration in the analysis of this event, the administrative setup of the nationalities and of the territory inherited from the Soviet Union cannot be ignored either.

Administrative setup of the nationalities and the territory of the Soviet Unionⁱ

The Soviet Union policy of nationalities

The Soviet Union policy of nationalities aimed at creating a supranational identity - the "Soviet people" - by transcending the ethnic-based national identity of the constituent nationalities. This was to be achieved by "drawing closer" and "merging" the various nationalities. The fewer nationalities there would be the better for the new identity. **In 50 years' time, their number decreased by almost 50%: from 198 in 1926 down to 104 in 1979.**ⁱⁱ

Another vector of this policy consisted in attempts to put the nationalities in **mutual subordination and interdependence** in order to strip them of their ethnic identity. This subordination existed on two levels: the territorial-administrative setup of the Soviet Union and the relationship between the various nationalities inside the territorial-administrative units.

A **four-tier hierarchical segmentation of the territorial-administrative setup of the state** was designed to achieve the interdependence and mutual subordination of the administrative units and the various nationalities. The hierarchy was then as follows: **Soviet Union – 15 Union Republics > 20 Autonomous Republics > 8 Autonomous Oblasts (provinces) > 10 Autonomous Okrugs (districts)**. These units enjoyed different levels of autonomy, but even the smallest units were entitled to some form of statehoodⁱⁱⁱ, thus creating concentric circles of "states" within "states".

The hierarchical segmentation of the various nationalities provided for two levels of status. The **titular nationalities** were traditionally identified with the more privileged societal segment in a given territorial unit while **non-titular nationalities** were occupying a less privileged position^{iv}. According to Ian Bremmer, some nations could be titular in certain administrative units but non-titular to others in other units so that titular nations could be further sub-divided into **first-order and second-order nationalities**, namely on union republic level, on autonomous republic level or on the level of smaller territorial units^v. This interweaving of nations within nations is often referred to as **matrioshka doll nationalism**^{vi}.

In this hierarchical order of nations and ethnic groups, each of them had a varying degree of statehood, privileges and rights, depending on their territorial status. However, it seems that in the overall administrative setup of the Soviet Union **the status of territorial units had precedence over the nationalities**'. In its attempts to obliterate national differences, the Soviet Union sought to identify ethnicity with territory that could be easily manipulated by shifting borders between the various territorial units. **For the period 1921 to 1980, 90 transfers of territory among Union republics and equally large number of territorial shifts to and from smaller autonomous state units were operated.**^{vii}

The Constitution defines the Soviet Union as "a voluntary association of equal Soviet socialist republics"^{viii} and a Union Republic as "a sovereign socialist state"^{ix}, while "the sovereignty of the Soviet Union covers its whole territory"^x and the Soviet Union laws have precedence over the laws of the Union Republics^{xi}. It has been the unspoken and unwritten premise that the voluntary basis of the Union is confined to free association rather than free secession of the constituent units. Consequently, **the right of the Union Republics, and of the smaller territorial units, to independence and self-determination is not clearly defined or specified.**

The disintegration process of the Soviet Union

Confronted with the increased claims of Union Republics for independence and the imminent dissolution of the Soviet Union, Mikhail Gorbachev tried to reform the existing state structures and the relations between the nationalities. In 1989, he put in place the Platform on Nationalities Policy. In 1990, he initiated work on a new Union treaty that would redefine the relationship between Moscow and the republics. In April 1990, the USSR Supreme Soviet adopted the controversial law "On the Procedure for Dealing with Matters Connected to the Secession of a Union Republic from USSR."

Amidst strong drive for independence of a number of Union republics, this law further complicated than facilitated the process of secession and the inter-ethnic relations within the republics. The law provided that a decision on secession could be taken on the basis of a referendum in the republic concerned, while the secession could only be effected after 5 years' waiting period. The most critical part of this law proved to be the status of all the territorial-administrative units under the level of the Union Republics, their degree of autonomy and sovereignty, their right to hold a separate referendum and to decide whether they wanted to secede from their republic or to stay within the USSR.

A dynamic process was hereby triggered that got out of Moscow's control because of the confused and chaotic broadening of the rights of smaller and smaller territorial-administrative units and of their nationalities, the looming up of legal uncertainties, and the temptation to use them for increased autonomy and sovereignty. The disintegration of the Soviet Union and the splintering process reaching the smallest administrative units had become uncontrollable and irreversible.

In the sole year 1990, declarations of sovereignty were adopted by 11 autonomous republics^{xii}, 3 autonomous *oblasts* (provinces)^{xiii} and 4 autonomous *okrugs* (districts)^{xiv}.

Georgia and South Ossetia in the splintering process of the Soviet Union: a few landmark dates

The Democratic Republic of Georgia was created after the collapse of the Russian Empire that began with the Russian Revolution of 1917. Proclaimed independent on May 26, 1918, the young state was unable to withstand the invasion by the Red Army and collapsed between February and March 1921. It became a Soviet Republic in 1923 and South Ossetia was then granted the status of "autonomous *oblast*" within the Georgian SSR.

The tensions in the region began to rise amid growing nationalism among both Georgians and Ossetians in 1989. Before this, the two communities had been living in peace with each other except during the 1918-1920 events. For 70 years, both ethnic groups have had a high level of interaction and high rates of intermarriages.

In 1989, the national aspirations of the constituent units of the Georgian SSR (two autonomous republics - Abkhazia and Ajaria - and one autonomous *oblast* – South Ossetia) started breaking out on several levels.

March 1989: The Autonomous Republic of Abkhazia asked to be removed from Georgia and to join to RSFSR although the Abkhaz population only made up 17% of its population.

9 April 1989: A peaceful demonstration in the Georgian capital Tbilisi, known as the "Bloody Sunday", was suppressed by tanks and troops of the Ministry of the Interior and ended with the killing of several people.

10 November 1989: The Soviet of the South Ossetian Autonomous *Oblast* asked the Georgian Supreme Soviet to be upgraded to the level of "autonomous republic." This was viewed as a forerunner to the demand for unification with the North Ossetian Autonomous Republic within RSFSR.

November 1989: South Ossetia declared autonomy from the Georgian SSR, triggering three months of fighting.

December 1989: The Azerbaijani population of Georgia demanded the establishment of their own autonomous unit.^{xv}

Summer 1990: The Supreme Soviet of the Georgian SSR adopted a law barring regional parties. This was interpreted by Ossetians as a move against Ademon Nykhas, a local party created in 1988.

20 September 1990: Because of the ban on regional parties and the imposition of Georgian as the sole official language in 1989, the Ossetians proclaimed the South Ossetian Democratic Republic, fully sovereign within the Soviet Union. They also boycotted subsequent Georgian parliamentary elections.

14 November 1990: Although still *de jure* part of the Soviet Union, the Supreme Soviet of the Georgian SSR proclaimed the Republic of Georgia, dropping "Soviet Socialist" from its name, in a constituent session^{xvi}.

11 December 1990: The Supreme Soviet of the Georgian SSR led by the Soviet-era dissident Zviad Gamsakhurdia abolished the autonomous status of South Ossetia after separate elections had been held in South Ossetia. An armed conflict then broke out between Georgia and South Ossetia which lasted until 1992.

5 January 1991: The war started when Georgian forces entered Tskhinvali in the night of 5 January. The conflict opposed the Georgian government forces and ethnic Georgian militias on one side and the forces of South Ossetia and their allies on the other.

South Ossetian forces consisted of militia, volunteers from North Ossetia, Russian troops, and former Soviet soldiers who had been stationed in Georgia when it was part of the Soviet Union. When the fighting started, these soldiers chose to fight for South Ossetia. Military units of the newly-created Russian Federation sporadically took part in combat.

As a result, approximately 1,000 died and about 100,000 ethnic Ossetians fled the territory and Georgia proper, most across the border into North Ossetia. A further 23,000 ethnic Georgians fled South Ossetia and settled in other parts of Georgia. Many South Ossetians were resettled in uninhabited areas of North Ossetia

17 March 1991: Georgia boycotted the Soviet Union referendum on continued federation and negotiations on a "New Union" treaty. 78% of all voters voted for the retention of the Soviet Union but in a new form. Along with Georgia, the Baltic States, Armenia and Moldova also refused to take part in the referendum but Abkhazia and Ossetia participated in it and opted for staying in the New Union. Afterwards, Armenia indicated it wanted to join the New Union discussion.

31 March 1991: The Republic of Georgia held its own referendum on the question of its independence from the Soviet Union.

The referendum was sanctioned by the Georgian Supreme Council which had been elected in the first multi-party elections held in Soviet Georgia in October 1990 and was dominated by a pro-independence bloc Round Table-Free Georgia led by Zviad Gamsakhurdia. Georgia became the fourth Soviet republic to organize a referendum on the issue of independence after the three Baltic states (Lithuania, February 9, 1991; Latvia and Estonia, March 3, 1991).

The only question of the referendum was: "Do you support the restoration of the independence of Georgia in accordance with the Act of Declaration of Independence of Georgia of May 26, 1918?" The official results showed nearly 99% in favor with a 90.5% voter turnout. Due to the ongoing ethnic discord, the polls were largely boycotted by the non-Georgian populations of Abkhazia and South Ossetia as they had already opted to remain in the "New Union."

9 April 1991: Four days after the final results of the referendum were announced, the Georgian Supreme Council unanimously passed the declaration of independence. It was also a symbolic date: the second anniversary of the Soviet army crackdown on peaceful protests in Tbilisi.

26 May 1991: Zviad Gamsakhurdia was elected as the first President of independent Georgia. He stoked Georgian nationalism and vowed to assert Tbilisi's authority over regions such as Abkhazia and South Ossetia.

22 December 1991 – 6 January 1992: Zviad Gamsakhurdia was deposed in a bloody coup d'état instigated by part of the National Guards and a paramilitary organization called "Mkhedrioni" or "horsemen". He fled to the Chechen Republic. Eduard Shevardnadze, Mikhail Gorbachev's former Minister of Foreign Affairs, returned to Georgia and joined the leaders of the coup, Kitovani and Ioseliani. The country then became embroiled in a bitter civil war.

March 1992: Shevardnadze was appointed acting chairman of the Georgian state council.

June 1992: A bi-lateral agreement was signed in Sochi setting the terms of the ceasefire in South Ossetia. The Sochi Agreement set up a Joint Control Commission (JCC) to monitor its observance. The JCC comprised Georgian, Russian, North and South Ossetian representatives. It provided for the creation of Joint Peacekeeping Forces composed of Russian, South Ossetian and Georgian troops of no more than 500 men each.

The new authorities in Tskhinvali did however not control the whole territory of South Ossetia. Sizeable but non-contiguous parts of territory within the former South Ossetian Autonomous *Oblast*, mainly populated by Georgians (21 villages according to Georgian government source), remained under Georgian control^{xvii}. Until the August 2008 conflict, South Ossetia was a patchwork of territories under *de facto* South Ossetian and Georgian administrative control.

Since the early 1990s, Russia has extended various forms of support to the *de facto* administration of South Ossetia and has issued passports to substantial shares of the population. This process has provided the basis for Russia's later protection of "Russian citizens."

6 November 1992: A peacekeeping force of Ossetians, Russians and Georgians was established. On 6 November 1992, the Organization for Security and Cooperation in Europe (OSCE) set up a Mission in Georgia to monitor the peacekeeping operation.

1992: South Ossetia held a referendum on its independence. It was not recognized valid by the international community. 98% of the residents voted for independence.

November 1993: South Ossetia drafted its own constitution.

31 December 1993: Ex-President Gamsakhurdia died in a civil war which had broken out the same year in western Georgia between his supporters and those of Shevardnadze and which was ended by Russian intervention.

November 1995: Shevardnadze was elected President with 70% of the vote.

November 1996: South Ossetia elected its first president.

April 2000: Shevardnadze secured a second presidential term in an election that was marred by widespread claims of vote-rigging.

December 2001: South Ossetia elected Eduard Kokoity as president. Since then, the *de facto* administration of South Ossetia in Tskhinvali has been headed by President Eduard

Kokoity. He asked Moscow to recognise South Ossetia's independence from Georgia and to absorb it into the Russian Federation.

2 November 2003: Georgia held a parliamentary election that was widely denounced as unfair by international election observers, as well as by the U.N. and the U.S. government. The outcome sparked fury among many Georgians, leading to mass demonstrations in the capital Tbilisi and elsewhere. This was the beginning of the "Rose Revolution" which forced President Shevardnadze to flee and later on brought the leader of the opposition Mikhail Saakashvili to power.

May 2004: After President Eduard Shevardnadze's ousting during the Rose Revolution, a political crisis erupted in Georgia's Autonomous Republic of Abkhazia, then led by Aslan Abashidze, who refused to obey the central authorities in Tbilisi. The crisis threatened to develop into military confrontation as both sides mobilized their forces at the internal border. However, President Mikhail Saakashvili's government managed to avoid bloodshed and with the help of Abkhazian opposition restored Tbilisi's sovereignty. This probably encouraged Saakashvili to try to reestablish his authority on South Ossetia which had a lower status (Autonomous *oblast*) than Abkhazia in the SSR of Georgia.

June 2004: Serious tensions began to rise again as the Georgian authorities strengthened their efforts to bring South Ossetia back under Tbilisi rule and established an alternative pro-Georgian government for South Ossetia in Tbilisi. Hostage takings, shootouts and occasional bombings left dozens dead and wounded on both sides.

13 August 2004: A ceasefire deal was reached but it was repeatedly violated.

October 2006: The "People of South Ossetia for Peace" was founded by ethnic Ossetians who were outspoken critics of and presented a serious opposition to Eduard Kokoity's rule and political options for the future of South Ossetia.

12 November 2006: A new referendum on the independence of South Ossetia and presidential elections were organized by the Tskhinvali authorities. Parallel to the secessionist referendum and elections, the opposition movement "People of South Ossetia for Peace" organized its own elections in the villages of South Ossetia mainly populated by Georgians and under Tbilisi's control.

Officially, 52,030 people – 94.6% of voters – turned out, a record level of participation. 99% voted for the separatist republic of South Ossetia's independence at the time of the referendum. 98% voted to re-elect the incumbent president. Eduard Kokoity was then elected president of South Ossetia and is still in office. The referendum was monitored by a team of 34 international observers from Germany, Austria, Poland, Sweden and other countries at 78 polling stations. However, it was not recognized by the UN, European Union, OSCE and NATO, given the lack of ethnic Georgian participation and the opposition of the central government in Tbilisi.

According to the Electoral Commission of Alternative Elections, 42,000 voters turned out for the elections held by the "People of South Ossetia for Peace" in the region's territories under Georgian control. According to the authorities in Tskhinvali, the voters numbered only 14,000. More than 90% of voters were said to have voted for a return by South Ossetia to Georgia by way of a federation^{xviii}.

Dmitry Sanakoyev, a Tbilisi-backed ethnic Ossetian previously associated with the Tskhinvali administration, took 88% of the votes in the alternative presidential election and has since then administered a part of South Ossetia with Tbilisi's endorsement.

April 2007: Georgia's parliament approved a law creating a temporary administration in South Ossetia; this increased the tension with Russia.

April 2007: A "Provisional Administrative Entity of South Ossetia" headed by ethnic Ossetians (former members of the separatist government) under the leadership of Dmitry Sanakoyev, was created by Tbilisi over part of South Ossetia's eastern and southern districts still under its administrative control. This provisional administration would negotiate with central Georgian authorities regarding its final status and conflict resolution.

10 May 2007: Sanakoyev was appointed by the President of Georgia as the Head of South Ossetian Provisional Administrative Entity.

13 July 2007: Georgia set up a state commission, chaired by the Prime Minister Zurab Noghaideli, to develop South Ossetia's autonomous status within the Georgian state. According to the Georgian officials, the status was to be elaborated within the framework of "an all-inclusive dialogue" with all the forces and communities within the Ossetian society.

June 2007: South Ossetian authorities in Tskhinvali said Georgia attacked their territory with mortar and sniper fire. Tbilisi denied this.

October 2007: Talks hosted by the (OSCE) between Georgia and South Ossetia broke down.

March 2008: South Ossetia asked the international community to recognise its independence from Georgia following the West's support to Kosovo's secession from Serbia.

April 2008: South Ossetia rejected a Georgian power-sharing deal and insisted on full independence.

July 2008: Hostilities started between Tskhinvali and Georgian armed forces.

7-8 August 2008: Georgian troops attacked South Ossetia's capital Tskhinvali to restore Tbilisi's full control over South Ossetia. In the evening of August 7, Georgian armed forces began pushing into South Ossetia, supported by artillery and multiple rocket launcher fire on Tskhinvali on Friday August 8. The war only lasted for five days but the heavy civilian losses, the involvement of South Ossetian militias and the invasion of Georgia's territory by Russian troops radicalized the position of the local actors and had huge international repercussions.

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ⁱ This section is a summary of a chapter of a PhD Dissertation by Milanova Nadia, Chapter 3: The right to self-determination and the principle of territorial integrity in a new political context, in *The Conflict over Nagorno Karabakh 1992-2002: Ten Years of Missed Conflict Resolution Opportunities*, PhD Dissertation for the University of Exeter, UK

ⁱⁱ See I.P. Tsamerian, *Nacionalnie otnoshenia v SSSR*, (Moskva, Misl, 1987)

ⁱⁱⁱ See Roman Szporluk in *The legacy of History in Russia and the New States of Eurasia*, *op.cit.*, p. 5

^{iv} Definition of titular and non-titular nationalities given in Ian Bremmer, *Reassessing Soviet Nationalities Theory, Nation and Politics in the Soviet Successor States*, *op.cit.*, p 13

^v *Ibid.*

^{vi} *Ibid.*, p. 22

^{vii} Study by Olga Oliker, quoted by Paul Goble in *Can Republican Borders Be Changed*, RFE/RL Report on the USSR, Vol. 2, No 39, 28 September 1990. The largest number of shifts took place in the first two decades of the formation of the Soviet Union – 71 altogether in 1921-1940. Paul Goble admits that due to lack of access to the archival records, the process by which territorial transfers were made at any point in Soviet history has not been studied neither by Soviet nor by Western scholars.

^{viii} See Article 70 of the 1977 USST Constitution

^{ix} See Article 76, *ibid.*

^x See Article 75, *ibid.*

^{xi} See Article 74, *ibid.*

^{xii} Declarations of sovereignty by 10 ASSRs included in the RSFSR : Karelian (10 August 1990), Komi (30 August 1990), Tatar (30 August 1990), Udmurt (19 September 1990), Yakut (27 September 1990), Buryat (8 October 1990), Bashkir (11 October 1990), Kalmyk (18 October 1990), Mari (22 October 1990), Chuvash (24 October 1990); and by Abkhaz ASSR (25 August 1990); see Ann Sheeny, *Fact Sheet on Declarations of Sovereignty, RFE/RL Report on the USSR*, Vol. 2, No. 45, 9 November 1990.

^{xiii} South Ossetia in Georgian SSR (20 September 1990), Adigei in RSFSR (7 October 1990, and Gorno-Altai in RSFSR (25 October 1990), see Ann Sheeny, *op.cit.*

^{xiv} Autonomous okrugs are included only in RSFSR. Declaration of sovereignty by Chukchi (29 September 1990), Koryak (9 October 1990), Komi-Permyak (11 October 1990), Yamalo-Nenets (18 October 1990); see Ann Sheeny, *op. cit.*

^{xv} *Ibid.*

^{xvi} Peter N. Stearns, William Leonard Langer (2001), *The Encyclopedia of World History*, p. 910. Houghton Mifflin Books, ISBN 0395652375.

^{xvii} Georgia, *Russian Invasion of Georgia: Facts and Figures* – October 2, 2008, p. 9; available at <http://georgiaupdate.gov.ge>

^{xviii} Two referendums and two “presidents” in South Ossetia, Caucaz/ Europenews, 20 November 2006. http://www.caucaz.com/home_eng/breve_contenu.php?id=279

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Wikipedia

Human Rights Without Frontiers International (HRWF Int'l) is a non-governmental organization with an objective to promote democracy, the rule of law and human rights in a global perspective. HRWF Int'l has branches in Belgium, China, Nepal and Bhutan, and cooperates with associate member organizations in Armenia, Bulgaria, Georgia, Iraq, Japan, Russia, etc.

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