

“The Russian Federation complied with applicable international law”

by Wolfgang van Biezen



Wolfgang van Biezen.
(Photo ma)

(Red.) Russia's military deployment in Ukraine is generally described as contrary to international law. But the situation is not as clear-cut under international law as it appears at first glance. The International Court of Justice's 2010 opinion on the secession of Kosovo plays a decisive role in the assessment, as the author shows in his insightful study.

The Russian Federation has complied with applicable international law when absorbing Crimea and in recognizing the republics of Lugansk and Donetsk, and the "military operation" in Ukraine is legitimized as a defense measure under Article 51 of the UN Charter.

When the war against Serbia was instigated by NATO in violation of international law, the old German government, *Kohl/Kinkel*, was still in office.

Until now, I was of the opinion that the *Schröder/Fischer* government was responsible for the German part of the war against Serbia. That is only partly true. According to the constitution, the *Bundeswehr* is a parliamentary army, and that is where the responsibility lies. One of the last official acts of the Kohl government, which had already been voted out of office, was to urge parliament to approve military intervention against *Milosevic* after all.¹

Rita Süssmuth, then president of the Bundestag, convened parliament just four days later. What was striking in the debate was that there was no longer any opposition, and that the speakers of all parties, with the exception of the PDS, outdid themselves in stridency and verbal sophistry in favor of this war effort.

With the help of professional services and PR agencies, the West, led by the U.S., had created such a fierce mood *against Milosevic* and *in favor* of Kosovo in its zone of influence that the German government obviously had no choice but to howl with the wolves if it did not want to

be pushed into the "Milosevic-Serbian criminal corner" that had already been forged for months and supported by the media.

NATO's war depended on Germany's approval for this deployment. The Federal Republic of Germany was the last of the then 16 NATO states, 15 of which had already agreed to the deployment. The "NATO unanimity principle" applied.

Would they have been able to say no at that time and the war would not have happened?

The international pressure at the time was so great that Germany could not "stand aside" and had to prove its "loyalty to the alliance. The arguments in the German Bundestag at the time are strikingly reminiscent of the current political positions in favor of ever tougher sanctions.

The Federal Government's introductory speech in the Bundestag was given by Foreign Minister *Kinkel* – a blazing speech *in favor* of the deployment of the *Bundeswehr*.² All politicians at the time were aware that a war of aggression grossly violates international law; incidentally, so does the German Constitution.

All European governments, including Switzerland, which is committed to neutrality, are feeling similar pressure today. Together with the EU, they are currently spiraling into an unprecedented spiral of sanctions.

Well, the still incumbent Kohl government had in turn created such a mood in the German parliament that a few weeks later the successor *Schröder/Fischer* government could not get out.³ Could this government have said no? In pure theory, yes.

When I think that Switzerland today goes along with all the *sanctions* imposed by the EU and the US, seemingly abandoning its commitment to neutrality without need, I can only imagine that the pressure on individuals and governments today must be immense.

The population ducks its head at this media drumfire, which is currently being orchestrated day and night by a multitude of agencies. People don't know what to believe. The choice of words between people becomes more cautious, the distrust in everyday relationships greater. Confidence in one's own healthy reactions dwindles.

The striking words of *Alfred Adler*, one of the pioneers of depth psychology, "The Other Side" were valid in 1919 and are valid in 2022.

So much for *mass psychology*.

We know that in Rambouillet, in this state of mind, the ultimate demand was made upon Serbia that NATO should exercise control over Serbian territory with its many implications. In these so-called "negotiations" international law was trampled with feet.

The NATO military alliance, which since 1999 has mutated from a purely defensive alliance to a self-proclaimed offensive alliance, deliberately disregarded the UN resolutions on Serbia and Kosovo, which did exist. NATO, mind you, is self-importantly endowing itself with powers under international law, representing its own "international law" for the "international community," fulfilling "sacred" duties, while supplying half the world with war and weapons. And anyone that violates the "rule-based order" established by NATO has recently for example been denied the right to be an elected president of a state. Yes, such a disqualified and internationally ostracized president – Milosevic was an example, it happened yesterday to President *al-Assad*, and President Putin is hearing it today – obviously he does not have the right to defend himself and his people, let alone still be president. Diplomacy has been suspended.

Regarding this and other legal folly, the Russian Ministry of Foreign Affairs published an article on *The Law, Rights and Rules*⁴ that is worth reading. *Sergey Lavrov* reminds that International Law applies to all, and not one organization or state can rise above this law, make its own rules, change them at will and according to the situation, as the West continually does. Russia and many other states abide by the applicable international law, he said, adding diplomatically, "please go back to the applicable Law."

And that brings us to the question of whether or not Russia itself is complying with existing International Law with its "military operation" in Ukraine.

The International Court of Justice and the secession of Kosovo

That's where the legal opinion of the *International Court of Justice* (ICJ) in The Hague of July 22, 2010 on the secession of Kosovo, which was unilaterally carried out in the aftermath of the NATO attack on Serbia, provides a clear answer.⁵ How did this answer come about

and what role does it play in the current situation?

Russia and Serbia, among others, denounced the war against Serbia in violation of international law and the subsequent secession of Kosovo, as well as the shameful reaction of the West to these injustices at the UN and the latter at the ICJ. The verdict was awaited internationally with great suspense.

Instead of taking NATO to court, because Serbia had not attacked anyone and the NATO alliance case could not be invoked, the International Court of Justice in The Hague came up with an opinion that was comfortable for the West at the time. The unilateral secession of Kosovo from Serbia was compatible with International Law. This was unexpected and new.

A precedent was set with this opinion, which was later significant regarding the annexation of Crimea to the Russian Federation and now regarding Russia's recognition of the independence of the Donetsk and Lugansk People's Republics.

About Crimea

The ICJ opinion places the *territorial integrity* of a state on the same level as *the right of peoples to self-determination*.⁶ The right of peoples to self-determination is actually intended to support a colony in making itself independent of the colonial masters, such as Great Britain or France. Kosovo, however, was not a colony of Serbia but an integral part of a state. *Alfred de Zayas* writes that international law has "evolved" and of course the Catalans or the Kurds have the same right to self-determination.⁷

Russia therefore acted correctly under international law when it incorporated Crimea into its territory without violence, which was preceded by a *referendum*.

However, the press organs of the West persistently speak of an *annexation*, which means that from this point on, at the latest, tendentious reporting defaming Russia has become the norm.

How does Russia's respect for international law look in the case of the Donbass?

About Donbass

The Luhansk and Donetsk People's Republics had already applied to join the newly created Russian Federation when the Soviet Union dissolved in 1991. Russia had other concerns at the time, and so both oblasts remained with Ukraine. Their Russian population, because it was Russian and not Ukrainian, was henceforth discrim-

inated against in various ways by the Ukrainian authorities and even combated by the army.

As is known, NATO, which today already has 27 members, has been successively and provocatively shifting to the Russian border in recent years.

The U.S. generated global pressure in early 2022, for example by predicting a Russian invasion of Ukraine on February 16, 2022, with media coverage. The OSCE, which was present, actually observed and documented massive shelling against the two republics by the Ukrainian army along the line of contact that week. Foreign Minister Lavrov spoke of over a hundred thousand refugees, most of whom fled to Russia as a result of the massive attacks.

The Donetsk and Luhansk republics decided to secede from Ukraine and submitted a recognition request to the Russian Federation. The Duma in Moscow decided to approve this request on February 15 due to the urgency and asked President Putin for his consent. The latter, for all the world to see, signed the relevant documents a few days later on February 21, pointing out that Ukraine was not willing to implement the Minsk Agreement. The treaty between the People's Republics and Russia explicitly provided for *mutual assistance* in addition to the intention of friendship and cooperation. Specifically, it was agreed that the armed forces of the Russian Federation could perform "peacekeeping functions in the territory" of the two People's Republics. This shall apply as of February 21, 2022.

From that date at the latest, the increasingly persistent shelling by Ukraine's armies was no longer a civil war under international law, but an act of war between the state of Ukraine, on the one hand, and the newly independent republics of Donetsk and Lugansk and the Russian Federation, on the other, with Ukraine clearly being the aggressor.

Had Ukraine ceased hostilities at this point at the latest and returned to the negotiating table, the military operation by Russia might have been avoidable. However, since this has not been the case to date, Russia and the sovereign and independent territories recognized by Russia claim for themselves the right to collective defense as enshrined in Article 51 of the UN Charter.⁸

So much on the legal situation.

Since Russia takes international law very seriously, it should be noted at this point that the Federal Republic of Germany is playing with fire. If the new Minister for the Economy and the En-

vironment, *Robert Habeck*, and the Foreign Affairs Minister, *Annalena Baerbock*, continue, in their inexperience, to clamor, together with the German Chancellor, *Olaf Scholz*, for massive arms deliveries to Ukraine and rattle their sabers too much in the process, Russia could invoke Articles 53.2 and 107 of the UN Charter, and that too in accordance with International Law.

Summary

Russia is not interested in enlarging its territory, but in protecting Russian minorities in Ukraine, securing its own borders and creating conditions for negotiations on its goals on an equal footing.

The Russian Federation has complied with applicable international law, both when absorbing Crimea and recognizing the republics of Lugansk and Donetsk, and the "military operation" in Ukraine is legitimized as a defense measure by Article 51 of the UN Charter.

So much on legality.

Every word that *George Friedman* uttered in the spring of 2015 during his appearance at the *Chicago Council on Foreign Relations* about American policies of the past, present, and future is to be taken literally and seriously. For example, "The United States will continue to wage wars!"⁹

Source: <https://weltexpress.info/die-russische-foederation-hat-sich-sowohl-bei-der-aufnahme-der-krim-als-auch-bei-der-anerkennung-der-republiken-lugansk-und-donezk-angeltendes-voelkerrecht-gehalten-und-die-militaerische/> on April 18, 2022

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