



“The Russians responded to the Georgian offensive with a massive mobilization of troops and equipment, including this column, which moved on Tskhinvali.”  
[http://www.time.com/time/photogallery/0,29307,1831536\\_1748328,00.html](http://www.time.com/time/photogallery/0,29307,1831536_1748328,00.html)



“A Georgian man cries near the body of his relative after the bombardment in Gori.”  
[http://www.time.com/time/photogallery/0,29307,1831536\\_1748340,00.html](http://www.time.com/time/photogallery/0,29307,1831536_1748340,00.html)



## **Crossing Georgia: An Analysis of the Russia-Georgia War of 2008**

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On August 7, 2008, war broke out between Georgia and Russia in response to the secession of the breakaway regions of Abkhazia and South Ossetia. The conflict, which is now often called the *Five Day War*, cost the lives of over eight hundred and fifty people, resulted in a massive exodus of innocent civilians, and made once-thriving villages and towns into unrecognizable battlegrounds for the two warring nations. The Russian war machine marched its infantry into the separatist regions in what Moscow claimed was an act of duty to protect the Russian citizens who were persecuted by

the Georgian military expedition. The Russians claim they were only protecting the freedoms and rights of the over 35,000 Russian citizens in Ossetia. At the same time, Georgia claims that it was simply protecting its territorial districts in a time of a national crisis. Georgia is seeking to unify its nation despite strong resistance from the separatist regions while Russia seeks to reestablish itself as the regional hegemon in the Caucasus. In order to understand the context of this conflict it is imperative to examine the following areas: international responses to the war; Georgian and Russian politics since the

collapse of the Soviet Union; and the direct consequences of the war. Information, which sheds light on the realities of this inter-regional conflict, has been gathered for analysis from a range of European, Georgian, Russian, and American (U.S.) sources. Data examined include reports of official investigations, interviews, newspaper and journal articles, and declassified files. The primary source of information is the Independent International Fact-Finding Mission on the Conflict in Georgia (IIFFMCG), which was established by the Council of the European Union.

### *International Responses*

On August 7, 2008, Russia challenged the West by acknowledging the independence of two separatist regions in the nation of Georgia. Angela Merkel, chancellor of Germany, referred to the Russian invasion as “absolutely unacceptable” (EuroNews, 2008). The European Union (EU) declared that Russian aggression was “contrary to the principles of Georgia’s sovereignty and territorial integrity” (Osborn, 2008). President George W. Bush pressured Russia to “reconsider this irresponsible decision” (Osborn, 2008). According to Vivienne Walt, of the Wall Street Journal, Bush dispatched Secretary of State, Condoleezza Rice, to the Georgian capital for peace talks (Walt, 2008). Her arrival was significant because it reassured Georgia that the United States would continue to support the American educated Georgian President Mikheil Saakashvili in delivering aerial and naval shipments of humanitarian supplies. Former Ambassador to the United Nations Richard C. Holbrooke has proclaimed Russia's actions in the Caucasus as having two goals: firstly to annex the separatist regions of South Ossetia and Abkhazia and secondly to overthrow the pro-American president in Georgia (Scwartz & Barnard, 2008). In response to the offensive, President Saakashvili, in an

interview with *Newsweek* has reiterated the fact that “They already have decreed annexation by [giving them] so-called independence. It is certainly not independence – from my point of view, it is annexation. If they get away with this effort, they will go after Crimea” (Weymouth, 2008). Russian President Dmitry Medvedev responded by stating, “The Georgian head of state is not just a man we won’t do business with. He’s an unpredictable pathological and mentally unstable drug abuser. Western journalists know it! A two-hour-long interview on the high – that’s over the edge for a head of state. Does NATO need such a leader?” (Russia Today, 2009).

The United Nations issued an immediate referendum calling both sides to renounce all use of force and to establish a ceasefire agreement between the two nations. The North Atlantic Treaty Organization (NATO), which Georgia was planning to join, has been outspoken towards the Kremlin by demanding that Russia withdraw its troops immediately. NATO’s demands have been given little to no attention on the grounds that NATO has not stated the repercussions Russia would face if the Kremlin remains defiant despite international pressure (Trofimov, 2008). China, in deference to the opening of the 2008 Olympics, has mutually requested that both sides accept a ceasefire agreement (Scwartz & Barnard, 2008). Walt makes reference to both President Elect Barack Obama, and Senator John McCain, regarding their opinions on the matter. He claims that both senators called on Saakashvili to express support in the midst of the turmoil. McCain has gone as far as saying that Russia should be evicted from the *Group of Eight* club from leading industrial nations (Holland, 2008).

Georgia was a powerful Washington ally in the region; Georgia's two thousand troops in Iraq at the time made up the third largest coalition there. Bush called Georgia, under Saakashvili, “a beacon of democracy” in a

hostile region (Lowe & Dobbie, 2007). For the United States, it was imperative to show staunch support for Georgia because it was considered a strategic goldmine in transporting troops to Iraq to combat sectarian violence and terrorism. The U.S. was exercising what political theorists call “offensive realism.” Offensive realist principles proclaim that security in the international system is not plentiful and that security for a great power is best obtained through regional hegemony. In its war with Islamic fundamentalism in the nation of Iraq, the U.S. has strategically placed its troops and military bases in Georgia for quick deployment and has geopolitical reasons to strengthen its position in the Republic of Iraq.

Champion and Osborn stress that Georgia is also an important ally in the global economy. Geopolitically speaking, Georgia is economically significant in that it is a primary transit route for oil heading west of the Caspian Sea. According to Michael Shwartz and Anne Barnard, the Caucasus region is an extremely important conduit for the transfer of oil from the great Caspian Sea to hungry world markets (Obama, 2008).

After the conflict was over, the international community came to a consensus to investigate the origins of the clash. After months of deliberation and planning, the Council of the European Union established an Independent International Fact-Finding Mission on the Conflict in Georgia (IIFFMCG) on December 2, 2008. This resolution was significant because this intercontinental decision marked the first time in the history of the European Union that it collaborated to arbitrate and investigate the causes of an inter-regional armed conflict. Swiss diplomat and peacekeeper Heidi Tagliavini was appointed as the head of the IIFFMCG from December 2, 2008 until July 31, 2009. The EU allocated 1.6 million Euros (2,400,000.00 USD) to be used for the IIFFMCG between December and July (XE,

2009). The official stated goal of the Mission was “to investigate the origins and the course of the conflict in Georgia, including with regard to international law, humanitarian law and human rights, and the accusations made in that context” (The Council of the European Union, 2009, p. 3).

Although the IIFFMCG was the most extensive and comprehensive investigation on the conflict in Georgia, the fact-finding mission has stated, “In spite of all the work involved, this Report cannot claim veracity or completeness in an absolute sense. It incorporates what has been available to the Mission at the time of writing. It may well be that additional information will become available at a later date, This has been done with the utmost care, and although there can never be total assurance that there are no mistakes or omissions, all efforts were made to keep their number down” (The Council of the European Union, 2009, pp. 8-9). A number of respected international organizations took part in the investigations with the IIFFMCG. Some of the main contributors to the cause include the Council of Europe (COE), the British House of Lords, the US Congress, the Parliaments of Georgia and of Ukraine, the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), Human Rights Watch (HRW), International Crisis Group (ICG), and Amnesty International. To date (Fall 2009), the IIFFMCG is the most in-depth, exhaustive, comprehensive analysis and account of the conflict that took place in the summer of 2008 in Georgia.

Two international legal issues related to the conflict were the self-determination of the Abkhazians and South Ossetians as well as their right to unilateral secession from the Republic of Georgia. The South Ossetians and the Abkhazians envisaged their right to self-determination as the legal foundation for their pursuit of sovereignty and self-governance of

the two regions. International law does not recognize the right to form new states or declare independence for reasons of self-determination or desired emancipation - outside of the colonial context in developing nations as a response to apartheid. No instance of attempted secession other than unprecedented circumstances such as genocide had ever found acceptance in the international community. The IIFMCG confirmed the following points:

In the case of the conflict in August 2008 and the ensuing recognition of South Ossetia and Abkhazia, the Mission has found that genocide did not take place. This applies also to a process of dismemberment of a state, as might be discussed with regard to Georgia after the dissolution of the Soviet Union. According to the overwhelmingly accepted *uti possidetis* principle, only former constituent republics such as Georgia but not territorial sub-units such as South Ossetia or Abkhazia are granted independence in case of dismemberment of a larger entity such as the former Soviet Union. Hence, South Ossetia did not have a right to secede from Georgia, and the same holds true for Abkhazia for much of the same reasons. Recognition of breakaway entities such as Abkhazia and South Ossetia by a third country is consequently contrary to international law in terms of an unlawful interference in the sovereignty and territorial integrity of the affected country, which is Georgia. It runs against Principle I of the Helsinki Final Act which states “the participating States will respect each other’s sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence (The Council of the European Union, 2009, p. 17).

*Uti possidetis* (Latin for “as you possess”) is a principle in international law (originating in ancient Roman statutes) which decrees that territory and other property remain with their possessor at the end of a conflict, unless

otherwise provided for by a treaty (*uti possidetis*, 1980). After the conflict was over, international law dictated under the universal doctrine of *uti possidetis* that South Ossetia and Abkhazia, fighting on Georgian territory, could not declare independence from Georgia. A vast majority of the international community rebuffed attempts by the separatist regions to gain autonomous rule from Georgia.

### ***Georgian and Russian Politics Since the Collapse of the Soviet Union***

Russia has recognized the West’s Achilles heel in the energy sector. In the infant stages of the Georgian conflict, the Russian military machine realized that the Western reaction would be passive because it would not risk war with neighboring Russia over a minor disruption in Georgia. Indeed, Western reaction in terms of theoretical politics took a “defensive realist” stance in its response to the Russian Federation. “Defensive realism” stresses that warlike behavior is counterproductive because risking conflict would undermine a nation’s national security in a system that is deemed anarchical. Conflictual conduct during a time of interregional crisis is detrimental because it triggers counterbalancing coalitions. States act on the basis of self-help and they must take the steps necessary to ensure their own survival in times of disorder in a international anarchical system. The Russians were right to a certain extent; the only international reaction they have received is a list of insignificant rebukes. Alan Cullison and Andrew Osborn of *The Wall Street Journal*, argues that Russia has been invigorated by its economic industrial surge in the energy sector and has strategically taken geopolitical action in a time when the United States has been overstretched in terms of military and economic resources. Walt suggests that European leaders do not want to alienate Russia because it provides Europe over a third

of its energy supplies. The Russians have recognized this energy-dependency well before the conflict arose and they have taken every measure to use their advantage to the fullest.

The European Union took on a “liberal internationalist” approach in the sense that it engaged in free trade with Russia. Liberal internationalists emphasize the promotion of free trade as a positive outcome for all who partake in it because free trade leads to greater economic interdependence resulting in a diminishing tendency of military hostility. If Europe continues free trade with Russia, then that eliminates the chance of conflict between the two blocs because their economies will be interdependent with each another. The Russians receive abundant funds and the Europeans receive needed energy supplies to run their governments efficiently. If the Europeans had decided to halt diplomatic trade relations with Russia over Georgia than that would have harmed their energy supply sector because they would have had no other regional suppliers to turn to. In addition, relations between the two would have been damaged and further conflict might have arisen erupting in an all out war that would have cost ample resources and lives.

Walt makes an interesting connection between Kosovo and Ossetia. She states that Kremlin officials believe that “Washington ignores Russian interests.” A recent example of this was when the Bush Administration and the European Union internationally humiliated Moscow by recognizing the independence of Kosovo from the Russian ally Serbia. Former Caucasus director Magdalena Frichova was prophetic in stating that “Russia warned there would be repercussions for Kosovo” (Walt, 2008). Don Editor from *The New Republic* declared that Georgia was playing straight into the hands of Vladimir Putin when it decided to engage militarily. Editor claims that Putin had Kosovo in mind (which Russia refers to as a

historical humiliation) when he invaded South Ossetia (Editor, 2008). He suggests that the Russian bear had come out of hibernation and was seeking to avenge its global humiliation over the independence of Kosovo.

To add yet further tensions, NATO leaders in early 2008 agreed to consider the entrance of Ukraine and Georgia as its latest members, and in 2009, it was agreed that they would eventually become members. Entrance into NATO entails an extensive process, culminating in a nation’s full cooperation and involvement in a Membership Action Plan (MAP). According to NATO Handbook, “MAP was launched in April 1999 to assist those countries which wish to join the Alliance in their preparations by providing advice, assistance and practical support on all aspects of NATO membership” (NATO-Publications, 2002). From the beginning, Russia has been strongly opposed to Ukraine and Georgia receiving MAPs from NATO. A U.S. response to advancing the entrance of Georgia and Ukraine came from tenured U.S. Senator Barack Obama in March 2008. Obama declared that the United States should “oppose any efforts by the Russian government to intimidate its neighbors or control their foreign policies,” and stated repeatedly “that Georgia and Ukraine should receive accelerated MAPs for entry into NATO” (Obama, 2008). In March 2009, Secretary of State, Hilary Clinton stated during her European excursion “that Russia will not gain veto power over NATO membership” (McNamara, 2009).

If Georgia and Ukraine were allowed to join, this would mean that if Russia or any other country invaded these NATO member states then in theory it has declared war on all of NATO. In the course of any conflict, NATO, whose fundamental purpose is to safeguard the freedom and security of its member countries by political and military means, would combine militarily with all its members to handle the situation. Russia is



strongly opposed to Georgia becoming a member of NATO for a number of reasons. First and foremost it feels threatened that the U.S. is trying to spread, if not surround, its sphere of influence around Eurasia. The U.S. has taken an “offensive realist” approach since WWII. Once the U.S. achieved regional hegemony in the Western Hemisphere, its main goal was to prevent the emergence of other regional hegemony. Regional hegemony do not like peer competitors. The U.S. has utilized an offshore balancing grand strategy to prevent other regional hegemony from forming, and in this particular case, it has undermined Russian ambitions by allying itself with the Caucasus. Secondly, if Russia engaged in any military conflict with one of its neighbors, according to the rules of NATO alignment stated above, it would be as if it is engaging in war with a whole bloc of nations.

Champion and Osborn assert that Georgia's ambition in entering NATO has angered Moscow because it views this as a precarious move that challenges Russia's sphere of influence in the region (Champion & Osborn, 2008). Georgia has taken a “defensive realist” approach in its intention to join NATO. Defensive realist thought argues that states are fundamentally security maximizers. Preserving and amplifying a nation's security is the idiosyncratic objective of defensive realist thought. In other words, a state seeks only an appropriate amount of power to ensure its survival and to protect and expand its national sovereignty. Saakashvili, who is a “defensive postionalist,” understands that it is in the best interests of his country to unite with NATO because it will strengthen his nation's position in an unstable region filled with hostile neighbors seeking to augment their power. In an interview with *Newsweek* in August 2008, President Saakashvili was asked whether he thought if he forgot about joining NATO, would Russia leave Georgia alone? He responded by stating that it is not about NATO, “it is about two

conflicting systems, two conflicting ideas, and two conflicting ways of life” (Weymouth, 2008). According to Saakashvili, Russia simply cannot accept that two of its former satellite states (Ukraine & Georgia) are pro-western democracies that champion free markets and free societies. Medvedev referred to Saakashvili by stating that, “You know, lunatics' difference from other people is that when they smell blood it is very difficult to stop them. So you have to use surgery” (Reuters, 2008). Medvedev further remarked that Saakashvili is a pathological liar who uses the global media to distort truth into fiction.

### *Direct Consequences of the War*

The war with Russia has left Georgia's military exhausted and the countryside littered with bombs and evidence of tank fire (Walt, 2008). The war officially ended on August 12, 2008, when Moscow and Tbilisi agreed to a mutual cease-fire. The authorization of the preliminary ceasefire agreement took place on the eve of August 12, signed by Russian President Dmitry Medvedev, Georgian President Mikheil Saakashvili, and French President Nicolas Sarkozy, who was acting on behalf of the European Union. Sarkozy, who is Chair of the European Council, shuttled between Moscow and Tbilisi to stop continued military hostilities between the warring nations. Despite the proposal of the six-point ceasefire plan, Russian and South Ossetian forces continued their military advances for many more days after the Georgians had agreed to halt all of their military action. After Georgia had officially recognized the ceasefire plan and stopped all advances, a coalition of Russians and South Ossetians continued to occupy additional territories, including the Akhlagori district. A partial withdrawal of Russian troops did not occur until August 22, while some troops did not withdraw until after an implementation agreement was reached on September 8, and

the remaining forces did not leave until the month of October.

After signing the preliminary ceasefire agreement, the Georgian side reported losses of 170 service members, 14 police officers and 228 civilians, with 1,747 persons seriously wounded. The Russian side reported losses of 67 service members killed, and 283 seriously wounded, while the South Ossetians reported 365 deaths. In total, 850 persons lost their lives, including individuals who went missing. Over 135,000 civilians fled their homes, most of them from the South Ossetian region, and approximately 35,000 Georgian residents evacuated their homes and are currently (September, 2009) unable to return due to the continued insecurity of the situation and the destruction of their properties (The Council of the European Union, 2009, p. 27). The result of the war has left 850 dead, with tens of thousands of ethnic Georgians and Russians homeless (Walt, 2008). While the international community is scrambling for a solution, war-torn Georgia is painfully recuperating from the aftermath. The United States in response to the Five Day War has collaterally pledged to provide a one billion dollar relief package for reconstruction, resettlement, and humanitarian needs (Anonymous, Q&A: Conflict in Georgia, 2008). The International Monetary Fund (IMF) has agreed to loan Georgia seven hundred and fifty million dollars to repair all damages caused during the Russo/Georgia War (Anonymous, IMF and Georgia Discuss \$750 Million Loan Package, 2008).

The greatest effect of the Russian invasion has been economic for both sides. In late August 2008, the Russian Trading System has finished its economic session at 1579.12, the lowest point since 2006. The value of the Russian Ruble has also dropped in its overall value, down 1.5 percent in comparison to the U.S./Euro in terms of worth (Cullison & Osborn, 2008).

A shift in Russian politics was solidified the day Moscow sent military envoys to Tskhinvali, to crush all Georgian resistance in the heavily populated Russian region. President Medvedev made his intentions clear in stating that he seeks to maintain privileged interests in the Russian sphere of influence, including all bordering nations that were once a part of the Soviet Union (Anonymous, Q&A: Conflict in Georgia, 2008). Robert Kagan, of *the Wall Street Journal*, in reference to Hans Morgenthau, summed up the international response and background to the conflict in stating that Vladimir Putin “launched a small but decisive war on a weaker neighbor while a surprised and dumbfounded world looked on helplessly. Here was a man and a nation pursuing ‘interest defined as power’ acting in obedience to the objective law of international power politics.” (Kagan, 2008). However, the deeper analysis of the IIFFMCG into this complex issue reveals otherwise: Georgia was also found culpable.

The IIFFMCG, which has provided the most comprehensive documented analysis of the conflict, has stated that the war was started by a Georgian attack that was an infraction under international law. The IIFFMCG declares that the shelling of Tskhinvali during the night of August 7/8, 2008, was unjustifiable under global law. The IIFFMCG states that although the South Ossetian defensive actions conformed to international laws, “any operations of South Ossetian forces outside of the purpose of repelling the Georgian armed attack, in particular acts perpetrated against ethnic Georgians inside and outside South Ossetia, must be considered as having violated International Humanitarian Law and in many cases also Human Rights Law” (The Council of the European Union, 2009, p. 23). In addition, all external military actions specifically directed against the Georgian armed forces after the signing of the ceasefire



agreement on August 12, 2008 were deemed illegal (The Council of the European Union, 2009). Georgian action or use of force against Russian peacekeeping members on Georgian territory also ran contrary to international law (The Council of the European Union, 2009).

The IIFFMCG has conducted extensive research on the legality of Russian armed forces attacking the Georgians. The report divides the examination into two phases: the first concerns the immediate response from the Kremlin to defend Russian peacekeepers, and second, the full invasion of Georgia by the Russian military stretching far past the South Ossetian boundaries to the Georgian capital. The first phase was defended by appeal to international law because Russian peacekeepers were attacked and Russia had “the right to defend them using military means proportionate to the attack” (The Council of the European Union, 2009). Thus according to the tribunal, the Russian use of military force proportionate to protect innocent peacekeepers during the conflict was legal. The second issue analyzed by the IIFFMCG concerned whether the deep penetration of the Russian military campaign was necessary and proportionate in regard to defensive measures undertaken against the initial Georgian attack. Evidence of extended military action includes bombing the Kodori Valley, setting up military positions in major Georgian metropolitan areas, controlling principal highways, and releasing large deployments of navy units to the Black Sea. All these actions indicate that Russian military action went far beyond the reasonable limits of defense (The Council of the European Union, 2009). Another example of disproportionate use of force was the continuing presence of advancing Russian military forces in Georgian territory after the signing of the ceasefire peace agreement. This use of excessive force was in clear violation of international statutes. The IIFFMCG declared that Russian military action outside

the boundaries of South Ossetia and Abkhazia was conducted in violation of international law (The Council of the European Union, 2009).

In summary, the IIFFMCG has confirmed that both nations violated international law and human rights; that despite being warned and advised against shelling Tskhinvali, Georgia went ahead and lit the match that started the conflict; and that the Russian and South Ossetian persistent military advances deep into Georgian territory, and their excessive use of disproportionate force, was in violation of international law. In conclusion, according to the investigative tribunal (IIFFMCG), Georgia triggered an unnecessary war by shelling Tskhinvali and shooting at Russian peacekeepers, and Russia responded with a disproportionate, unjustified measure of military force in clear violation of international law (BBC, 2009).<sup>1</sup>



*Georgian soldiers race past an apartment block in Gori after Russian warplanes dropped bombs on the city. GLEB GARANICH / REUTERS*

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