

LSE VISIT DAY 'TASTER'

INTERNATIONAL LAW AND THE CRIMEAN CRISIS

LSE Visit Day – Law Department – 9 April 2014

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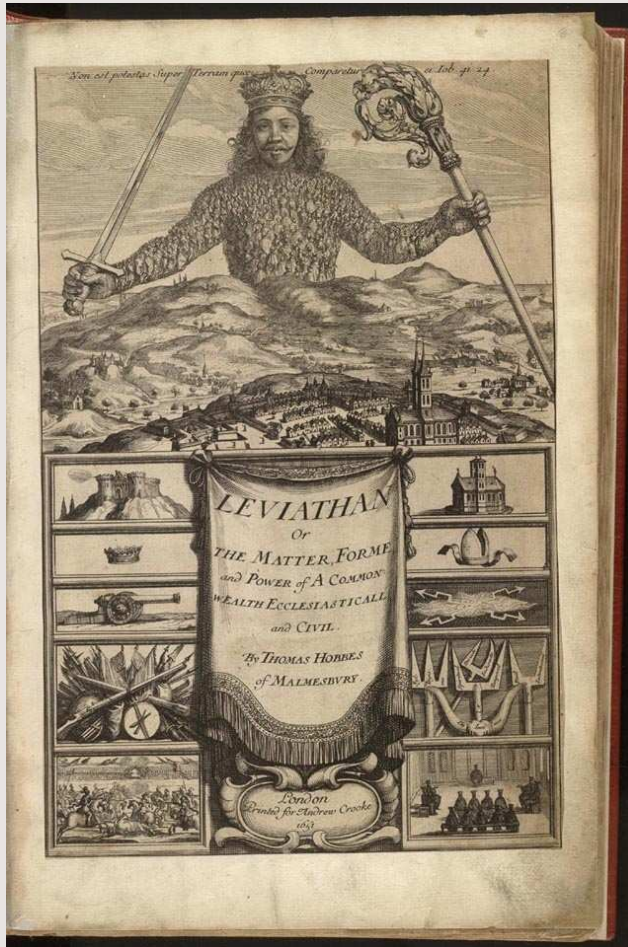
Overview

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1. Background to the international legal system
2. Early limits on the use of force
3. The UN Charter and the prohibition on the use of force
4. Application to Crimean crisis
5. Questions

Background to the International System

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Early Limits on the Use of Force

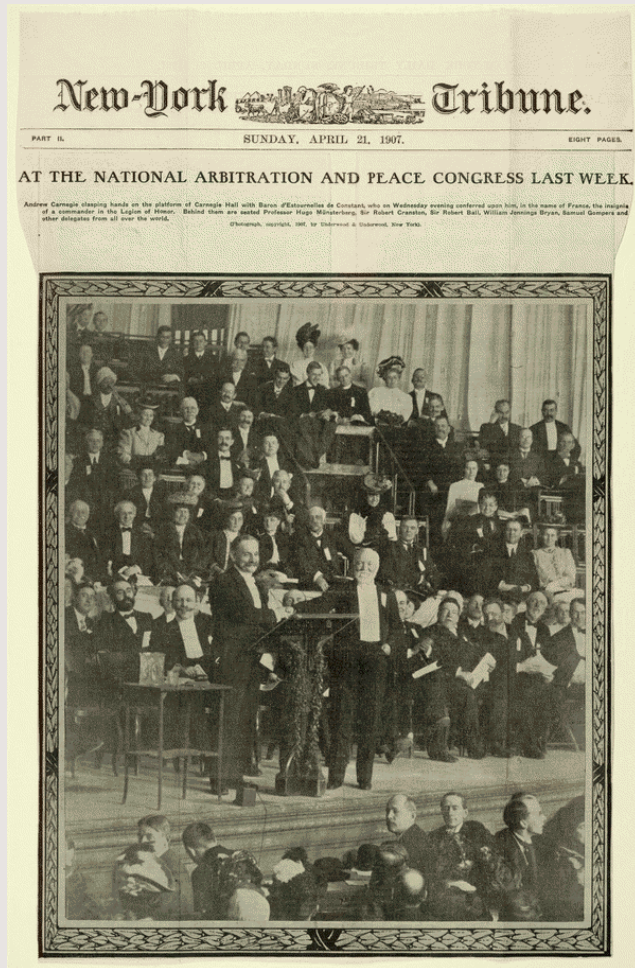
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Richard Caton Woodville, *The Relief of the Light Brigade* (1897)

Early Limits on the Use of Force

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Hague Conventions for the Pacific Settlement of Disputes 1899 & 1907

Article 1

‘With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.’

Early Limits on the Use of Force

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Hague Convention (II) Respecting the Limitation of the Employment of Force for the Recovery of Contract Debts, 1907

Article 1

The Contracting Powers agree not to have recourse to armed force for the recovery of contract debts claimed from the Government of one country by the Government of another country as being due to its nationals.

This undertaking is, however, not applicable when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any compromise from being agreed on, or, after the arbitration, fails to submit to the award.

Early Limits on the Use of Force

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Covenant of the League of Nations 1919

Article 12

‘The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision, or the report by the Council.’



The UN Charter

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UN Charter Article 2(4)

‘All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.’

Key Exceptions in UN Charter

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- **Consent**

- ▣ **Article 2(4):** ‘against the territorial integrity or political independence of any state...’

- **Self-defence**

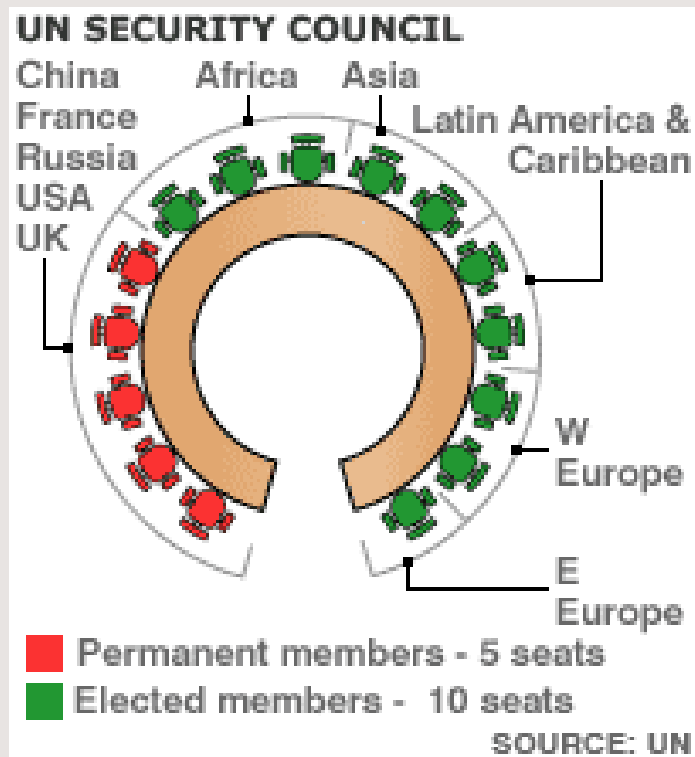
- ▣ **Article 51:** ‘Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations [...]’

- **Collective Security**

- ▣ **See Chapter VII**

Enforcement

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□ Security Council

- **Article 24(1):** Primary responsibility for the maintenance of international peace and security
- **Article 25:** The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.
- **Chapter VII:** Maintenance of international peace and security

□ General Assembly?

□ States?

Did Russia Violate the Prohibition in Article 2(4)?

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- **Did Russia violate the prohibition?**
 - ▣ 'All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.'
- **GA Resolution 2625 (XXV) of 24 October 1970 (Declaration on Friendly Relations)**
- **GA Resolution 3314 (XXIX) of 14 December 1974 (Definition of Aggression):**
 - ▣ '(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;'

Was there consent?

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- Prime Minister Aksyonov of the autonomous Republic of Crimea requested Russian intervention on 1 March
- Letter from former President Yanukovych to Russia dated 1 March 2014 requesting military intervention



Source:

Sasha Mordovets via
Getty Images

Self-Defence?

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- **Article 51:** ‘Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations [...]’
- Protection of nationals doctrine?
 - i. Imminent threat of injury to nationals
 - ii. Failure or inability on part of territorial sovereign to protect them
 - iii. Action of intervening state must be strictly confined to the object of protecting its nationals against injury.



Collective Security?

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Source: Xinhua/Shen Hong

- **15 March 2014:** Chapter VII action vetoed by Russia
- **27 March 2014:** United Nations General Assembly Resolution 68/262 (100 for; 11 against; 58 abstained; 24 did not vote)
 - ▣ 'Calls upon all States to desist and refrain from actions aimed at the partial or total disruption of the national unity and territorial integrity of Ukraine, including any attempts to modify Ukraine's borders through the threat or use of force or other unlawful means;' (para 2)

What does this mean for international law?

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- ❑ US and EU unilateral sanctions
- ❑ G8 meeting cancelled
- ❑ Hostilities contained
- ❑ Conduct of occupation
- ❑ Secession and recognition
- ❑ 'No one wants the United Nations to suffer the fate of the League of Nations, which collapsed because it lacked real leverage. This is possible if influential countries bypass the United Nations and take military action without Security Council authorization.'



Summary

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Source: www.infowars.com

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