



**Issue:** Application on the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)

**Forum:** International Court of Justice

**Position:** President and Vice-President

**Name:** Alexandra Kharitonova and Joris van Harras

## Introduction

International Court of Justice is the principal judicial organ of the United Nations that resolves legal disputes between States submitted to it by them (contentious cases) and requests for advisory opinions on legal questions referred to it United Nations organs and specialized agencies (advisory proceedings)

The case will be discussing the disputes between Georgia and Russia over the issue of application of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). On 12<sup>th</sup> of August 2008, the Republic of Georgia instituted proceedings before the Court against the Russian Federation. As to quote, ‘In relation to its actions on and around the territory of Georgia in breach of CERD [the 1965 International Convention on the Elimination of All Forms of Racial Discrimination].’ Georgia’s claim was the following, “The Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority and through the South Ossetian and Abkhaz separatist forces and other against acting on the instructions of, and under the direction and control of the Russian Federation, is responsible for serious violations of its fundamental obligations under CERD, including Articles 2, 3, 4, 5 and 6”.<sup>1</sup>

## Definition of Key Terms

### South Ossetia

Officially part of Georgia, was separated from Russia’s North Ossetia region by a border running high in the Caucasus Mountains. It is believed that its population was descended from tribes which had migrated into the area from Asia many hundreds of years ago and settled in what is now North Ossetia, as the Russian empire expanded into the area in the 18<sup>th</sup> and 19<sup>th</sup> centuries, the Ossetians did not join other peoples of the North Caucasus in putting up resistance.<sup>2</sup>

### Abkhazia

Located in the north-western corner of Georgia with the Black Sea to the south-west and the Caucasus mountains and Russia to the north-east. After the Georgian-Russian war

<sup>1</sup> <https://www.icj-cij.org/en/case/140> accessed 15/01/2019

<sup>2</sup> <https://www.bbc.com/news/world-europe-18269210> Date accessed 15/01/2019

in 2008, Moscow recognized the region as an independent state to which Georgia replied declaring Abkhazia as 'occupied' by the Russians.<sup>3</sup>

### **Separatist groups**

Are groups of people who want their own separate government or are involved in separatist activities.<sup>4</sup>

## **General Overview**

### History of the case

It started almost a century ago in the early 1920's when South Ossetians were accused of taking the side of the Kremlin after the invasion of Georgia by the Red Army. Following the invasion of Georgia, South Ossetia became an autonomous region within Soviet Georgia and North Ossetia became part of Russia. Peace remained in the region until early 1990's, when the Soviet Union falls apart and all the countries that used to be within the union gained independence from Russia and so did Georgia, as there was a change of power in the country. A Georgian nationalist named Zviad Gamsakhurdia came in power who helped spark the separatist sentiment in South Ossetia, which resulted in this region to claim independence from Georgia in 1992.

A war started between Russia and Georgia due to Russia's strengthening ties with South Ossetia in April of 2008, whilst Russia resented Tbilisi's, Georgia's Capital, pursuit in joining the NATO and the European Union, seeing Russia's history with those two alliances.

A war broke out on 7<sup>th</sup> to 8<sup>th</sup> of August when Georgia launched a concerted air and ground campaign on South Ossetia's main city, Tshikhinvali. This resulted in Russian tanks entering the region on the pretext of 'coming to the aid of its citizens', as many Ossetians held Russian passports.

As a result of the war, according to sources<sup>5</sup>, 800 lives had been lost. According to Human Rights Watch, forces on all sides "committed numerous violations of the laws of war".<sup>6</sup>

### Russia's Interest in the Conflict

The location of the Black Sea coast being adjacent to Turkey was seen as invaluable strategic attributes of Georgia to Russia. Russia's interests at the times were more focuses in Abkhazia than in South Ossetia, since the access to the Black Sea coast was seen as more vital to Russian influence. By 2008, most residents of South Ossetia had obtained Russian passports and as according to the Reuters, Russia supplied two-thirds of South Ossetia's yearly budget before the war.

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<sup>3</sup> <https://www.bbc.com/news/world-europe-18175030> Date accessed 15/01/2019

<sup>4</sup> <https://www.collinsdictionary.com/dictionary/english/separatist> Date accessed 15/01/2019

<sup>5</sup> Official EU fact-finding mission

<sup>6</sup> <https://www.euronews.com/2018/08/07/europe-s-forgotten-war-the-georgia-russia-conflict-explained-a-decade-on> accessed 15/01/2019

### Georgia's Suit against Russia in the International Court of Justice

Four days after the Russian military forces had crossed onto Georgian territory, the Georgian government filed a suit against the Russian Federation to the International Court of Justice (ICJ). Despite that Georgia could have based its suit on Russia's violation of territorial integrity, on Russia's use of force, or on allegations of Russian aggression, it decided to use it on the foundation of the due to the fact that Russia was (according to Georgia) participating in physical attacks and such abuses against ethnic Georgians who were living in the conflicted parts of Georgia occupied by Russia's armed forces. These forces allegedly had the ambition to push out the ethnically Georgian population out of the Russian-occupied territories.

Georgia provided the following arguments for its suit:

- Russia ethnically-motivated abuses against ethnic Georgians in areas of Georgia under Russian control
- Russia's attacks on and forcible expulsion of ethnic Georgians from South Ossetia and Abkhazia
- Russia's refusal to permit Georgians displaced from the conflicted regions to return to their homes, which they considered to be a 'strategic plan to separate South Ossetia and Abkhazia from Georgia' and to recognize them as 'independent states.'

The reasoning behind Georgia's choice of using CERD as the foundation of its suit was because Russia nor Georgia had accepted the compulsory jurisdiction of the ICJ under Article 36(2) of the Statute of the Court.

## Major Parties Involved

### Georgia

Situated at the eastern end of the Black Sea on the southern flanks of the main crest of the Greater Caucasus Mountains. It is bordering Russia, Azerbaijan, Armenia and Turkey. Contains three ethnic enclaves: Abkhazia, Ajaria and South Ossetia. Its capital is Tbilisi. Dominated by the Turkish and Persians for an immense period of time, it was annexed by the Russian Empire in the 19<sup>th</sup> century. It enjoyed its independence from 1918-1921 until it became part of the Soviet Union. On November 19, 1989, Georgia declared sovereignty and gained independence on April 9<sup>th</sup>, 1991.

### *Ethnicities*

Ethnicities within the country vary, however it remains to be dominated by the Georgians themselves contributing 83.8% to the population as of 2002. It has other ethnicities such as Azerbaijani, Armenian, Russian, Ossetian and other.

### *Government*

In 1992 a new constitution was drafted after its declaration of independence and a new document was adopted in 1995. Georgia is a unitary multiparty republic. From 1995, the president was given extensive powers.

It became part of the UN in 1992 and joined the CIS (Commonwealth of Independent States) in 1993.



Figure 1: Abkhazia's location



Figure 2: South Ossetia's location

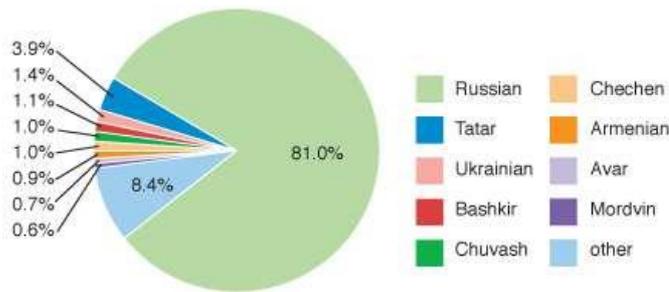
### Russian Federation

Russia is well known for being the biggest country in the world as it borders with Norway and North Korea at the same time. It also borders Ukraine, Belarus, Latvia, Estonia, Finland, China, Mongolia, Kazakhstan, Azerbaijan, Lithuania, Poland and Georgia.

It has 11 time zones and its environments range from deserts to Arctic tundra.

Despite the people in Russia being dominantly ethnically Russian, the country itself contains more than 120 other ethnic groups present with different languages, religions and cultural traditions. This diversity is reflected in the 21 minority republics, 10 autonomous districts, and autonomous regions contained within the country.

### Ethnic composition (2010)



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Figure 3: Ethnic Diversity in Russia

The establishment of the Russian republic was established immediately after the Russian Revolution of 1917 and resulted it to become a union republic in 1922. Most recently its historically remembered for the infamous Cold War with the United States that abruptly with the fall of Soviet Union in 1991. This resulted the Commonwealth of Independent States (CIS) to be formed with the former Soviet Union members.

Despite facing political, social and economical problems after the Soviet Union was dissolved including high inflation, weak economy and low life expectancy. Russia managed to regain its position of one of the world powers shortly after.

## Timeline of Key Events<sup>7</sup>

1918-1921	Georgia is declared a semi-independent state after its separation from the Russian Empire
1921	Georgia and Abkhazia are declared to be Soviet Socialist Republics shortly after the invasion of the Red Army
1922	Within Georgia the South Ossetia Autonomous Oblast is created
1931	Abkhazia's republic's status is reduced to an autonomous republic within Georgia
1990	South Ossetia declares its independence from Georgia
9 <sup>th</sup> April, 1991	Georgia declares independence
1991-92	A civil war breaks out in Georgia resulting Zviad Gamsakhurdia to be deposed as president
1992	Abkhazia declares its independence from Georgia, consequently an armed conflict is resulted
October, 1992	Eduard Shevardnadze is elected in Georgia and was re-elected in 1995 and 2000

<sup>7</sup> <https://edition.cnn.com/2014/03/13/world/europe/2008-georgia-russia-conflict/index.html> Date accessed 15/01/2019

September, 1993	Abkhazian separatist forces defeat the Georgian military
October, 1993	Georgia joins the Commonwealth of Independent States
May, 1994	A ceasefire is agreed on between the government of Georgia and Abkhaz separatist. Russian peacekeeping forces are spread out to the conflicted area
October, 2001	There is a return to fighting between the Abkhaz troops and Georgian paramilitaries. Russia accuses Georgia of the possibility of harboring Chechen rebels. The claim was denied by Georgia
September 2002	Russian President Vladimir Putin sends a letter to the UN Secretary-General Kofi Annan, UN Security Council members, and members of the Organization for Security and Cooperation in Europe stating that Georgia must respond to the accusation previously proposed by the Russian government with the threat of military action from Russia
October 2002	Tensions between the two opposing parties diffuse as soon as Georgian President promises cooperation with the Russian President to fight the Chechen rebels
November 2003	Shevardnadze is forced to leave office in the “Rose Revolution.” <sup>8</sup>
July 2005	Terms of a deal reaches Russia in May, resulting Russia to withdraw its troops from the two Soviet-era military bases
May-June 2006	Tensions between the two opposing countries rise up again as Georgia demands that the Russian peacekeepers in South Ossetia have visas
November 12, 2006	A referendum takes place in South Ossetia where independence is demanded for the area
November, 2007	Russia announces that it has withdrawn its troops that had been based in Georgia since 1991. It retains a peacekeeping presence in Abkhazia and South Ossetia
3 <sup>rd</sup> April, 2008	NATO members at a summit in Bucharest, Romania, defer the decision on Georgia and Ukraine’s admittance until December 2008
8 <sup>th</sup> August, 2008	Russia’s aircraft attacked the town of Poti on 8 <sup>th</sup> August, causing a two-day shutdown of the seaport.
9 <sup>th</sup> August, 2008	Russian air attack targeted military garrisons in Gori, damaging the garrison and the infrastructure. Russians did not admit to be liable for these attacks.
10 <sup>th</sup> August, 2008	According to Russian Ministry of Defence, the Russian fleet sank one Georgian ship after an attack by four Georgian missile boats on the Russian Navy ships near the coast of Abkhazia

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<sup>8</sup> *Rose Revolution (3-23 November, 2003)* – A revolution that broke out in Georgia for a pro-Western peaceful change of power in Georgia, brought about by widespread protests over the disputed parliamentary elections and culminated in the ouster of President Eduard Shevardnadze, which marked the end of the Soviet era of leadership in the country.

12<sup>th</sup> August, 2008

Republic of Georgia institutes proceedings before the Court against the Russian Federation on the foundation of the breach of CERD

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## Appendix/Appendices

1. **International Convention on the Elimination of All Forms of Racial Discrimination (4 Jan 1969)**  
<https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>