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by Dr Mark Meirowitz

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ad Bellum* precept of *Just
Cause* adhered to in the
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Introuduction

The Russo-Georgian war started on the 8th of August 2008, when Russian forces crossed the border from the Russian-controlled North Ossetia into the Georgian *de jure* controlled South Ossetia to relieve the province from a Georgian assault (Mouritzen, 2012, p. 61). On the 7th of August, the Georgian army bombed Tskhinvali, the capital of South Ossetia, to fully bring them under Georgian control and terminate their semi-autonomy (Mouritzen, 2012, p. 60). The regions of South Ossetia, as well as Abkhazia, have been problematic since the fall of the Soviet Union, due to the presence of ethnic Russians within the regions, so much so, that a war had been previously fought in the early nineties. The war ended with joint peacekeeping operations of both Russians and Georgians as well as South Ossetians and Abkhazians (Hafkin, 2010, p. 222). Moreover, they were granted autonomy as provinces within the Georgian state (Mouritzen, 2012, p. 57). However, the geopolitical situation had changed significantly since the nineties, and tensions rose. Furthermore, Russian-Georgian relations reached a new low, due to the US and the possible expansion of NATO into the region (Light, 2010, p. 1581). The paper will start by explaining the *Jus ad Bellum* concept with a specific focus on the precept of *Just Cause*, followed by an analysis of the decision made by the Russian Federation. The analysis will focus on whether the *Just Cause* precept was adhered to and if so, to what extent. This paper will finish off with a conclusion in which the findings will be compiled and summarized.

Jus ad Bellum

Jus ad Bellum is the first part of *Just War Theory*, the other being *Jus in Bello*. The former focuses on the decision-making process of going to war, whereas the latter focuses on how the war is fought (Frowe, 2016, p. 1). Thus, *Jus ad Bellum* helps determine if someone has a just reason to go to war, mainly regarding legality and morality. There are seven precepts that are most often accepted as to when it is permissible to go to war, and all seven must be fulfilled in order to say that war is truly just (Frowe, 2016, p. 52). The first and arguably the most important, due to how it is defined, is that of *Just Cause* which as Frowe (2016) puts it: “*Just cause* should thus be understood as the foundation of a case for war - the trigger that begins the debate about whether war could be morally permissible” (p.53). However,

one should differentiate between having a just cause for war, which can begin the conversation should one go to war, and the general all-encompassing justness of war by meeting all seven precepts (Frowe, 2016, p. 53).

There are three generally accepted just causes to go to war. The first is the breach of sovereignty, which is also considered self-defense, making it morally permissible to engage in combat with the enemy. The second is that of collective defense, meaning one state may go into war to help another state. This pertains to alliances and military cooperation when fighting a common enemy, which is permitted by Article 51 of the UN Charter. The third reason is a humanitarian intervention which is also considered to be a part of collective defense or defense of others. The main concept is preventing humanitarian abuses in another state (Frowe, 2016, p. 54).

Russo-Georgian War and Just Cause

As previously stated, the relations between Russia and Georgia were reaching a new low with the US offering Georgia the possibility of joining NATO. The Russian leadership felt they were being cornered and suffocated by the encroaching western powers, in what was historically considered the Russian sphere of influence (Light, 2010, p. 1581). On the 4th of July 2008, the leader of the ethnic Georgians in South Ossetia was almost assassinated by ethnic Russians. Thereafter skirmishes ensued, and both sides suffered casualties (Mouritzen, 2012, p. 59). This lasted until Georgia attempted to regain control of the region and prevent further hostilities, in the form of bombarding the rebel capital Tskhinvali, due to failed diplomatic attempts of deescalating the situation (Mouritzen, 2012, p. 59). The Russians responded with large-scale air raids followed by the invasion of the 58th army into South Ossetia (Mouritzen, 2012, p. 61). Moscow invoked humanitarian intervention as justification for this decisive military reaction. President Medvedev of the Russian Federation gave an early statement at the beginning of the war, in which he stated that the population of South Ossetia felt that only Russian peacekeepers are able to look out for their interests and protect their lives (Hafkin, 2010, p. 226). Russia went on to point out that they are in fact a peacekeeping force and humanitarian, based on the fact that they supplied the people of Gori with food when they captured it from Georgia (Hafkin, 2010, p. 11). However, this city was outside of South Ossetia and demonstrated that Russia has gone further than the conflict zone and well into Georgia, breaching their sovereignty even more while garnering international condemnation (Hafkin, 2010, p. 12).

Arguably this was a calculated power move by the Russian Federation due to the spreading of NATO influence in the strategically important Caucasus (Friedman, 2008, p. 5). Following the NATO intervention in Kosovo based on humanitarian grounds, Russia wanted to retaliate in a similar manner and to demonstrate Russian military power (Friedman, 2008, p. 4). In his report Friedman (2008) argues that “The Russian invasion of Georgia has not changed the balance of power in Eurasia. It simply announced that the

balance of power had already shifted” (p.1). This can be demonstrated by the Russian preparedness and swiftness in carrying out the invasion, and the fact that Russian forces had a military exercise called “Kavkaz 2008”, which practiced explicitly the scenario of the Georgian attack on Abkhazia and South Ossetia (Mouritzen, 2012, p. 82). Moreover, when Russia invoked Kosovo as a justification and an example of unsanctioned humanitarian intervention, the question that arose then was: why did Russia also invade the region of Abkhazia in which there was no conflict? (Hafkin, 2010, p. 9). Another key difference was that Russia, unlike NATO, did not attempt to gain clearance from the Security Council by putting it to a vote (Hafkin, 2010, p. 237). The issuance of Russian passports to the people of South Ossetia further indicates that Russia premeditated this invasion, and that the humanitarian justification was just a convenient excuse that enabled such action (Sakwa, 2012, p. 597). Furthermore, the president of Georgia may have been led to believe that Russia lacks the capability and will to react in such a manner (Sakwa, 2012, p. 18). While at the same time provoking Georgia into a drastic response by escalating the conflict through the deliberate raising of tensions (Sakwa, 2012, p. 12).

Conclusion

The Russo-Georgian war concluded with a ceasefire that was mediated by the EU, namely France, spearheaded by their president Nicolas Sarkozy (Mouritzen, 2012, p. 142). Russia had gained what its leadership wanted, the independence of South Ossetia and Abkhazia from Georgia under Russian sponsorship (Larsen, 2012, p. 102). It is visible that Russia used the precept of just cause, specifically humanitarian intervention, to justify its military invasion of Georgia. Although Russia never officially stated it was only due to humanitarian intervention, they expressed themselves by using the language of humanitarian reasons for their military operations (Hafkin, 2010, p. 237). Moreover, according to Hafkin (2010), they also viewed their actions as self-defense, which is defined by ICJ is: “In the case of individual self-defense, the exercise of this right is subject to the State concerned having been the victim of an armed attack.” (p. 237). Since there were no Georgian troops attacking Russian territory and Russia took the war outside of the conflict zones by capturing Gori and threatening Tbilisi, self-defense can be ruled out as a justification because of these inconsistencies with international law (Hafkin, 2010, p. 237)

However, due to the nature of Russian foreign politics and how the events unfolded it can be concluded that this was merely a justification to the international community, rather than actions taken for purely “Good Samaritan” reasons. The fact that Russia achieved many of its goals, among which were the opportunity to demonstrate its military might and to effectively annex two regions of a sovereign country, thus expanding its influence, halting NATO expansion both into the region and other areas that Russia considers its zone of influence and satisfying its feeling of injustice for the unsanctioned intervention of Kosovo. The precept of Just Cause was adhered to only so much to serve the interest of the Russian

state, thus being merely a method of justifying their intervention in the eyes of the world and the law. This, in turn, demonstrates how the rules established by the International Community on whether to wage war can be manipulated and turned into a means to a political end.

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