

Russian-Georgian relations and International Law – Reasons to rethink Western positions

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International Crisis Group gave 2004 the following recommendations:

- **To the United States Government:**
- 22. Secure commitments when donating military equipment or ammunition to the Georgian military that these will not be used for offensive actions in the South Ossetian or Abkhaz disputes and extend USAID programs and funding to support confidence-building measures between Ossetians and Georgians.

- Wladimir Kazimirow, Jelzins Sonderbotschafter für Karabach-Konflikt, „Vermittler“ des Waffenstillstands (Abkommen von Bischkek 1994)
- 1) It is of no harm to clarify the meaning of principle. It is not an absolute nor a dogma but a bundle of generalized concepts, an abstraction, however in real life it does not exist free of concrete circumstances, sort of beaded on a pivot. Especially that this principle is not just one, there are a whole dozen of them. All of them are equal and taken together, without subjective selection. The heralds of territorial integrity and right for self-determination in no way wish to reckon with the statement of Helsinki Act: **All the principles set forth above are of primary significance and, accordingly, they will be equally and unreservedly applied, each of them being interpreted taking into account the others.**

- 2) Taking up the Helsinki principles, we should primarily consider the historical aspect - they do not come from Anno Domini, they were non-existent in early XX century and their frames are just being outlined in the UN Charter. They are the birth of their epoch, when Europe was analyzing the outcomes of the Second World War - under the conditions of the two systems and nuclear weapons being in place. The Helsinki Act is a sort of a “truce” between the two antagonistic systems to prevent a new world war, “they are the “rules of the game” of that epoch. To take as example inviolability of frontiers and territorial integrity of the states. Any territorial claim of one state to another, especially if they belong to different camps, threatened irreparable consequences.

- **Sochi-Agreement of July 1994 between Russia and Georgia.**
- Document published by the Russian Foreign Ministry: Agreement on the Basic Principles of Military Contingents and Groups of Military Observers, intended for the Normalization of the Situation in the Zone of the Georgian-Ossetian Conflict.
- **Article 3 (specifies that peacekeepers shall [T]ake measures toward the introduction and support of a heightened security regime in the conflict zone, and if necessary in contiguous areas; oversee the fulfillment of the accords on withdrawal of heavy equipment and arms from the conflict zone; prevent the introduction into the conflict zone of destabilizing the situation through their actions. (30)**
- **Furthermore, the unified command of the JCC is to be headed by a senior Russian military officer, who has sole authority on the use of military force in the event of a violation of the cease fire, (31) as well as on the decision to pursue “criminal elements beyond the conflict zone,”(32) and “on the placement of forces”. (33)**
- **The October 1994 memoranda reiterate the obligation of all sides to decide contentious issues “exclusively through peaceful means” (34) and reaffirm that the head of the peacekeeping force is responsible for taking “all measures necessary for the preservation of peace and order, preventing the renewal of armed conflict, and the disarmament of unlawful militarized formations.” (35)**

AGGRESSION

Article I

Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.

- Explanatory note: In this Definition the term "State":
- **(a) Is used without prejudice to questions of recognition** or to whether a State is a member of the United Nations;
- (b) Includes the concept of a "group of States" where appropriate.

Article 2

- **The first use of armed force by a State in contravention of the Charter shall constitute prima facie evidence of an act of aggression** although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity.

Article 3

- Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression:
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- **(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof,**
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- **(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;**
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- **(c) The blockade of the ports or coasts of a State by the armed forces of another State;**
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- (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- (f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
- (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.
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Article 4

- The acts enumerated above are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter.

Article 5

1. No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.
- **2. A war of aggression is a crime against international peace. Aggression gives rise to international responsibility.**
3. No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.

Article 6

- Nothing in this Definition shall be construed as in any way enlarging or diminishing the scope of the Charter, including its provisions concerning cases in which the use of force is lawful.

Article 7

- Nothing in this Definition, and in particular article 3, could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination: nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration.

Article 8

- In their interpretation and application the above provisions are interrelated and each provision should be construed in the context of the other provisions.

The bear awakens, Dr. Farrukh Saleem, Tehran Times September 15, 2008

- Over those 20 years, here's what America did to Russia: Three Soviet Baltic republics of Estonia, Latvia and Lithuania were inducted into NATO. Slovenia, Slovakia, Bulgaria, and Romania were also brought into NATO. In 1994, the former Soviet state of Georgia was coaxed into joining the NATO-run 'Partnership for Peace'. Israeli trainers, along with a hundred U.S. 'military advisers', began training the Georgian military. In 2003, the CIA displaced President Eduard Shevardnadze (in what is referred to as the 'Rose Revolution'). In 2004, the CIA financed the Orange Revolution in Ukraine. In 2008, at the Bucharest Summit, Georgia was invited to join NATO. At the Caucasus, a mere thousand miles from Moscow, America has been stitching a pro-America belt comprising Georgia, Armenia, Azerbaijan, Abkhazia, South Ossetia and Nagorno-Karabakh. To top it all, the Baku-Tbilisi-Ceyhan crude oil pipeline was built to capture Caspian Sea's oil wealth away from Russian influence. Imagine; eight of the fifteen former Soviet states are now part of NATO.
- On 8 August 2008, the carnivorous Russian bear came out of its 20-year hibernation. Ten thousand Russian troops, tanks, armored personnel carriers, towed artillery, truck-mounted rocket launchers of the 58th Army, 76th Air Assault Division, 98th Airborne Division, Russian Air Force's Sukhoi all-weather Su-24s, 25s, 27s, Tupolev Tu-22 supersonic bombers and the Russian Black Sea Fleet invaded Georgia in a lightning, efficiently executed campaign (Georgian army, navy and air force were completely destroyed).