

## INTERNATIONAL LEGAL ASPECTS OF THE ARMED INTERVENTION OF THE RUSSIAN FEDERATION IN GEORGIA

Aggression undertaken by the Russian Federation against Georgia, the so called “the August war” turned a new page over in the history of the contemporary international community of states, based on the principles of sovereign equality of states, their territorial integrity, inadmissibility of using force or threatening the use of force, as well as intervention into the domestic affairs of the sovereign member states of the United Nations. All these principles were roughly violated with intervention of the armed forces of the Russian Federation initially into the territories controlled by the separatist regimes in Abkhazia and the so called South Ossetia, following which they entered remaining inland of Georgia, getting to its capital – Tbilisi almost (see Annex I).

Provoking an armed conflict by the Russian Federation was obvious, since in some minutes thousands of soldiers and tanks, hundreds of airplanes commenced stroking Georgia, devastating houses of peaceful population throughout villages and towns, killing and beating peaceful Georgians, burning their houses down, and erasing the remains altogether. All this is also witnessed by the Human Rights Watch, based on the satellite pictures. Ethnic cleansing did take place and is ongoing at the present moment – the separatist regimes with the assistance of the Russian armed forces forced Georgians out of their regions and do all to deprive them of the physical possibility to return home.

Russia tries to blame entirely Georgia for the tragedy and even “provides an explanation” according to which it had to “come to the defense” of Ossetians and Abkhaz, as there very many Russian citizens subjected to genocide and ethnic cleansing since the early 1990s.

Annexes I, II and III demonstrate based on the documents who and with whose support did conduct ethnic cleansing with the genocidal methods in Abkhazia, Georgia.

Article “Vital Role of OSCE in Condemning Ethnic Cleansing of Georgian Population in Abkhazia, Georgia by the International Community” was published in volume No. 1 of this Journal. The article provides for detailed information on phases of actions of separatists. Quite recently, on 29 May, 2008 the General Assembly of the United Nations condemned ethnic cleansing in Abkhazia (A/Res/62/240/29 àÿ 2008).

As the leaders of NATO, European Union, OSCE and other international organizations mention correctly, important issue is not who started armed actions (several international commissions work on this), and even if the action was first taken by Georgia, acting on its own territory, the main issue in the Georgian-Russian conflict in the fact that Russian Federation did go beyond the conflict zones and carried out an armed occupation of almost 1/3 of the country. This qualifies as “disproportional use of force”, that is a gross violation of international law in general and international humanitarian law in particular.

In his brief but profoundly reasoned article “The Wolf that Eat Georgia”, published in the newspaper “Guardian” on 1 September 2008 prominent expert of International Law, Professor of the University of Florence, the first President of the International Criminal Tribunal for the Former Yugoslavia and later on the Chairman of the UN Commission on conducting investigation in Darfur, Antonio Cassese mentioned that all the attempts of Russia to put the blame on Georgia does not stand any criticism. This refers also to the allegation that it violated international law as “by sending its troop to South Ossetia, Georgia no doubt was politically reckless, but it did not breach any international rule, however nominal its sovereignty (over so called South Ossetia – L.A.) may be. Nor does genocide or ethnic cleansing seems to have occurred; if war crimes were perpetrated, they do not justify a military invasion.”

Even at the current stage Russia does try vainly to justify own actions with the reference to international law does not allow EU and OSCE observers into the territory of Abkhazia, Georgia, refuses to move armed forces to the points where they were stationed before the conflict erupted, i.e. before 6 August. Claiming that the six-point agreement of the EU with Russia has been almost fully observed is not based on any ground, so far as Russia is concentrated at the armed forces in the territory of Abkhazia AR and South Ossetia, i.e. within Georgia.

Russia was not deterred by the fact that recognition *de jure* of independence of Abkhazia AR and so called South Ossetia evoked unanimous condemnation from the side of international community of states, refusing to

recognize these regimes. Even members of the CIS did not respond to the call to recognize “new subjects of international law” t the prejudice of territorial integrity of Georgia. Russia went on – it concluded agreements with the regimes on military cooperation, placing in each of the regions around four thousand soldiers, a speeded up militarization of the regions is ongoing. all these prove again and again that Russia was getting ready for war for long and if not resolute actions of the European Union at the initial stage, leading to the six-point agreement on ceasefire the outcomes of aggression could have been a way more tragic.

Current issue of the Journal in general is dedicated to international legal aspects of actions of Russia and exposure of illegal actions of the aggressor.

Unfortunately, the Georgian-Russian conflict also made clear the shortcomings which hamper international organizations to efficiently and quickly react on situation, especially when a permanent member of the UN Security Council is a party to a conflict. It is exactly due to the existence of a right to veto, that the UN Security Council was not able to undertake appropriate measures in order to stop aggression. It was exactly a rule of taking decision with a consensus in OSCE that hampered the latter to fulfill a mission determined for it, as Russia did block a possibility of taking a decision.

Using force, directing this force at separation of a considerable part of a territory of a sovereign member state of the UN, recognition *de-jure* independence of the separatist regimes and turning the territories under their control into military bridgeheads of Russia, all these actions do contradict to minimum principles of international law.

International community is challenged by one of the economically and militarily powerful states, suggesting “establishing a new world order, based on reality”. Whether the truly democratic international legal order established after the World War II will stand against the pressure of gross force, will be shown in the future. Lawlessness shall not be victorious over the power of law.

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