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Международное право в официальных документах

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В учебнике «Международное право в официальных документах» широко представлена разнообразная тематика: виды и структура международных официальных документов; история, развитие и основополагающие принципы международного права; роль международных организаций; дипломатический этикет; защита прав человека; проблемы и вызовы, стоящие перед человечеством в современном мире.

Комплекс лексико-грамматических упражнений направлен на формирование у студентов как языковых, так и профессиональных знаний, а также навыков чтения на английском языке и профессионального перевода специальных документов, таких как международные договоры, конвенции, протоколы, декларации и др. Представленный материал аутентичен, современен и актуален.

Предназначен для студентов юридических вузов и факультетов, в том числе системы Министерства внутренних дел. Целевой аудиторией являются будущие юристы-специалисты в области международного права.

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PART I

LESSON 1

HISTORY OF INTERNATIONAL LAW

Starting up

Discuss the following questions.

1. What do you understand by the term “international law”? Try to give a definition.
2. What do you think is the role of international law in the modern world? Why and when did it appear?

Comment on the following quotation. What are the two periods of international law? Do you know anything about the Hague conference?

“I am convinced that when the history of international law comes to be written centuries hence, it will be divided into two periods: the first being from the earliest times to the end of the nineteenth century, and the second beginning with the Hague Conference.”

Ludwig Quidde (1858 – 1941), a German pacifist, Nobel Peace Prize laureate.

Exercise 1. Read the text and find the answers to these questions.

1. What is the text about?
2. How many parts does it comprise?
3. What are these parts?

International law is not new. Nations have always made political and economic treaties with each other. In Medieval Europe, the Canon Law of the Catholic Church had an important role. Law Merchant regulated trade across political frontiers. In the fifteenth century, the Church mediated rivalry between Spain and Portugal by dividing the world into their respective areas of interest. The 1648 Treaty of

Westphalia, which called for equal treatment everywhere of Protestants and Catholics, can be seen as an early international human rights law.

Nevertheless, most international law has been created in the twentieth century. The League of Nations was set up after World War I to regulate disputes between nations. However, it failed to stop the international tension that led to World War II, partly because some powerful countries did not join (U.S.) and others left when they disagreed with its decisions (Germany, Japan). But it resulted in adopting some important international legislation like the Geneva Convention on the Treatment of Prisoners of War and the 1951 Convention on the Status of Refugees.

There are some important differences between international laws and those created inside individual states. Domestic laws are passed by legislative bodies, most of which have some popular political support. International laws, on the other hand, are created by agreements among governments. As a result, it is not as clear whether they have the support of individual citizens. Enforcement of international law is also different. Many international agreements are not binding – for example, UN General Resolutions. Even when nations agree to be bound, it is unclear how obligations are to be enforced.

At certain times particular nations have acted like a police force. Since the 1991 Gulf War, the U.S.-dominated international peacekeeping operations have perhaps come nearer to playing this role of world police force than anyone previously, having more military power than former UN peacekeeping forces and being prepared to use it. But the operation's temporary nature and self-interested motives mean it differs from a true police force.

The end of Cold War tension and the 1991 Gulf War seem to have produced a new consensus in the world about international war. One of the basic principles of the UN Charter was that one nation should not interfere in the

internal affairs of another. But Resolution 688, passed by the UN Security Council on April 5, 1991, ordered Iraq to grant access to international humanitarian organizations so that assistance could be given to refugees, and authorized military action against Iraq if access were refused. The right to interfere seems to be replacing the principle of non-intervention, but there is great debate about just when such interference is acceptable (This is more of a political issue than a legal one.)

Exercise 2. Read the text and find the English equivalents for these word combinations.

Заклучить договор, Средневековая Европа, Торговое право, выступать посредником, соперничество между, сфера интересов, равное отношение к, регулировать споры между странами, международная напряженность, привести ко Второй мировой войне, обращение с военнопленными, статус беженцев, обязывающее соглашение, военная мощь, основные принципы Устава ООН, Совет Безопасности, предоставить доступ к ..., международные гуманитарные организации, оказать помощь, принцип невмешательства, приемлемый.

Exercise 3. Say whether these statements are true or false, according to the information of the text. Correct the wrong ones.

1. In Medieval Europe, only the Canon Law of the Catholic Church had an important role.

2. Most international law has been created in the seventeenth century starting from the 1648 Treaty of Westphalia.

3. The United Nations was set up after World War I to regulate disputes between nations.

4. There are no important differences between international laws and those created inside individual states.

5. Many international agreements are not binding.

6. The U.S.-dominated international peacekeeping operations play the role of world police force.

7. The basic principles of the UN Charter are that one nation should not interfere in the internal affairs of another.

8. To accept or not to accept interference is a legal issue.

Exercise 4. Translate these word combinations into English.

1. **peace-keeping** – миротворческие силы, миротворческая операция, миротворец, обязанности миротворцев, миротворческая миссия

2. **treaty** – политический договор, экономический договор, заключить договор, подписать договор, мирный договор, договор о торговле, присоединиться к договору.

3. **tension** – остановить рост международной напряженности, расовая напряженность, социальная напряженность, напряженность в отношениях между двумя странами, разрядка международной напряженности

4. **agreement** – межправительственное соглашение, поддержка соглашения, выработать соглашение, прийти к соглашению, нарушить соглашение

5. **principle** – основополагающий принцип, принцип невмешательства во внутренние дела, принцип равенства, в соответствии с принципом

6. **binding** – договор, содержащий юридические обязательства, обязательный для обеих сторон, взять на себя обязательства

Exercise 5. Answer these questions.

1. What are the pre-20th century forms of international law?

2. How can you characterize the role of the League of Nations?

3. Are there any differences between international and domestic law?

4. Why is the enforcement of international law different from the enforcement of domestic law?

5. What are the distinctive features of U.S.-dominated international peacekeeping operations?

7. What is one of the basic principles of the UN Charter?

8. Do you think the principle of non-intervention may be violated? Give your reasons.

Exercise 6. Read the text using a dictionary.

International law is the term commonly used for referring to the system of implicit and explicit agreements that bind together nation-states in adherence to recognized values and standards. It differs from other legal systems in that it primarily concerns states rather than private citizens. However, the term "International Law" can refer to three distinct legal disciplines:

Public international law, which involves for instance the United Nations and other international organizations, maritime law, international criminal law and the Geneva conventions.

Private international law, or conflict of laws, which addresses the questions of (1) in which legal jurisdiction may a case be heard; and (2) the law concerning which jurisdiction(s) apply to the issues in the case.

Supranational law or the law of supranational organizations, which concerns at present regional agreements where the special distinguishing quality is that laws of nation states are held inapplicable when conflicting with a supranational legal system.

The two traditional branches of the field are:

- * jus gentium – law of nations

- * jus inter gentes – agreements among nations

Public international law concerns the relationships between the legal entities which are considered the subjects of international law, including sovereign nations, international organizations (including especially intergovernmental organizations such as the United Nations), and in some cases, movements of national liberation and armed insurrectional movements.

Public international law concerns the structure and conduct of sovereign states and intergovernmental organizations. Public international law has increased in use and importance vastly over the twentieth century, due to the increase in global trade, armed conflict environmental deterioration on a worldwide scale, awareness of human rights violations, rapid and vast increases in international transportation and a boom in global communications.

Norms of international law have their source in either

- custom, or customary international law (consistent state practice accompanied by *opinio juris***),
- globally accepted standards of behaviour (peremptory norms known as *jus cogens*** or *ius cogens*),
- codifications contained in conventional agreements, generally termed treaties. Article 13 of the United Nations Charter obligates the UN General Assembly to initiate studies and make recommendations which encourage the progressive development of international law and its codification. Evidence of consensus or state practice can sometimes be derived from intergovernmental resolutions or academic and expert legal opinions (sometimes collectively termed soft law).

Public international law should not be confused with "private international law", which is concerned with the resolution of conflict of laws. Conflict of laws is less international than public international law. It is distinguished from public international law because it governs conflicts between private persons, rather than states. It concerns the questions of which jurisdiction should be permitted to hear a legal dispute between private parties, and which jurisdiction's law should be applied. Today corporations are increasingly capable of shifting capital and labor supply chains across borders, as well as trading with overseas corporations. Increasing numbers of businesses use commercial arbitration under the New York Convention 1958.

*****opinio juris*** – убеждение субъектов международного права в юридической полноценности (действенности) правовой нормы. На практике это означает признание государством определенного правила в качестве нормы международного права. При создании договорных норм имеет явно выраженный характер, а при создании обычных норм – молчаливый.

*****jus cogens* (*ius cogens*)** – императивные нормы международного права норма права, диспозиция которой выражена в определенной, категоричной форме. В соответствии со статьей 53 Венской конвенции о праве международных договоров 1969 г., это норма, "которая принимается и признается международным сообществом государств в целом как норма, отклонение от которой недопустимо и которая может быть изменена только последующей нормой общего международного права, носящей такой же характер".

Exercise 7. Find in the text above the English equivalents for these word combinations.

юридические лица, суверенное государства, национально-освободительное движение, вооруженное повстанческое движение, вооружений конфликт, ухудшение состояния окружающей среды, в глобальном масштабе, быстрый рост транспортного сообщения, повсеместно принятые стандарты поведения, обязать кого-либо, способствовать развитию.

Exercise 8. What do these branches of public international law deal with?

- | | |
|-----------------------------------|--------------------------------------|
| • International Human Rights law | • International Humanitarian law |
| • Consular law | • International Space law |
| • International Aviation Law | • International trade law |
| • International Criminal law | • Law of State Responsibility |
| • International Environmental law | • The law pertaining to use of force |
| • Law of the Sea | • Diplomatic law |

Exercise 9. **Complete these sentences.**

1. International law is the system of _____
2. International law differs from other legal systems in ____
3. The term "International Law" can refer to three distinct legal disciplines _____
4. The two traditional branches of International law are ____
5. Public International law concerns _____
6. Private international law is concerned with _____
7. Norms of international law have their source in _____
8. Branches of public international law are _____

Exercise 10. **Guess which branches of public international law these issues refer to.**

1. the area of international law that governs permanent and temporary diplomatic missions. Its fundamental concept is that of diplomatic immunity, the inviolability of the diplomatic mission and its grounds, and the security of diplomatic correspondence and diplomatic bags.

2. includes the appropriate rules and customs for handling trade between countries or between private companies across borders.

3. operates to regulate the interaction of humanity and the rest of the biophysical or natural environment, toward the purpose of reducing the impacts of human activity, both on the natural environment and on humanity itself.

4. the branch of law which deals with international crimes and the courts and tribunals set up to adjudicate cases in which persons have incurred international criminal responsibility.

5. the body of International Law designed to promote & protect human rights at the international, regional and domestic levels.

6. often referred to as the laws of war, the laws and customs of war or the law of armed conflict. It defines the conduct and responsibilities of belligerent nations, neutral nations and individuals engaged in warfare, in relation to each other and to protected persons, usually meaning civilians.

7. the area of the law that encompasses national and international law governing activities in outer space.

8. the branch of law that concerns flight, air travel.

9. defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

10. the principles governing when and how a state is held responsible for a breach of an international obligation.

Exercise 11. Answer these questions.

1. What is international law? What does it concern?

2. What does Public International law concern?

3. What questions does Private International law address?

4. What is the difference between Public International law, Private International law and Supranational law?

5. Why has Public international law recently increased in use?

6. What do the norms of international law have their source in?

7. Why shouldn't Public international law be confused with private international law?

8. Which branch of public international law seems the most interesting for you? Why?

Exercise 12. Study the text and give the answers to the questions below. Debate these questions.

1. Why has the number of people entering the legal profession been increasing?

2. May an English lawyer work in France?

3. What cases are foreign lawyers not allowed to work on in Japan?

4. What is a major barrier to the internationalization of the legal profession?

5. Why are the barriers breaking down these days?

6. Would you like to work for a foreign law firm? Why or why not?

Internationalizing legal systems

Increasing globalization has provided a great deal of work for lawyers. The number of Europeans entering the legal profession has been increasing, but the demand for lawyers has increased even faster, especially for those who can speak another language. However, although the movement of workforce among European countries has increased a great deal, there are still many restrictions upon the legal profession. An English lawyer, for example, may work in France under the title of "solicitor," but he may not do the same work as a French "conseil juridique" unless he passes French law examinations.

The internationalization of the Japanese legal system has even further to go. Foreign lawyers maybe employed in Japanese law companies, but they are not allowed to work on cases that involve Japanese laws, or to run law firms in partnership with Japanese lawyers. It seems there is nothing to stop them from taking the Japanese law examinations, but these are almost impossible to pass for anyone who is not a native speaker of Japanese.

Differences among legal systems seem to be a major barrier to the internationalization of the legal profession. Nevertheless such barriers are breaking down. International business requires contracts that are internationally valid and lawyers who can argue cases in the courts of different countries. The number of international tort cases is increasing. For example in 1981, workers injured in an American-owned Union Carbide factory in Bhopal, India, took their case to the United States. Individuals take legal action to force their government to obey international agreements, and every year such agreements increase. The 1990s have seen old states disappear (for example, the Soviet Union) and new ones appear (Slovenia). At the same time, civil wars, refugee crises and environmental disasters are demonstrating the need for more laws across frontiers.

OVER TO YOU

What, in your opinion, is the international problem which would most benefit from greater internationalization of the law? Give your reasons, discuss it with other students.

Exercise 13. Study the following information and list three growing areas of international law.

Since the UN is not a world government but a conference of the world's existing national governments, the limitations of international law become clear whenever there is a dispute between a nation and an ethnic group within its borders. Without a national government, the Tibetans (ruled by China and the Kurds (spread across Iraq, Turkey and Syria) face enormous difficulties in publicizing their social and economic problems.

The increasing tendency of states in Eastern Europe and the Caucasus to fragment into ethnic factions suggests that there will never be enough nations to represent all the citizens of the world. The concept of world citizens directly electing a world government still seems remote. But there are signs that the fundamental rights of national governments are being questioned. In September 1992 the UN made history by expelling a member state – Yugoslavia.

While movement toward an international government continues to be slow, international law is developing rapidly in the form of limited practical agreements to facilitate trade and protect the environment. More and more people are affected by activities in areas that are not under the exclusive control of any one nation. Pilots and air traffic controllers work within guidelines laid down by the 1944 Chicago Convention, when traffic was only a fraction of its present volume. Homeowners can turn to the 1972 Convention on International Liability for Damage Caused by Space Objects when space debris falls on their property (as happened to Canadians in 1979). Even Antarctica and outer

space are subject to several pieces of legislation to prevent them from becoming as dirty and dangerous as the rest of the world.

International law grows, but not fast enough. Conventions on Environmental Protection have managed to emphasize not only the seriousness of the problems but the political and economic difficulties of doing anything about them. The 1982 Law of the Sea builds upon some of the oldest international law in the world, covering such matters as rights of passage through straits, deep-sea mining, the rights of landlocked states, piracy and collisions. But the number of disputes, hijackings and accidents gets more, not less.

The future of law, the "necessary evil", seems to be one of inevitable expansion.

Exercise 14. Suggest the Russian equivalents for these word combinations.

an ethnic group, to face enormous difficulties, to fragment into factions, to seem remote, to expel a member state, to facilitate trade, to work within guidelines, space debris, outer space, passage through straits, deep-sea mining, landlocked states, inevitable expansion.

Exercise 15. Debate these questions.

1. Is the UN is a world government? What is the difference between them in your opinion?
2. In what cases do the limitations of international law become especially clear?
3. What do ethnic groups face enormous difficulties in?
4. Are there enough nations to represent all the citizens of the world? Why or why not?
5. What fundamental rights of national governments do you think are being questioned?
6. Why was Yugoslavia expelled from the UN?
7. What form is international law developing in nowadays?

8. What areas are not under the exclusive control of any one nation?

9. Does International law grow fast enough?

10. Why is law called the "necessary evil"?

Exercise 16. **Are you for or against the existence of the global government? Fill in the chart. Discuss this idea with other students.**

GLOBAL GOVERNMENT	
advantages	disadvantages

OVER TO YOU

1. What do you think is the future of international law? Do you believe it is going to expand? Give your reasons.

2. Write an essay to cover the following topic.

"The security of which we speak is to be attained by the development of international law through an international organization based on the principles of law and justice".

Ludwig Quidde (1858 – 1941), a German pacifist, Nobel Peace Prize laureate.

LESSON 2

OBJECTS, SUBJECTS AND SOURCES OF INTERNATIONAL LAW

Starting up

Analyze the following quotation. Do you agree with the point of view of J. William Fulbright?

"Insofar as international law is observed, it provides us with stability and order and with means of predicting the behavior of those with whom we have reciprocal legal obligations".

William Fulbright, (1905 – 1995), a US Senator.

Before you read, try to give the definitions of the following terms.

objects of international law
the state

subjects of international law
intergovernmental organiza-
tions

the individual

sources of international law

Exercise 1. Read the text and check whether your definitions were correct.

The Objects of International Law

In general the objects of the principles of international law are the various independent nations or states of the world. Individuals are concerned, in general, only in relation to their status as citizens of some particular country.

The Subjects of International Law

From the Peace of Westphalia (1648) till the creation of the United Nations system, it was considered that the 'State' was the sole subject of international law: international law was only applied between States. States, as the subjects of international law had international personality which meant that they had the right to have their claims respected internationally.

The International Court of Justice, in its 1949 Reparations of Injuries Advisory Opinion, confirmed that other en-

tities could be subjects of international law. Though it made plain that while sovereign States possess all the international rights and duties, that other entities such as Intergovernmental Organizations, as well as the Individual, and Multinational Corporations, might possess rights and duties which States would ascribe to them.

1. The State

Reference is ordinarily made to Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States as being indicative of the criteria required to be established as a State in international law. The state as a person of international law should possess the following qualifications:

- a permanent population;
- a defined territory;
- government; and
- capacity to enter into relations with the other states.

2. Intergovernmental Organizations

Intergovernmental Organizations are entities that are constituted by States, have States as their members and are based on a constitutive treaty. In the 1949 Reparations of Injuries case, the International Court of Justice recognized that the United Nations (like other IGOs) has 'functional personality'; that is legal personality to the extent required to carry out the tasks which States have assigned to it.

3. The Individual

As a subject of international law, the individual has both rights and obligations. Rights are manifested in International Human Rights Law, while obligations are generally encompassed within International Criminal Law.

Sources of International Law

Public international law has three primary sources: international treaties, custom, and general principles of law. (Art. 38 of the Statute of the International Court of Justice) International treaty law comprises obligations states expressly and voluntarily accept between themselves in treaties.

to comprise – заключать в себе, охватывать

to encompass – включать в себя

to assign – передавать (право), назначать

entity – лицо

to make plain – разъяснить, дать понять

to constitute – образовывать, назначать

to ascribe to – приписывать

Exercise 2. **Read the text again and say whether these statements are true or false. Correct the wrong ones.**

1. The objects of international law are the independent nations or states of the world as well as individuals.

2. Public international law has international treaties as its primary source.

3. International treaty law comprises obligations states voluntarily accept.

4. The 'State' is the sole subject of international law; international law is only applied between States.

5. Intergovernmental Organizations, as well as the Individual, and Multinational Corporations, might possess rights and duties which States would ascribe to them.

6. The state as a person of international law should possess three qualifications.

7. As a subject of international law, the individual has both rights and obligations.

Exercise 3. **Answer these questions.**

1. Are Individuals the objects of international law?

2. When it was confirmed that other entities besides sovereign States could be subjects of international law?

3. What entities might possess international rights and duties?

4. What are the criteria required to be established as a State in international law?

5. When and how was the United Nations' functional personality recognized?

6. Where are rights and obligations of the individual encompassed?

7. What are the three primary sources of Public international law?

Exercise 4. Study the plural forms of nouns borrowed from other languages (mostly Latin). Mind that some of them have two plurals (English and foreign).

criterion – criteria

addendum – addenda

appendix – appendices

bureau – bureaux (bureaus)

hypothesis – hypotheses

curriculum – curricula

datum – data

formula – formulae (formulas)

tableau – tableaux

spectrum – spectra

stimulus – stimuli

stratum – strata

medium – mediums (But: referendum – referenda (referenda, for *channels of information*))

genius – geniuses

honorarium – honoraria

diagnosis – diagnoses

index – indices (indexes)

series – series

memorandum – memoranda

phenomenon – phenomena

matrix – matrices (matrixes)

syllabus – syllabuses

symposium – symposia

forum – forums

thesis – theses

Note: The word "agenda" is now usually treated as a singular noun meaning "a list of items for consideration"; in this sense "agendas" as a plural form is permissible.

Exercise 5. Translate into English paying attention to the plurals.

1) в соответствии с требуемыми критериями 2) распространять данные 3) провести национальные референдумы 4) демографические явления 5) поощрять ис-

пользование средств массовой информации 6) принять повестку дня с внесёнными поправками 7) организовать региональные симпозиумы 8) широкий спектр сведений 9) опубликовать тезисы конференции 10) использовать национальные языки как средство обучения. 11) проанализировать биржевые индексы 12) стимулы развития экономики государств региона

Exercise 6. Read the information and answer these questions.


1. Which of the state qualifications do *not* these countries possess?

2. Are these states recognized internationally? Why?



The Turkish Republic of Northern Cyprus

In law, a State must fulfill two objective and two subjective criteria. It must have a population and territory. But beyond these, it must meet the subjective assessments of other States as to whether it has effective control over that population and territory by means of a government, and the ability to carry out international relations. This final criterion is manifested through other States 'recognizing' a new State as becoming a member of the club of States. The issue of 'recognition' as an attribute of the State was at the heart of a visit to the so-called Turkish Republic of Northern Cyprus in November 2003. Although this entity has a population, territory and a government asserting effective control, no other State beyond Turkey recognizes this 'State', which came into being as a result of an invasion by Turkish forces in 1974. As such, the vast majority of the international community does not recognize it as

	State.
	<p>Vatican City</p> <p>Vatican City, established by the 1929 Lateran treaties, is the smallest State in the world consisting of 106 acres; there are only 200 citizens and it is represented by its government – the 'Holy See' – in international relations. Despite its limited size (territory) and non-perpetuating citizenship (population) Vatican City has an effective government and is recognized by more than 150 States, making it a full-fledged member of the community of States.</p>

OVER TO YOU

Do you know any other states that are non or partly recognized by the international community? Do they meet the basic recognition criteria? Why or why not? What do you think of the future of these states?

Exercise 7. **Give a written translation of the extract** ("Popular Law Library Vol. 12 International Law, Conflict of Laws, Spanish-American Laws, Legal Ethics", by Albert H. Putney).

"It is true that occasionally individuals are interested in the questions raised, and are sometimes even the cause of international complications, perhaps of war, but it is not as individuals that public international law interferes in their behalf or condemns them. It is because individuals necessarily form a constituent part of every State, parts of which the nation as a whole is made up and as no injury can be inflicted on one part of the body or by one member without the participation of the whole, so no member of the body politic can be injured without damage to the material interests, the dignity, and the honor of the whole. It is because of this blow to or by the State that public international law interferes in such matters."

Exercise 8. Answer these questions.

1. What are individuals compared to, according to Albert H. Putney?
2. What matters concerning individuals does public international law interfere in?

Exercise 9. Give the English translation of the following text.

Субъекты международного частного права (МЧП) – это участники гражданских правоотношений, осложненных «иностранным элементом». Под иностранным элементом понимаются имущественные отношения, где субъектом выступает сторона, имеющая иностранное подданство; субъекты принадлежат одному государству, а объект находится за границей.

К числу субъектов международного частного права относятся:

1. физические лица (граждане; лица без гражданства – апатриды; иностранные граждане; лица, имеющие двойное гражданство – бипатриды);
2. юридические лица (государственные организации, частные фирмы, предприятия, научно-исследователь-

ские и иные организации);

3. государства;

4. нации и народы, борющиеся за свободу и независимость, и создание собственной государственности в лице своих руководящих органов (к их числу относится, например, Организация Освобождения Палестины);

5. международные межправительственные организации;

6. государственно-подобные образования, являющиеся субъектами международного публичного права (к ним относятся вольные города и Ватикан – резиденция главы римско-католической церкви).

Физические и юридические лица, как субъекты международного частного права являются участниками правоотношений по МЧП независимо от того, кто является другой стороной в правоотношении:

Государства; нации и народы, борющиеся за независимость и создание собственной государственности; международные межправительственные организации; государственно-подобные образования как субъекты МЧП только тогда будут входить в состав правоотношения, регулируемого нормами МЧП, когда будет выполнено следующее условие: контрагентом по сделке (или другой стороной в правоотношении) будет физическое, либо юридическое лицо.

Exercise 10. Read the text below and find the English equivalents for these word combinations.

Предмет сильных споров и обсуждения, оценивать что-либо в свете, добровольно взять на себя обязательства, уступать полномочия, узкое толкование, военная хунта, находиться у власти, сила и принуждение, с согласия государств, гибкий подход к, невмешательство во внутренние дела, на двустороннем уровне, обязательства по разоружению, мало считаться с, серьезные нарушения.

Conflicts between public international law and na-

tional sovereignty

The conflict between international law and national sovereignty is subject to vigorous debate and dispute in academia, diplomacy, and politics. Certainly, there is a growing trend toward judging a state's domestic actions in the light of international law and standards. Numerous people now view the nation-state as the primary unit of international affairs, and believe that only states may choose to voluntarily enter into commitments under international laws.

Certain political leaders feel that these modern developments endanger nation states by taking power away from state governments and ceding it to international bodies such as the U.N. and the World Bank.

A number of states support very narrow interpretations of international law, including the People's Republic of China, the military junta currently holding power in Burma, and the Russian Federation. These states maintain that sovereignty – and thus what some view as the basis of sovereignty, the *ultima ratio regum*, or last argument of kings (force and coercion, by military or other means) – is the only true international law; thus seeing states as having free rein over their own affairs and their affairs in the larger world.

Other states oppose this view. Many European nations, for example, maintain that all civilized nations have certain norms of conduct expected of them, including the prohibition of genocide, slavery and the slave trade, wars of aggression, torture, and piracy, and that violation of these universal norms represents a crime, not only against the individual victims, but against humanity as a whole.

Another group believes that states only commit to international law with express consent and have the right to make their own interpretations of its meaning; and that international courts only function with the consent of states.

Though the European democracies tend to support broad, universalistic interpretations of international law, many other democracies have differing views on international law. Sever-

al democracies, including Israel, India, the United States, take a flexible, eclectic approach, recognizing aspects of public international law as universal, regarding other aspects as arising from treaty or custom, and viewing certain aspects as not being subjects of public international law at all.

Democracies in the developing world, due to their past colonial histories, often insist on non-interference in their internal affairs, particularly regarding human rights standards or their peculiar institutions, but often strongly support international law at the bilateral and multilateral levels, such as in the United Nations, and especially regarding the use of force, disarmament obligations, and the terms of the UN Charter.

Most dictatorships have very low regard for any kind of international law, either in principle, or in practice, except when it comes to the international laws that protect their own thrones and sovereignties; indeed, most grave breaches of public international law are committed by dictatorships.

Exercise 11. **Complete these sentences.**

1. The conflict between international law and national sovereignty is subject to _____.
2. There is a growing trend toward _____.
3. Certain political leaders feel that nation states are endangered by _____.
4. Some states maintain that sovereignty _____.
5. The European democracies tend to support _____.
6. Democracies in the developing world often insist on ____.
7. Most dictatorships have very low regard for _____.

Exercise 12. **Fill in the chart.**

Countries	Standpoint on International law
People's Republic of China	
European Union	

the United States the Russian Federation Burma Israel India	
---	--

Exercise 13. **Answer and debate these questions.**

1. Why is the conflict between international law and national sovereignty subject to debate?
2. Are there many views on International law? What are the most common ones?
3. What is your interpretation of International law? Give your reasons.

Exercise 14. **Study the information below and debate this question.**

Starting as a series of economic agreements between six nations in the 1950s, the European Community has provided many interesting cases in the development of international law.

In theory, each member state has agreed to be bound by EC decisions. So what happens when the laws of one country directly conflict with those of the Community?

A year before Britain joined the European Community in 1973, the respected judge Lord Denning suggested that membership would reduce the sovereignty (independent power) of the British parliament, but in 1979 he said that British courts would have to follow all British laws, even ones that conflicted with Community law.

- Which law should be modified, when an internal law has conflicted with European law?

Exercise 15. **Suggest the Russian equivalents.**

to deepen the solidarity, to enhance further the democratic and efficient functioning, to achieve the strength-

ening and the convergence of the economies, to establish an economic and monetary union, taking into account the principle of sustainable development, reinforcing the European identity and its independence, to facilitate the free movement of persons, the progressive framing of a common, to continue the process of creating an ever closer union.

Exercise 16. Read and translate the preamble to the treaty on the European Union.

Treaty on the European Union

HIS MAJESTY THE KING OF THE BELGIANS, HER MAJESTY THE QUEEN OF DENMARK, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE HELLENIC REPUBLIC, HIS MAJESTY THE KING OF SPAIN, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF IRELAND, THE PRESIDENT OF THE ITALIAN REPUBLIC, HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG, HER MAJESTY THE QUEEN OF THE NETHERLANDS, THE PRESIDENT OF THE PORTUGUESE REPUBLIC, HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Resolved to mark a new stage in the process of European integration undertaken with the establishment of the European Communities,

Recalling the historic importance of the ending of the division of the European continent and the need to create firm bases for the construction of the future Europe,

Confirming their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law,

Desiring to deepen the solidarity between their peoples while respecting their history, their culture and their traditions,

Desiring to enhance further the democratic and effi-

cient functioning of the institutions so as to enable them better to carry out, within a single institutional framework, the tasks entrusted to them,

Resolved to achieve the strengthening and the convergence of their economies and to establish an economic and monetary union including, in accordance with the provisions of this Treaty, a single and stable currency,

Determined to promote economic and social progress for their peoples, within the context of the accomplishment of the internal market and of reinforced cohesion and environmental protection, and to implement policies ensuring that advances in economic integration are accompanied by parallel progress in other fields,

Resolved to establish a citizenship common to nationals of their countries,

Resolved to implement a common foreign and security policy including the eventual framing of a common defense policy, which might in time lead to a common policy defense, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world,

Reaffirming their objective to facilitate the free movement of persons, while ensuring the safety and security of their peoples, by including provisions on justice and home affairs in this Treaty,

Resolved to continue the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizens in accordance with the principle of subsidiarity,

In view of further steps to be taken in order to advance European integration,

Have decided to establish a European Union and to this end have designated as their Plenipotentiaries:

.....

WHO, having exchanged their full powers, found in good and due form, have agreed as follows.

***to designate as their Plenipotentiaries** – назначить своими полномочными представителями

Exercise 17. Complete these word partnerships using the text of the Preamble.

- | | |
|-------------------------------|----------------------|
| 1. the process of | a) inheritance |
| 2. convergence of | b) integration |
| 3. humanist | c) rights |
| 4. inviolable and inalienable | d) principles |
| 5. attachment to | e) policy |
| 6. to implement | f) the economies |
| 7. to promote | g) plenipotentiaries |
| 8. to designate as | h) peace, security |

See the Appendix for the answers

Exercise 18. Complete these sentences with word partnerships from Exercise 17.

1. The State Parties to the Convention expressed their desire _____ in the world.

2. The European leaders are determined to encourage closer _____, further cooperation, economic stability and well-being in their countries.

3. The Prime Ministers reaffirmed the common _____ of freedom, democracy, and equality.

4. The two Presidents discussed the whole range of mutual relations and _____ to resume the dialogue on the agreed dates.

5. The High Contracting Parties expressed their determination _____ common foreign _____.

6. The cultural, religious and _____ of this country is hard to assess.

7. During the negotiations the Heads of the Russian Federation and the Republic of Armenia reiterated their commitment to strengthen mutual cooperation between their nations and _____.

8. Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal _____ of all members of the human family is the foundation of freedom, justice and peace in the world.

Exercise 19. **Study these word combinations and make up sentences of your own.**

to deepen	the solidarity between their peoples
to enhance	peace and stability in the world
to strengthen	international security
to promote	economic and social progress
to facilitate	safety and security of their peoples
to ensure	mutual cooperation
to advance	environmental protection
to develop	confidence between States
to reinforce	economic integration

Exercise 20. **Pay attention to the translation.**

(having) resolved	– приняв решение
appealing to, calling on, urging	– призывая
confirming,	– подтверждая
desiring, wishing, anxious	– желая, стремясь
(being) fully determined	– имея твердое намерение
reaffirming	– вновь подтверждая
striving, trying	– пытаюсь
guided by	– руководствуясь
determined	– преисполненный решимости

Exercise 21. **Translate these phrases into English.**

1. Подтверждая приверженность (allegiance to) принципам свободы и демократии, ... 2. Стремясь к укреплению экономического сотрудничества. 3. Желая и дальше рас-

ширять функционирование данных институтов. 4. Подтверждая, что отношения между странами основаны на принципе взаимоуважения. 5. Выражая решимость продолжить переговоры. 6. Стремясь внести вклад в защиту окружающей среды. 7. Приняв решение заключить союз. 8. Руководствуясь интересами укрепления безопасности.

Exercise 22. Read this extract, translating the words and phrases in parentheses.

Organization for Security and Cooperation in Europe Charter for European Security

Istanbul, 1999

... We are committed to preventing the outbreak of violent conflicts wherever possible. The steps we have agreed to take in this Charter (усилят) the OSCE's ability in this respect. The Charter will (вносить вклад) to the formation of a common and indivisible security space. It will (продвигать) the creation of an OSCE area free of dividing lines and zones with different levels of security. ...

(Безопасность и мир должны расширяться) through an approach which combines two basic elements, we must build (доверие) among people within States and (укреплять сотрудничество между государствами). Therefore, we will (укреплять) existing instruments and (развивать новые) to provide assistance and advice. We will (наращивать) our efforts to (обеспечить полное уважение) for human rights and fundamental freedoms, including the rights of persons belonging to (национальным меньшинствам). In parallel, we will strengthen our capacity (качественно повышать доверие и безопасность) between States. We (преисполнены решимости развивать) the means at our disposal to settle peacefully disputes between them.....

OVER TO YOU

When and why was the European Union set up? Is there any difference between the European Union and the European Community? How many member-countries are there nowadays? What treaties regulate the existence and functioning of the EU? What is euro-zone? Make a computer presentation.

LESSON 3

PRINCIPLES OF INTERNATIONAL LAW

Starting up

Analyze the following quotation.

"...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

*Preamble to the Universal Declaration of Human Rights,
1948*

Exercise 1. Read the text and find the English equivalents for these word combinations.

Провозглашать принципы, воздерживаться от применения силы, территориальная целостность, противоречащий целям ООН, урегулировать споры между государствами, подвергать опасности мир, вмешиваться во внутренние дела, самоопределение народов, добросовестно, принять на себя обязательства.

Principles of international law

The following principles are proclaimed in the Declaration on Principles of International Law concerning friendly relations and cooperation among states in accordance with the Charter of the United Nations:

(a) The principle that States 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,

(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter,

- (d) The duty of States to co-operate with one another in accordance with the Charter,
- (e) The principle of equal rights and self-determination of peoples,
- (f) The principle of sovereign equality of States,
- (g) The principle that States shall fulfill in good faith the obligations assumed by them in accordance with the Charter.

Exercise 2. **Complete these sentences.**

1. States shall refrain in their international relations from _.
2. States shall settle their international disputes by ____.
3. States shall not intervene in matters _____.
4. States shall have the duty to _____.
5. States shall respect _____ and _____.
6. States shall fulfill in good faith _____.

Exercise 3. **Translate into English.**

В современной доктрине международного права выделяют десять универсальных принципов:

- принцип неприменения силы и угрозы силой;
- принцип разрешения международных споров мирными средствами;
- принцип невмешательства в дела, входящие во внутреннюю компетенцию государств;
- принцип обязанности государств сотрудничать друг с другом;
- принцип равноправия и самоопределения народов;
- принцип суверенного равенства государств;
- принцип добросовестного выполнения обязательств по международному праву;
- принцип нерушимости государственных границ;
- принцип территориальной целостности государств;
- принцип уважения прав человека и основных свобод.

Exercise 4. Read this extract from the Declaration on Principles of International Law concerning friendly relations and cooperation among states.

Every State has the duty to refrain in its 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. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues.

A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.

In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.

Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States.

Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect...

States have a duty to refrain from acts of reprisal involving the use of force...

Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands including mercenaries, for incursion into the territory of another State.

Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized

activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force.

The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal...

All States shall pursue in good faith negotiations for the early conclusion of a universal treaty on general and complete disarmament under effective international control and strive to adopt appropriate measures to reduce international tensions and strengthen confidence among States...

Exercise 5. Find in the text above the English equivalents for these word combinations.

Применять как средство, пропаганда войны, существующие границы, демаркационная линия, перемирие, акт возмездия, вооруженные формирования, наемники, вторжение на территорию другого государства, подстрекать к, акт гражданского неповиновения, согласиться участвовать, военная оккупация, противоречащий положениям Устава, объект захвата, всеобщее и полное разоружение, принять соответствующие меры, уменьшить международную напряженность, укрепить доверие.

Exercise 6. Cover the text above and fill in the appropriate prepositions.

1. The principles ____ International law are proclaimed ____ the Declaration ____ Principles ____ International Law concerning friendly relations and cooperation ____ states.

2. Every State has the duty ____ refrain ____ in its international relations ____ from the threat or use ____ Force ____ the territorial integrity or political independence ____ any State.

3. A war ____ aggression constitutes a crime ____ the peace, ____ which there is responsibility ____ international law.

4. Every State has the duty to refrain from organizing, instigating, assisting or participating ____ acts ____ civil strife or terrorist acts ____ another State or acquiescing ____ organized activities ____ its territory directed ____ the commission ____ such acts.

5. ____ accordance ____ the purposes and principles ____ the United Nations, States have the duty to refrain ____ propaganda ____ wars ____ aggression.

6. The territory ____ a State shall not be the object ____ military occupation resulting ____ the use ____ force ____ contravention ____ the provisions ____ the Charter.

7. All States shall pursue ____ good faith negotiations ____ the conclusion ____ a universal treaty ____ general and complete disarmament ____ effective international control.

Exercise 7. Match these terms to their definitions.

- | | |
|----------------|---|
| 1. demarcation | a) a sudden attack on, or invasion |
| 2. armistice | b) to reduce or abolish the armed forces |
| 3. reprisal | c) a boundary |
| 4. acquisition | d) a soldier hired to fight in a foreign army |
| 4. mercenary | e) an agreement during a war to stop fighting for a certain time, a truce |
| 5. incursion | f) act of obtaining sth |
| 6. disarmament | g) an act of showing aggression or violence towards those who have shown aggression to oneself, retaliation |

Exercise 8. Answer these questions.

1. May a threat or use of force be employed as a means of settling international issues?

2. What constitutes a crime against the peace, for which there is responsibility under international law?

3. What shall States have the duty to refrain from?

4. What boundaries and lines mustn't be violated in accordance with the Declaration?

5. Can the territory of a State be the object of military occupation or acquisition by another State?

6. What purposes should all States pursue to reduce international tensions and strengthen confidence among States?

Exercise 9. **Translate into English.**

Впервые закрепленный в Уставе ООН, принцип неприменения силы и угрозы силой был конкретизирован в Декларации о принципах международного права 1970 года, Определении агрессии 1974 года, Декларации об усилении эффективности принципа отказа от угрозы силой или ее применения в международных отношениях 1987 года. Обязанность неприменения силы распространяется на все государства, а не только на государства-члены ООН. В нормативное содержание принципа неприменения силы включаются:

- запрещение оккупации территории другого государства в нарушение норм международного права;
- запрещение актов репрессалий, связанных с применением силы;
- предоставление государством своей территории другому государству, которое использует ее для совершения агрессии против третьего государства;
- организация, подстрекательство, оказание помощи или участие в актах гражданской войны или террористических актах в другом государстве;
- организация или поощрение организации вооруженных банд, нерегулярных сил, в частности наемников, для вторжения на территорию другого государства
- Идея нерушимости границ впервые получила свое правовое оформление в договоре СССР с ФРГ от 12 ав-

густа 1970 г., а затем в договорах ПНР, ГДР и ЧССР с ФРГ. С этого времени нерушимость границ стала нормой международного права. Содержание принципа конкретизируется в Декларации принципов, касающихся дружественных отношений государств 1970 г. и Документе о мерах доверия Заключительного акта Совещания по безопасности и сотрудничеству в Европе. Основное содержание принципа нерушимости границ сводится к трем элементам:

- признание существующих границ в качестве юридически установленных в соответствии с международным правом;
- отказ от каких-либо территориальных притязаний на данный момент или в будущем;
- отказ от любых иных посягательств на эти границы, включая угрозу силой или ее применение.

OVER TO YOU

Do you think the principle to refrain from the threat or use of force and the principle to respect territorial integrity and the existing international boundaries of another State are observed nowadays? Do any countries violate these principles? Write a paragraph giving your reasons and prove your point of view with some examples.

Exercise 10. **Read this extract from the Declaration on Principles of International Law concerning friendly relations and cooperation among states.**

Every State shall settle its international disputes with other States by peaceful means in such a manner that international peace and security and justice are not endangered.

States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the

parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute.

The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means agreed upon by them.

States parties to an international dispute, as well as other States shall refrain from any action which may aggravate the Situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations.

International disputes shall be settled on the basis of the Sovereign equality of States and in accordance with the Principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with sovereign equality.

Exercise 11. **Complete these sentences.**

1. Every State shall settle its international disputes with other States by _____.
2. International disputes may be settled by _____.
3. The parties to a dispute have the duty, in the event of failure to reach a solution to _____.
4. States parties to an international dispute shall refrain from _____.
5. International disputes shall be settled on the basis of ____.
6. Recourse to a settlement procedure shall not be regarded as _____.

Exercise 12. **Translate these word combinations using the appropriate forms of the words in bold type.**

to settle – разрешать споры, урегулирование мирными средствами, справедливое урегулирование, стремиться к мирному урегулированию, урегулировать разногла-

сия, внесудебное урегулирование, вести переговоры об урегулировании претензий, достичь быстрого урегулирования, прибегнуть к процедуре урегулирования.

danger – в опасности, вне опасности, опасно близко, подвергнуть опасности сохранность мира, нанести ущерб безопасности, возможный ущерб национальным интересам, вымирающие виды, опасный шаг.

equal – равный статус, одинаковое качество, равное количество, равенство, равные права, обращаться как с равным, принцип равноправия, несовместимый с принципом суверенного равенства государств, юридически равные, равенство возможностей, уравнивать в правах.

Exercise 13. **Answer these questions.**

1. How should States settle their international disputes with other States?

2. What forms of just settlement of international disputes do you know?

3. What duty do the parties to a dispute have, in the event of failure to reach a solution?

4. What actions should States parties to an international dispute, as well as other States refrain from?

5. What is the basis for international dispute settlement?

6. Which of the following do not involve the participation of third parties?

a) negotiation

b) inquiry

c) mediation

d) conciliation

e) arbitration

f) judicial settlement

g) resort to regional agencies or arrangements

Exercise 14. **Translate into English.**

Устав ООН предоставляет сторонам, участвующим в споре, свободу выбора таких мирных средств, которые они считают наиболее подходящими для разрешения данного спора. Многие государства в системе мирных средств отдают предпочтение дипломатическим переговорам. Принцип разрешения международных споров мирными средствами конкретизирован в Декларации о принципах международного права 1970 года и Заключительном акте СБСЕ.

Exercise 15. **Read this extract from the Declaration on Principles of International Law concerning friendly relations and cooperation among states.**

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements are in violation of international law.

No State may use or encourage the use of economic political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to get advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.

Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.

Nothing in the foregoing paragraphs shall be construed as reflecting the relevant provisions of the Charter relating to the maintenance of international peace and security.

Exercise 16. Find in the text the English equivalents for these word combinations.

Вооруженное нападение, поощрять использование, заставить исполнять, осуществление суверенных прав, разжигать и подстрекать, подрывная деятельность, насильственное свержение, лишить национальной идентичности, неотъемлемые права, вышеупомянутый параграф, толковать, поддержание мира и безопасности.

Exercise 17. Study these word combinations and make up sentences of your own.

to intervene	in the internal affairs
to interfere	in the external affairs
to be involved	in civil strife
	directly
	indirectly
	for any reason

Exercise 18. Study these words with the prefix NON.

non-interference, non-intervention, non-aggression, non-appearance, non-attendance, non-combatant, non-compliance, non-cooperation, non-observance, non-payment, non-proliferation, non-resident, non-violence, non-standard.

Exercise 19. Translate into English.

1. The chairman received three apologies for non-attendance at the meeting.

2. Non – combatant is a person who does not fight in a war, even though he or she may be in the armed forces, e.g. an army doctor or chaplain.

3. The driver was imposed a fine for non-compliance with the safety regulations.

4. An all-out strike is unlikely but some forms of non-cooperation are being considered.

5. All nuclear states should sign a non-proliferation treaty aimed at stopping the spread of nuclear weapons.

6. The State Party to the Covenant was accused of non-observance of the terms of the agreement.

7. Student fees are higher for non-residents.

Exercise 20. Say whether these statements are true or false. Correct the wrong ones.

1. Armed intervention and all other forms of interference against the personality of the State or against its political, economic and cultural elements do not always violate international law.

2. No State shall organize, assist, foment, finance, and incite subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State.

3. State may encourage the use of economic political measures to coerce another State in order to get advantages of any kind.

4. The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.

5. Ex colonies don't have a right to choose their political, economic, social and cultural systems.

Exercise 21. Answer these questions.

1. Do States have the right to intervene in the internal or external affairs of any other State?

2. What forms of interference are in violation of international law?

3. What activities mustn't be organized, assisted, fomented, financed, incited or tolerated?

4. What inalienable rights do all States have?

5. What constitutes a violation of their inalienable rights and of the principle of non-intervention?

Exercise 22. Translate into English.

Современное понимание принципа невмешательства в дела, входящие во внутреннюю компетенцию государств в общей форме зафиксировано в п. 7 ст. 2 Устава ООН и конкретизировано в авторитетных международных документах: Декларации о принципах международного права 1970 года, Заключительном акте СБСЕ, Декларации ООН о недопустимости вмешательства во внутренние дела государств, об ограждении их независимости и суверенитета 1965 г. и др. Международное право не регулирует вопросы внутривнутриполитического положения государств, поэтому вмешательством считаются любые меры государств или международных организаций, с помощью которых они попытаются препятствовать субъекту международного права решать дела, входящие в его внутреннюю компетенцию.

Exercise 23. Read this extract from the Declaration on Principles of International Law concerning friendly relations and cooperation among states. Translate the words in brackets into English.

... States have the duty (сотрудничать друг с другом), irrespective of (различий в их политических, политических и социальных системах), in the various (сферах международных отношений), in order (поддерживать мир и безопасность во всем мире) and to promote international (экономическую стабильность и прогресс), the general (благополучие) of nations and international co-operation (свободное от дискриминации) based on such differences.

To this end:

(a) States shall (сотрудничать с другими странами) in the maintenance of international peace and security;

(b) States shall co-operate in the promotion of universal (уважения к), and (соблюдения), human rights and fundamental freedoms for all, and in the elimination of (всех форм расовой дискриминации) and all forms of religious intolerance;

(c) States shall conduct their (международные отношения) in the economic, social, cultural, technical and trade fields (в соответствии с принципами) of sovereign equality and non-intervention ...

Exercise 24. Translate into English.

В соответствии с Уставом ООН государства обязаны «осуществлять международное сотрудничество в разрешении международных проблем экономического, социального, культурного и гуманитарного характера. Принцип обязанности государств сотрудничать друг с другом также был зафиксирован в уставах многих международных организаций, в международных договорах, многочисленных резолюциях и декларациях.

Exercise 25. Answer and debate these questions.

1. Why do all States have the duty to cooperate with each other?
2. What spheres should the countries cooperate in?
3. What principles should cooperation between states be based on?
4. Do you know anything about measures aimed at restricting cooperation with a particular state or group of states? Give examples of sanctions of different types or boycott? Do they help to solve such problems as nuclear proliferation, terrorism, etc.?

Exercise 26. Pay attention to the use of "shall" in these sentences, translate them into Russian.

1. The death penalty shall be abolished. No one shall be condemned to such penalty or executed.
2. The High Contracting Parties shall continue strengthening relations of friendship, solidarity and mutual assistance.
3. They shall contribute in every possible way to international peace and security.

4. The present agreement shall enter into force on the date of the exchange of instruments of ratification and shall remain in force for five years.

5. This Protocol shall be open for signature by the member States of the Council of Europe.

6. The Parties shall encourage international efforts to resolve problems of international law in the exploration and use of outer space for peaceful purposes.

7. All reports shall be submitted to the Secretary-General, who shall transmit copies to the Economic and Social Council for consideration.

Exercise 27. Read this extract from the Declaration on Principles of International Law concerning friendly relations and cooperation among states.

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle, in order:

(a) To promote friendly relations and co-operation among States; and

(b) To bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned;

and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

Exercise 28. Find in the text above the English equivalents for these word combinations.

Благодаря принципу, прописанный в Уставе, самоопределение народов, продолжать развитие, оказывать содействие, выполнять возложенные обязанности, применение принципа, покончить с колониализмом, чужеземное подчинение и господство, противоречить Уставу, способы реализации принципа, объяснение принципа, лишить права, иметь право просить поддержку, расчлени и нарушить территориальную целостность, без различий по вероисповеданию.

Exercise 29. Match these words as they occur in the text. Make sentences using these word combinations.

- | | |
|------------------------------|--------------------------|
| 1. by virtue of | a) race, creed or colour |
| 2. to determine | b) assistance |
| 3. to pursue | c) territorial integrity |
| 4. to refrain from | d) support |
| 5. to constitute | e) any action |
| 6. to seek | f) political status |
| 7. to impair | g) development |
| 8. without distinction as to | h) a violation |
| 9. to render | i) the principle |

Exercise 30. Complete these sentences with the prepositions from the box. Translate these sentences into Russian.

from	through	with	of	to	without
------	---------	------	----	----	---------

1. All peoples have the right freely to determine, _____ external interference, their political status and to pursue their economic, social and cultural development.

2. Every State has the duty to promote, _____ joint and separate action, realization of the principle of equal rights and self-determination of peoples.

3. Modes of implementing the right of self-determination are the establishment of a sovereign and independent State, the free integration ____ an independent State.

4. The territory of a colony or other Non-Self-Governing Territory has a status separate and distinct ____ the territory of the State administering it.

5. Peoples mustn't be deprived ____ their right ____ self-determination.

Exercise 31. Answer and debate these questions.

1. Where is the principle of equal rights and self-determination of peoples enshrined?

2. What does the principle of equal rights and self-determination involve?

3. What kind of assistance should the States render to the United Nations?

4. What constitutes modes of implementing the right of self-determination?

5. What status does the territory of a colony or other Non-Self-Governing Territory have under the Charter?

6. What kind of actions does every State have the duty to refrain from?

7. Is the principle of equal rights and self-determination of peoples observed nowadays? Are there any colonies left in the world? Are they properly governed? Give your reasons.

Exercise 32. Translate into English.

В соответствии п. 2 ст. 1 Устава ООН, одна из важнейших целей ООН – «развивать дружественные отношения между нациями на основе уважения принципа равноправия и самоопределения народов...». Принцип равноправия и самоопределения народов неоднократно получал свое подтверждение в документах ООН – в Декларации о предоставлении независимости колониальным странам и народам 1960 года, Пактах о правах человека 1966 года,

Декларации о принципах международного права 1970 года. В Декларации принципов Заключительного акта СБСЕ особо подчеркнуто право народов распоряжаться своей судьбой. Данный принцип – это право народов и наций, но не обязанность, и осуществление этого права может быть многовариантным. Самоопределение не должно осуществляться с сепаратистских позиций в ущерб территориальной целостности и политическому единству суверенных государств.

Exercise 33. Read this extract from the Declaration on Principles of International Law concerning friendly relations and cooperation among states.

All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.

In particular, sovereign equality includes the following elements:

- (a) States are judicially equal;
- (b) Each State enjoys the rights inherent in full sovereignty;
- (c) Each State has the duty to respect the personality of other States;
- (d) The territorial integrity and political independence of the State are inviolable;
- (e) Each State has the right freely to choose and develop its political, social, economic and cultural systems;
- (f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States.

Exercise 34. Complete these sentences.

1. All States enjoy _____.
2. Sovereign equality includes _____.

3. All States are equal members of the international community, notwithstanding _____.

4. Each State has the right freely to choose _____.

5. Each State has the duty to comply with _____.

Exercise 35. Translate into English.

Каждое государство обязано уважать суверенитет других участников системы. Принцип суверенного равенства государств отражен в п. 1 ст. 2 Устава ООН. Основное назначение принципа суверенного равенства – обеспечить юридически равное участие в международных отношениях всех государств, независимо от различий экономического, социального, политического или иного характера.

Принцип территориальной целостности государств утвердился с принятием Устава ООН, который запретил угрозу силой или ее применение против территориальной целостности (неприкосновенности) и политической независимости любого государства. Следующим этапом в развитии данного принципа явился Заключительный акт Совещания по безопасности и сотрудничеству в Европе 1975 года, который содержит отдельную и наиболее полную формулировку принципа территориальной целостности государств.

Exercise 36. Read this extract from the Declaration on Principles of International Law concerning friendly relations and cooperation among states. Answer these questions.

1. What duties shall the States fulfill in good faith?

2. What obligations shall prevail: the obligations under the UN Charter or the ones arising under international agreements?

... Every State has the duty to fulfill in good faith the obligations assumed by it in accordance with the Charter of the United Nations.

Every State has the duty to fulfill in good faith its obligations under the generally recognized principles and rules of international law.

Every State has the duty to fulfill in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.

Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail.

Exercise 37. Study these word combinations and make sentences of your own.

to assume	arising under international agreements
to fulfill	under the generally recognize principles
to impose obligations	under the rules of international law
to recognize	under the charter of the united nations
to release from	under the present contract
to be under	

Exercise 38. Answer and debate these questions.

1. What obligations does every State have the duty to fulfill?

2. What happens if the obligations arising under international agreements are in conflict with the obligations of Members of the United Nations?

3. Do you think all state-parties to international agreements always fulfill the assumed obligations? Why or why not? Give your reasons.

Exercise 39. Study the use of the word in different phrases, suggest their Russian equivalents.

State

an independent state, the contracting states, a founding state, an aggressor state, a host state, a member state, a neighboring state, a neutral state, a(non)nuclear state, a state-party to the present convention, a hostile state, a(non) belligerent, a receiving state, the states concerned, head of state, the contesting state, a transgressing state, an offending state.

Exercise 40. Translate into English.

принимающая сторона, договаривающиеся стороны, воюющее государство, соседнее государство, спорящие государства, государство-нарушитель, заинтересованные страны, государство, совершившее противоправное действие

Exercise 41. Translate into English.

Считается, что принцип добросовестного выполнения обязательств по международному праву возник с 1648 года (Вестфальское соглашение после тридцатилетней войны), когда представители государств собрались за круглым столом как равноправные участники. Принцип добросовестного выполнения обязательств закреплен в Уставе ООН. Данный принцип распространяется только на действительные соглашения. Это значит, что рассматриваемый принцип применяется только к международным договорам, заключенным добровольно и на основе равноправия. Любой неравноправный международный договор прежде всего нарушает суверенитет государства и как таковой нарушает Устав ООН

Exercise 42. Memorize the following:

in this regard / in this context / in this respect	в этом плане, в этом контексте, в этом отношении, в этой связи
---	--

in regard to / as regards / regarding / with regard to (for)	в области, в отношении, с точки зрения, что касается
having regard for (to)	обращая внимание на
with due regard to	учитывая должным образом
to regard as	рассматривать как
having respect for	в духе уважения
in respect of (for) / with respect to	по отношению, относительно
relating to, as to / as for	касательно, что касается
concerning / as concerns	с связи, по поводу

Exercise 43. Translate into Russian.

1. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned *with regard to* the status and effects of such lines under their special regimes or as affecting their temporary character.

2. Any measure *in this respect* must be based on the recognition of the inalienable right of all states to territorial integrity or political unity of sovereign and independent States.

3. The exceptional importance of the search for solutions *in regard to* settlement of international disputes by peaceful means will warrant particularly close attention.

4. Every State has the duty to refrain from any forcible action which deprives peoples *referred to* in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.

5. The participating States declare their resolve to pay due regard to and implement the provisions of the Final Act of the Conference.

6. Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in particular those *relating to* the pacific settlement of international disputes.

Exercise 44. **Translate into Russian.**

The Helsinki summit had unprecedented historic mission to perform. It defined a code of conduct governing relations among states with different social systems. The summit dealt with standards and principles which were brought forth by the realities of European life and were voluntarily accepted as a basis for building future relations among states. The final Helsinki Act affirms the following ten principles:

- sovereign equality, respect for the rights inherent in sovereignty;
- refraining from the threat or use of force against territorial integrity or political independence of any state;
- inviolability of one another's frontiers and the frontiers of all states in Europe, and refraining at present and in the future from any encroachment of these frontiers;
- peaceful settlement of disputes by means of negotiation, mediation, and arbitration;
- non-intervention in the internal affairs of other states;
- respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief;
- equal rights and self-determination of peoples;
- cooperation among states on equal footing, promoting mutual understanding and trust, friendly relations, international peace, security and justice;
- fulfillment in good faith of obligations of states under international law.

OVER TO YOU

Study the information below and discuss the issues. Write a paragraph expressing your point of view on how well the basic principles of international law are observed nowadays.

The principles of International Law cover use of force, war crimes, torture and other mistreatment of prisoners, arbitrary detention, command responsibility, and adherence to international law. The following are shorthand summaries of the principles, together with the interpretations of the implicit messages intended by many – though not all – members of the Society.

Other members of the Society may read the implicit messages differently. Still others may insist, with a straight face, that these principles are no more than bland statements of law, aimed at no one in particular. Such is the diversity of views within the Society.

Principle	Implicit message
Resort to armed force is governed by the Charter of the United Nations and other international law.	The U.S. invasion of Iraq, without United Nations Security Council approval and absent an imminent threat to our security, violated the UN Charter and international law.
Armed conflict and occupation are governed by the Geneva Conventions.	Where the “war” against terror involves armed conflict or military occupation as in Afghanistan and Iraq, Administration claims that the Geneva Conventions do not apply are bogus.
Torture and cruel, inhuman or degrading treatment of prisoners are prohibited by international law, without exception.	The U.S. violates international law by using techniques like “water boarding” (simulated drowning) and dogs menacing naked prisoners.
Prolonged, secret, incommunicado detention of prisoners is prohibited by international law.	CIA “ghost prisons” holding “ghost prisoners,” who are kept in secret locations unknown even to the Red Cross, and with no access to lawyers, family or the outside world, violate international law.

<p>International law standards for treatment of prisoners apply to all branches of governments, to their agents, and to combatants.</p>	<p>Neither the CIA nor private contractors are exempt from rules against torture and mistreatment. Nor, for that matter, are Al Qaeda and other terrorist groups who kidnap and behead people in Iraq and Afghanistan.</p>
<p>In some circumstances, both military and civilian commanders are personally responsible for acts of their subordinates.</p>	<p>There ought to be a serious investigation of whether Secretary of Defense Donald Rumsfeld and other senior officials have "command responsibility" for torture and mistreatment of prisoners at Abu Ghraib, Guantanamo, and elsewhere.</p>
<p>All states should maintain security and liberty in a manner consistent with their international law obligations.</p>	<p>In its zeal to safeguard American security and liberty, the Administration tramples on fundamental rules of international law.</p>

LESSON 4

INTERNATIONAL ORGANIZATIONS

Starting up

Look at the photo. What event does it show? What do you know about this organization? What does it responsible for?



Analyze this quotation. Give your reasons if you agree.

"The United Nations remains our most important global actor. These days we are continuously reminded of the enormous responsibility of the Security Council to uphold international peace and stability".

Anna Lindh, (1957 - 2003), a Swedish Social Democratic politician, a Swedish Minister for Foreign Affairs from 1998 until her assassination in 2003.

Exercise 1. Read the following text.

The United Nations

In 1945, representatives of 50 countries met in San Francisco at the United Nations Conference on International Organization to draw up the United Nations Charter. The United Nations officially came into existence on 24 October 1945, when the Charter had been ratified by China, France, the Soviet Union, the United Kingdom, the United

States and a majority of other signatories. United Nations Day is celebrated on 24th October each year.

The Charter is the constituting instrument of the Organization, setting out the rights and obligations of member states, and establishing the United Nations organs and procedures.

The purposes of the United Nations, as set forth in the Charter, are to maintain international peace and security; to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; to cooperate in solving international economic, social, cultural and humanitarian problems and in promoting respect for human rights and fundamental freedoms; and to be a center for harmonizing the actions of nations in attaining these ends.

The Charter established six principal organs of the United Nations, are the: General Assembly, Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice and Secretariat. The United Nations family, however, is much larger, encompassing 15 funds and programs (such as UNICEF and UNDP), the specialized agencies (such as UNESCO and WHO) and related organizations. The funds and programs are subsidiary bodies of the General Assembly. Together, the organizations of the UN system address all areas of economic and social endeavour.

The main source of funds for the UN budget is the contributions of member states.

The fundamental criterion on which the scale of assessments is based is the capacity of countries to pay. This is determined by considering their relative shares of total gross national product, adjusted to take into account a number of factors, including their per capita incomes. In addition to the regular budget, member states are assessed for the costs of the international tribunals and, for the costs of peacekeeping operations.

Exercise 2. Find in the text above the English equivalents for these word combinations.

Хартия (Устав) ООН, выработать проект устава, ратифицировать устав, стороны, подписавшие документ, устанавливать права и обязанности, цели ООН, поддержание мира и безопасности во всем мире, основываясь на принципах, равноправие и самоопределения народов, достижение целей, включать в себя, дочерние организации, экономические и социальные усилия, источники финансирования, платежеспособность, основной критерий, взимать плату за, внутренний валовой продукт, доход на душу населения.

Exercise 3. Say whether these statements are true or false. Correct the wrong ones.

1. The United Nations officially came into existence on 24 October 1955.

2. The Charter set out the rights and obligations of member states, and established the United Nations organs and procedures.

3. The purposes of the United Nations are to maintain peace and security; to prevent international crime.

4. The UN Charter established six principal organs of the United Nations.

5. The United Nations family encompasses the: General Assembly, Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice and Secretariat.

6. The contributions of member states are determined by considering their total gross national product, their per capita incomes.

7. The costs of the international tribunals and peace-keeping operations are included into the contributions of member states...

Exercise 4. Answer these questions.

1. How was the United Nations Charter drawn up?

2. When did the United Nations officially come into existence?
3. What did the Charter set out?
4. What are the purposes of the United Nations?
5. What are the six principal organs of the United Nations?
6. What other agencies and programs belong to the UN family?
7. What is the main source of funds for the UN budget?
8. What is the fundamental criterion the scale of assessments is based on?

Exercise 5. **Fill in the gaps using the verbs in the box. Put the verbs into the appropriate tense form.**

to compose to choose to involve to elect to establish
to become to incorporate to convene to submit to complete

The International Law Commission

The International Law Commission _____ by the General Assembly in 1947 to promote the progressive development of international law and its codification. The Commission, which meets annually, _____ of 34 members who _____ by the General Assembly for five year terms and who serve in their individual capacity, not as representatives of their Governments.

Most of the Commission's work _____ the preparation of drafts on topics of international law. Some topics _____ by the Commission and others referred to it by the General Assembly or the Economic and Social Council. When the Commission _____ draft articles on a particular topic, the General Assembly usually _____ an international conference of plenipotentiaries to _____ the draft articles into a convention which is then open to States _____ parties. Since 1949 the Commission _____ final drafts or reports with respect to the topics, as follows:

- Regime of the High Seas
- Regime of territorial Waters
- Diplomatic intercourse and immunities
- Arbitral procedure
- Draft declaration on rights and duties of States
- Question of defining aggression
- Draft Code of Crimes against the peace and security of mankind
 - Relations between States and international organizations
 - The law of the non-navigational uses of international watercourses
 - Question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law
 - Status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and many others.

Exercise 6. Comment on the role and functions of the International Law Commission.

Exercise 7. Translate the text into Russian and answer these questions.

1. What is WTO?
2. What do WTO and the Marrakech Agreement provide?

WTO and the Committee on Trade and Environment

The World Trade Organization, established on 1 January 1995, is the successor to the General Agreement on Tariffs and Trade (GATT). As the legal and institutional foundation of the multilateral trading system, the WTO provides the principal contractual obligations that determine how governments frame and implement domestic trade legislation and regulations. The WTO provides the platform on which trade relations among Members evolve through collective debate, negotiation and adjudication.

The WTO provisions include several references to the environment, such as the Preamble to the Marrakech Agreement, which notes the importance of “allowing for the optimal use of the world's resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic development”.

Exercise 8. Read the following text and speak on the composition, responsibilities and the routine of the organization described.

The International Court of Justice

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established in June 1945 by the Charter of the United Nations and began work in April 1946.

The seat of the Court is at the Peace Palace in The Hague (Netherlands).

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. It is assisted by a Registry, its administrative organ. Its official languages are English and French.

Article 33 of the United Nations Charter lists the following methods for the pacific settlement of disputes between States: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, and resort to regional agencies or arrangements; good offices should also be added to this list. Among these methods certain ones involve appealing to third parties.

For example, mediation places the parties to a dispute in a position in which they can themselves resolve their dispute thanks to the intervention of a third party. Arbitra-

tion goes further, in the sense that the dispute is submitted to the decision or award of an impartial third party, so that a binding settlement can be achieved. The same is true of judicial settlement (the method applied by the International Court of Justice), except that a court is subject to stricter rules than an arbitral tribunal, particularly in procedural matters.

The International Court of Justice acts as a world court. The Court has a dual jurisdiction: it decides, in accordance with international law, disputes of a legal nature that are submitted to it by States (jurisdiction in contentious cases); and it gives advisory opinions on legal questions at the request of the organs of the United Nations or specialized agencies authorized to make such a request (advisory jurisdiction).

Exercise 9. Cover the text above and fill in the appropriate prepositions.

1. The International Court of Justice was established ____ June 1945 ____ the Charter ____ the United Nations.

2. The seat ____ the Court is ____ the Peace Palace ____ The Hague.

3. The Court is composed ____ 15 judges, who are elected ____ terms ____ office ____ nine years ____ the United Nations General Assembly and the Security Council.

4. Article 33 ____ United Nations Charter lists methods ____ the pacific settlement ____ disputes ____ States.

5. The International Court ____ Justice acts ____ a world court.

6. The Court decides ____ accordance ____ international law, disputes ____ a legal nature that are submitted ____ it ____ States.

7. The Court gives advisory opinions ____ legal questions ____ the request ____ the organs ____ the United Nations.

Exercise 10. **Complete these sentences.**

1. The International Court of Justice (ICJ) is _____.
2. A Registry is _____.
3. The Court's official languages are _____.
4. The methods for the pacific settlement of disputes between States are _____.
5. The Court has a dual jurisdiction that is _____.

Exercise 11. **Match these legal terms to their definitions. Which of these ways of dispute resolution do you think are preferable in international relations and why?**

- | | |
|------------------------|---|
| 1. mediation | a) a discussion between two or more disputants who are trying to work out a solution to their problem. |
| 2. negotiation | b) systematic investigation of a matter of public interest. |
| 3. enquiry | c) this form of alternative dispute resolution aims to determine the conditions of any settlements reached — rather than accepting something imposed by a third party. |
| 4. arbitration | d) an alternative dispute resolution process whereby the parties to a dispute agree to utilize the services of a special person, who then meets with the parties separately in an attempt to resolve their differences. He does this by lowering tensions, improving communications, interpreting issues, providing technical assistance, exploring potential solutions and bringing about a negotiated settlement. This method differs from arbitration in that its process has no legal standing. |
| 5. conciliation | e) a legal technique for the resolution of disputes outside the courts, wherein the |

parties to a dispute refer it to one or more persons , by whose decision (the "award") they agree to be bound. It is a settlement technique in which a third party reviews the case and imposes a decision that is legally binding for both sides.

6. good offices

f) a dispute is placed before an existing independent court. The most important and comprehensive of these courts is the ICJ.

7. resort to regional agencies or arrangements

g) the first level of intervention or response mechanism to any regional conflict before referring to the Security Council. No enforcement action shall be undertaken by these organs without the specific authorization of the UN Security Council.

8. judicial settlement

e) beneficial acts performed for another, especially acts performed by a mediator in a dispute The UN Secretary General uses what is generally meaning his prestige and the weight of the world community he represents when he meets with world leaders, either publicly or privately, in an effort to prevent international disputes from developing, escalating, or spreading.

Exercise 12. Read the following text and find the English equivalents for these word combinations.

покончить с безнаказанностью, достичь согласия, преступления против человечества, историческая веха, правовая основа, основать постоянный орган, в соответствии со статутом, на основании представления, страна-участник.

International Criminal Court

The International Criminal Court (ICC), governed by the Rome Statute, is the first permanent, treaty based, international criminal court established to help end impunity for

the perpetrators of the most serious crimes of concern to the international community.

The ICC is an independent international organization, and is not part of the United Nations system. Its seat is in the Hague, the Netherlands.

In the 20th century the international community reached consensus on definitions of genocide, crimes against humanity and war crimes. The Nuremberg and Tokyo trials addressed war crimes, crimes against peace, and crimes against humanity committed during the Second World War. In the 1990s after the end of the Cold War, tribunals like the International Criminal Tribunal for the former Yugoslavia and for Rwanda were the result of consensus that impunity is unacceptable.

However, because they were established to try crimes committed only within a specific time-frame and during a specific conflict, there was general agreement that an independent, permanent criminal court was needed. On 17 July 1998, the international community reached an historic milestone when 120 States adopted the Rome Statute, the legal basis for establishing the permanent International Criminal Court. Pursuant to the Rome Statute, the Prosecutor can initiate an investigation on the basis of a referral from any State Party or from the United Nations Security Council.

Exercise 13. What crimes do you think these terms involve?

genocide

crimes against humanity

war crimes

crimes against peace

Exercise 14. Answer and debate these questions.

1. What were the reasons for establishing the International Criminal Court?

2. Why do you think it came into existence only at the end of the twentieth century?

3. What are the basic provisions of the Rome Statute? What countries didn't adopt it?

4. What do you know about the Nuremberg and Tokyo trials?

5. Could you give any examples of the recent International Criminal Court trials?

6. Will the role of this court be increasing in years to come? Give your reasons.

OVER TO YOU

Express your opinion in a short essay to cover the following issues. What do you think is the role of international organization in the modern world? Are these organisations efficient enough?

PART II. INTERNATIONAL OFFICIAL DOCUMENTS

LESSON 5

TREATIES AND CONVENTIONS

Starting up

Read the definitions of "treaty" below. Which definition do you consider to be more appropriate? Why?

a) A treaty is an agreement in written form between nation-states (or international agencies, such as the United Nations, that have been given treaty-making capacity by the states that created them) that is intended to establish a relationship governed by International Law.

b) A treaty is a compact made between two or more independent nations with a view to the public welfare treaties are for perpetuity, or for a considerable time. Those matters which are accomplished by a single act, and are at once perfected in their execution, are called agreements, conventions and pacts.

Exercise 1. Read the text.

Treaties and Conventions

A Treaty is an agreement under international law entered into by actors in international law, namely states and international organizations. Treaties can be compared to contracts: both are means of willing parties assuming obligations among themselves, and a party that fails to live up to their obligations can be held liable under international law for that breach. The central principle of treaty law is expressed in the maxim *pacta sunt servanda* – "pacts must be respected".

In international law and diplomatic practice the term "treaty" is used in two senses. In a generic sense, it refers to all agreements between states which are of a binding

character, and in a restricted sense it refers to a title given to instruments containing such international agreements.

Instruments setting out agreements between states bear different titles, such as Treaty, Agreement, Convention, Protocol, Act, Declaration, Statute, Regulations, Provisions, Pact, Covenant, Compromise, Accord, Arrangements, Modus Vivendi, Exchange of Notes and Concordat. It is, however, not obligatory to give a title to an international agreement, as agreements can be concluded even by exchange of letters or notes. In diplomatic literature, the terms "treaty", "convention", and "protocol" are all applied more or less indiscriminately to international agreements. International law prescribes neither the form nor the procedure for making of international engagements, and consequently their form depends upon the will and convenience of the parties.

The binding nature of treaty obligations is the oldest and doubtless the most fundamental rule of international law. Of all international engagements which are intended to have an obligatory character the most important are "treaties", the term being derived from the French *trailer*, which means "to negotiate".

The next type of international engagement is the "convention", derived from the Latin word *conventio* meaning "agreement". This term is frequently, though not necessarily, employed in connection with agreements to which a large number of countries are parties, and especially to agreements of the law-making type.

A multilateral treaty has several differences establishing rights and obligations between each party and every other party. Multilateral treaties are often, but not always, open to any state; others are regional. Bilateral treaties by contrast are negotiated between a limited number of states, most commonly only two, establishing legal rights and obligations between those two states only.

Exercise 2. Cover the text above and fill in the appropriate prepositions.

1. A Treaty is an agreement ____ international law entered ____ actors ____ international law.
2. A party that fails ____ live up ____ their obligations can be held liable ____ international law ____ that breach.
3. ____ a generic sense, the term "treaty" refers ____ all agreements ____ states which are ____ a binding character.
4. It is not obligatory to give a title ____ an international agreement, as agreements can be concluded even ____ exchange ____ letters or notes.
5. International engagements and their form depends ____ the will and convenience ____ the parties.
6. The term "convention" is frequently employed ____ connection ____ agreements ____ which a large number ____ countries are parties.
7. Multilateral treaties are often open ____ any state; bilateral treaties ____ contrast are negotiated ____ a limited number ____ states.

Exercise 3. Suggest the Russian equivalents.

TREATY

a multilateral treaty, a unilateral treaty, a collective treaty, a commercial treaty, a demarcation treaty, an (in)equitable treaty, a binding treaty, a trade treaty, a treaty of cession, a non-proliferation treaty, a treaty of mutual security, a treaty of neutrality, breach of the treaty, the coming of a treaty into force, a boundary treaty, peace treaty, a treaty of commerce and navigation, denunciation of a treaty, a treaty of unlimited duration, a treaty of alliance, a basic treaty, a non-aggression treaty, a treaty of friendship, cooperation and mutual assistance, the substantive articles of a treaty, Strategic Offensive Arms Limitation treaty, prolongation of a treaty renunciation of a treaty.

Exercise 4. **Study these word combinations and make up sentences of your own.**

to accede to/ to sign/ to conclude/ to enter into

to initial/ to ratify/ to adhere to/ to observe

to denounce/ to renounce/ to violate/

TREATY

to terminate/ to withdraw from

to prolong/ to extend the validity of

to render ... invalid

Exercise 5. **Match these terms with their definitions.**

- | | |
|-------------------------|---|
| 1. convention | a) a letter sent from representative of one government to another |
| 2. declaration | b) an agreement between states, less formal than a treaty |
| 2. compromise | c) a formal announcement either spoken or written |
| 3. concordat | d) settlement reached which satisfies both parties |
| 4. modus vivendi | e) formal agreement between groups of people |
| 5. accord | f) a formal legal agreement |
| 6. note | g) an agreement between a state and the Church on the matters relating to Church affairs |
| 7. covenant | h) a practical arrangement by which people who are quarrelling can continue to live and work together |

Exercise 6. **Answer these questions.**

1. What is a Treaty?
2. What does the term "treaty" imply in a generic and a restricted sense?
3. What are the titles given to international agreements?

4. What is the oldest and the most fundamental rule of international law?

5. Do you know the origin of the terms "treaty" and "convention"?

6. Is there any difference in use of the terms "treaty" and "convention"?

7. Are there any differences between multilateral and bilateral treaties?

Exercise 7. Read this text and answer these questions.

1. What is the way for adding a treaty?

2. How are existing treaties amended?

Adding and amending treaty obligations

Reservations are essentially caveats to a state's acceptance of a treaty. Reservations are a unilateral statement purporting to exclude or to modify the legal obligation and its effects on the reserving state. These must be included at the time of signing or ratification – a party cannot add a reservation after it has already joined a treaty.

Originally, international treaty reservations were unacceptable. However, in the interest of encouraging the largest number of states to join treaties, a more permissive rule regarding reservations has emerged. When a state limits its treaty obligations through reservations, other states party to that treaty have the option to accept those reservations, object to them, or object and oppose them.

There are three ways an existing treaty can be amended. First, formal amendment requires States parties to the treaty to go through the ratification process all over again.

Treaties can also be amended informally by the treaty executive council when the changes are only procedural, technical, or administrative (not principled changes).

Finally, a change in customary international law (state behavior) can also amend a treaty, where state behavior evinces a new interpretation of the legal obligations under

the treaty. Minor corrections to a treaty may be adopted by a procès-verbal; but a procès-verbal is generally reserved for changes to rectify obvious errors in the text adopted, i.e. where the text adopted does not correctly reflect the intention of the parties adopting it.

Execution and implementation

Treaties may be seen as 'self-executing', in that merely becoming a party puts the treaty and all of its obligations in action. Other treaties may be non-self-executing and require 'implementing legislation' – a change in the domestic law of a state party that will direct or enable it to fulfill treaty obligations. An example of a treaty requiring such legislation would be one mandating local prosecution by a party for particular crimes.

The division between the two is often not clear and is often politicized in disagreements within a government over a treaty, as a non-self-executing treaty cannot be acted upon without the proper change in domestic law.

Exercise 8. Find in the text above the English equivalents for these word combinations.

Предупреждение о необходимости рассмотрения вопроса до заключения соглашения, оговорка, одно-стороннее заявление, иметь целью исключить, во время ратификации договора, неприемлемый, более терпимое правило, иметь выбор, внести поправки (не)официально, высказывать, новое толкование, мелкие исправления договора, исправлять очевидные ошибки, должным образом отражать намерения сторон, реализация договора, политизировать.

Exercise 9. Translate these word combinations using the appropriate forms of the word in bold type.

amendment – редакционная поправка, проект поправки, внести поправку, принять поправку, одобрить поправку, утвердить поправку, ратифицировать поправку, отклонить поправку, внести поправки в договор.

reservation – сохранить за собой право, сделать оговорку, неприемлемые оговорки, страны, оставляющие за собой право, добавить оговорку, резервировать для внесения изменений.

Exercise 10. **Match these words with their synonyms.**

- | | |
|----------------------|-------------------------------------|
| 1. reservations | a) to implement |
| 2. to emerge | b) to correct mistakes |
| 3. obligations | c) to make an improvement in |
| 4. to amend | d) caveats |
| 5. to rectify errors | e) to develop and become noticeable |
| 6. to execute | f) duties |

Exercise 11. **Complete these sentences.**

1. Reservations are _____.
2. Reservations must be included _____.
3. When a state limits its treaty obligations through reservations, other states party to that treaty have the option _____.
4. Formal amendment requires States parties to the treaty _____.
5. Treaties can be amended informally by the treaty executive council when _____.
6. A change in customary international law can _____.
7. A procès-verbal is _____.
8. Treaties may be seen as _____ and _____.

Exercise 12. **Read this text and answer these questions.**

1. Why does the language of the treaties must be interpreted?
2. What is called an 'authentic interpretation'?
3. Who resolves disputes over treaty interpretations?

Interpretation

The language of treaties, like that of any law or contract, must be interpreted when the wording does not seem clear or it is not immediately apparent how it should be applied in a perhaps unforeseen circumstance. The Vienna Convention states that treaties are to be interpreted "in good faith" according to the "ordinary meaning given to the terms of the treaty in their context and in the light of its object and purpose." International legal experts also often invoke the 'principle of maximum effectiveness,' which interprets treaty language as having the fullest force and effect possible to establish obligations between the parties.

No one party to a treaty can impose its particular interpretation of the treaty upon the other parties. Consent by all parties to the treaty to a particular interpretation has the legal effect of adding an additional clause to the treaty – this is commonly called an 'authentic interpretation'.

International tribunals and arbiters are often called upon to resolve substantial disputes over treaty interpretations. To establish the meaning in context, these judicial bodies may review the preparatory work from the negotiation and drafting of the treaty as well as the final, signed treaty itself.

One significant part of treaty making is that signing a treaty implies recognition that the other side is a sovereign state and that the agreement being considered is enforceable under international law. Hence, nations can be very careful about terming an agreement to be a treaty. For example, within the United States agreements between states are compacts and agreements between states and the federal government or between agencies of the government are memoranda of understanding.

Another situation can occur when one party wishes to create an obligation under international law, but the other party does not. This factor has been at work with respect to discussions between North Korea and the United States over security guarantees and nuclear proliferation.

Exercise 13. Say whether these statements are true or false. Correct the wrong ones.

1. The language of treaties must never be interpreted.
2. The 'principle of maximum effectiveness' interprets treaty language as having the fullest force and effect possible to establish obligations between the parties.
3. Each party to a treaty can impose its particular interpretation of the treaty upon the other parties.
4. An 'authentic interpretation' is the consent by all parties to the treaty to a particular interpretation.
5. The UN experts are often called upon to resolve substantial disputes over treaty interpretations.
6. To establish the meaning in context, international tribunals and arbiters review the preparatory work from the negotiation and drafting of the treaty as well as the signed treaty itself.
7. Signing a treaty implies recognition that the other side is a sovereign state and that the agreement being considered is enforceable under international law.
8. Nations are not very careful about terming an agreement to be a treaty.

Exercise 14. Translate into English.

1. договор о дружбе и взаимопомощи; 2. бессрочный договор; 3. договор о взаимной безопасности; 4. договор об ограничении стратегических наступательных вооружений; 5. договор о нераспространении ядерного оружия; 6. договор об установлении границ; 7. договор о ненападении; 8. вступление договора в силу; 9. неравноправный договор; 10. нарушить договор; 11. придерживаться договора; 12. парафировать договор; 13. выйти из договора; 14. продлить действие договора.

Exercise 15. Complete this text with words from the box in appropriate form.

to follow	to outweigh	to be registered with	applied
to prevent			

Role of the United Nations

The United Nations Charter states that treaties must _____ the UN to be invoked before it or enforced in its judiciary organ, the International Court of Justice. This was done _____ the proliferation of secret treaties that occurred in the 19th and 20th century. The Charter also states that its members' obligations under it _____ any competing obligations under other treaties.

After their adoption, treaties as well as their amendments have _____ the official legal procedures of the United Nations, as _____ by the Office of Legal Affairs, including signature, ratification and entry into force.

Exercise 16. Answer these questions.

1. Why must treaties be registered with the UN?
2. Do obligations under the UN Charter outweigh any obligations under other treaties?
3. What legal procedures applied by the Office of Legal Affairs do treaties follow?

Exercise 17. Read this text and answer these questions.

1. What is the legal sense of the term "treaty" in the US?
2. How can the President of the United States validly ratify a treaty?

In the United States, the term "treaty" has a different, more restricted legal sense than exists in international law. U.S. law distinguishes what it calls treaties from treaty executive agreements, congressional executive agreements, and sole executive agreements. All four classes are equally treaties under international law; they are distinct only from the perspective of internal American law. The distinctions are primarily concerning their method of ratification. Whereas treaties require advice and consent by two thirds of the Senate, sole executive agreements may be executed by the President acting alone. Some treaties grant the

President the authority to fill in the gaps with executive agreements, rather than additional treaties or protocols. And finally, Congressional executive agreements require majority approval by both the House and the Senate, either before or after the treaty is signed by the President.

Currently, international agreements are executed by executive agreement rather than treaties at a rate of 10:1. Despite the relative ease of executive agreements, the President still often chooses to pursue the formal treaty process over an executive agreement in order to gain Congressional support on matters that require the Congress to pass implementing legislation or appropriate funds, and those agreements that impose long term, complex legal obligations on the U.S.

Exercise 18. Answer and debate these questions.

1. How does the President of the Russian Federation ratify a treaty?
2. What procedure does a treaty undergo?
3. What norms does the Constitution of the Russian Federation provide?

Exercise 19. Study the instrument of ratification.

(name in full)

President of the United States of America

To all to whom these presents shall come, greeting:

Know Ye that, whereas there was signed at on, 20_____ the Treaty (Convention) between the United States of America and

And whereas the original of the said Treaty (Convention) of, 20_____ is word for word as follows:

(text)

And whereas the Senate of the United States of America by their resolution of, 20____ two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said Treaty (Convention) of, 20____;

Now therefore, be it known that I, (name in full), President of the United States of America, having seen and considered said Treaty (Convention) of, 20_____do hereby, in pursuance of the aforesaid advice and consent of the Senate of the United States of America, ratify and confirm the said Treaty (Convention) of, 20_____ and every article and clause thereof.

In testimony whereof I have hereunto set my hand and caused the Seal the United States of America to be affixed.

Done at the city of..... this.... day of..... in the year of our Lord Two thousand and... and of the Independence of the United States of America the Two hundred ...th.

.....
President of the United States of America

.....
Acting Secretary of State

Exercise 20. Find in the text the English equivalents for these formal phrases used in official documents.

1. Приветствуем всех, кто будет читать этот документ; 2. Знайте же, что...; 3. Дословно следующий; 4. Да будет известно, что...; 5. В удостоверение и подтверждение выше изложенного /или: настоящим удостоверяю; 6. Во исполнение вышеуказанного; 7. Рассмотрев и приняв во внимание; 8. В подтверждении вышесказанного ставлю свою подпись и скрепляю печатью.

Exercise 21. Find out the meanings of "whereas", "hereby", "therefore", "hereunto", "whereof» and "thereof" as used in the text. Consult a dictionary.

Exercise 22. Translate these sentences.

1. *And whereas* the said Treaty has been duly ratified on the parts of all the High Contracting Parties and their several instruments of ratification have been deposited with the Government of the United States of America, the last on July 24, 1929.

2. *In witness whereof* the undersigned, being duly authorized for that purpose, have signed this Treaty.

3. I am *hereby* resigning as secretary, effective immediately.

4. In Witness *whereof* we have *hereunto* set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the Year of our Lord One Thousand Seven Hundred and Seventy-Eight, and in the Third Year of the Independence.

5. Now, *therefore*, be it known that I, Andrew Johnson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every clause and article *thereof* may be observed and fulfilled with good faith by the United States and the citizens *thereof*.

6. I think, *therefore* I am.

7. I *hereby* pledge my intent to do it in one month's time.

Exercise 23. **Study these formal style words and translate them into Russian using the definitions below.**

hereby by or through this; by this means;

hereof of this; from this; concerning this; hereto: to this matter;

hereafter after this; following this; from now on; in the future;

herein in or into this place; in this matter, writing;

hereinafter below (in this document, speech, etc.);

hereinbefore in a preceding part (of this document, speech, etc.);

hereinto into this place; into this matter, condition;

hereupon after this; immediately following this; in consequence of this;

herewith along with this; by this method or means;

hereat at this time; as a result of this.

Exercise 24. **Translate into Russian.**

1. Upon instructions from my Government, I have the honour to transmit *herewith* the Instrument of Ratification of the Government of the Republic of to the Treaty, done at...on...20_____.

2. There shall be established a Human Rights Committee (*hereafter* referred to in the present Covenant as the Committee).

3. The Committee shall consist of eighteen members and shall carry out the functions *hereinafter* provided.

4. When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date *hereof* or sooner if possible.

5. In addition to links listed *hereinbefore* you can always count on our database of last minute offers that is updated multiple times per day.

6. The General Assembly invites the State parties to take into account considerations annexed hereto.

7. Please find *herewith* a contract in duplicate for your next book which we have taken the liberty of forwarding to you.

Exercise 25. **Draw up an instrument of ratification on behalf of the Government of Ukraine using the information below.**

<p style="text-align: center;">Council of Europe Convention on Cybercrime CETS No.: 185</p>
<p>Treaty open for signature by the member States and the non-member States which have participated in its elaboration and for accession by other non-member States</p> <p style="text-align: center;">Place: Budapest Date : 23/11/2001</p>

Signature	Ratification	Entry into force
23/11/2001	10/3/2006	1/7/2006

Whereas the Convention

And whereas the said Convention

Now therefore, I (name and title of the Head of State)

In witness whereof I

Exercise 26. **Read this text.**

Ending treaty obligations

Withdrawal

Treaties are not necessarily permanently binding upon the signatory parties. As obligations in international law are traditionally viewed as arising only from the consent of states, many treaties allow a state to withdraw as long as it follows certain procedures of notification. Many treaties expressly forbid withdrawal. Other treaties are silent on the issue. Human rights treaties, for example, are generally interpreted to exclude the possibility of withdrawal, because of the importance and permanence of the obligations.

If a state party's withdrawal is successful, its obligations under that treaty are considered terminated, and withdrawal by one party from a bilateral treaty of course terminates the treaty. When a state withdraws from a multilateral treaty, that treaty will still otherwise remain in force between the other parties to the treaty.

Suspension and termination

If a party has materially violated or breached its treaty obligations, the other parties may invoke this breach as grounds for temporarily suspending their obligations to that party under the treaty. A material breach may also be invoked as grounds for permanently terminating the treaty itself.

A treaty breach does not automatically suspend or terminate treaty relations, however. The issue must be presented to an international tribunal or arbiter (usually specified in the treaty itself) to legally establish that a sufficiently serious breach has in fact occurred. Otherwise, a party that prematurely and perhaps wrongfully suspends or terminates its own obligations due to an alleged breach itself runs the risk of being held liable for breach.

Treaties sometimes include provisions for self-termination, meaning that the treaty is automatically terminated if certain defined conditions are met. Some treaties are intended by the parties to be only temporarily binding and are set to expire on a given date.

Invalid treaties

There are several reasons an otherwise valid and agreed upon treaty may be rejected as a binding international agreement, most of which involve errors at the formation of the treaty.

A party's consent to a treaty is invalid if it had been given by an agent or body without power to do so under that state's domestic law.

Consent is also invalid if it is given by a representative who ignored restrictions he is subject to by his sovereign during the negotiations, if the other parties to the treaty were notified of those restrictions prior to his signing.

Misunderstanding, fraud, corruption, coercion

Articles 46-53 of the Vienna Convention set out the only ways that treaties can be invalidated – considered unenforceable and void under international law. A treaty will be invalidated due to either the circumstances by which a state party joined the treaty, or due to the content of the treaty itself. Invalidation is separate from withdrawal, suspension, or termination (addressed above), which all involve an alteration in the consent of the parties of a previously valid treaty rather than the invalidation of that consent in the first place.

A state's consent may be invalidated if there was an erroneous understanding of a fact or situation at the time of conclusion, which formed the "essential basis" of the state's consent.

Consent will also be invalidated if it was induced by the fraudulent conduct of another party, or by the direct or indirect "corruption" of its representative by another party to the treaty. Coercion of either a representative, or the state itself through the threat or use of force, if used to obtain the consent of that state to a treaty, will invalidate that consent.

Peremptory norms

A treaty is null and void if it is in violation of a peremptory norm (jus cogens). These are limited to such universally accepted prohibitions as those against genocide, slavery, torture, and piracy, meaning that no state can legally assume an obligation to commit or permit such acts.

Exercise 27. Suggest the Russian equivalents.

To be binding upon the signatory parties, arising only from the consent of states, procedures of notification, to terminate a treaty, to remain in force, to invoke this breach as grounds for, an alleged breach, provisions for self-termination, prematurely and perhaps wrongfully, valid/ invalid, unenforceable and void, erroneous understanding, to induce consent, null and void.

Exercise 28. Match these terms with their definitions.

- | | |
|-----------------|--|
| 1. withdrawal | a) dishonest or wicked behaviour in return for money or personal gain |
| 2. suspension | b) deceitful or dishonest way of acting |
| 3. termination | c) insisting on immediate obedience or attention |
| 4. invalidation | d) to take or to move sth back |
| 5. coercion | e) the action of preventing sth from being in effect for a time, to stop sth temporarily |

6. peremptory f) the action of bringing sth to an end
norm
7. fraudulent g) making sth not officially acceptable
conduct
8. corruption h) making sb do sth by using force or
threats

Exercise 29. **Study these word combinations with the verb "to render" and make up sentences of your own.**

<i>1) to cause sb/sth to be in a specific condition</i>	<i>2) to give sth in return for sth or because it is expected</i>
to render invalid/ harmless/ useless/ obsolete/ null	to render homage/ allegiance/ obedi- ence/ a reward for/ ser- vices/ assistance

Exercise 30. **Translate these sentences.**

1. The Pledge of Allegiance to the United States flag is an oath of loyalty to the country. It is recited at many public events. People in uniform should remain silent, face the flag, and render the military salute.

2. Herein we render homage to a genius who brought human fantasies to outer space reality.

3. But in such a case, if it should ever happen, the treaty so obtained from us would, like all other fraudulent contracts, be null and void by the law of nations.

4. The President may wish to terminate a treaty in order to reflect the fact that the treaty has become obsolete, to sanction a treaty partner for violations, to protect the United States from commitments that would threaten its...

5. Contemporary legal doctrine denies that war has extinctive effect on multilateral treaties, unless there has been a radical change in the circumstances rendering the treaty obsolete.

Exercise 31. **Answer these questions.**

1. Are treaties permanently binding upon the signatory parties?
2. How are obligations in international law viewed traditionally?
3. What kinds of treaties are generally interpreted to exclude the possibility of withdrawal?
4. What happens in case of withdrawal by one party from a bilateral treaty?
5. Is the treaty terminated when a state withdraws from a multi-lateral treaty?
6. What are the grounds for permanently terminating the treaty?
7. Does a treaty breach automatically suspend or terminate treaty relations?
8. Do treaties include provisions for self-termination?
9. When will a treaty be invalidated?
10. What is a peremptory norm?

Exercise 32. **Study this chart.**

<p>Subject to подлежит в соответствии с при условии</p>	<p>ratification, acceptance or approval the entry of the Treaty into force the provisions of Article 10 the jurisdiction the modifications the approval of the general Assembly denunciation withdrawal</p>
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Exercise 33. **Translate into English.**

1. The invalidity, termination or denunciation of a treaty, the withdrawal of a party from it, or the suspension of its operation, as a result of the application of the present Convention or of the provisions of the treaty, shall not in any

way impair the duty of any State to fulfill any obligation embodied in the treaty to which it would *be subject* under international law independently of the treaty.

2. *Subject to* the provisions of the instruments relating to the meetings specified hereunder the Director-General shall take all necessary steps for the application of the present Regulations. 3.2. A treaty which contains no provision regarding its termination and which does not provide for denunciation or withdrawal is not *subject to* denunciation or withdrawal.

3. If the authority of a representative to express the consent of a State to be bound by a particular treaty has been made *subject to* a specific restriction, his omission to observe that restriction may not be invoked as invalidating the consent expressed by him.

4. Each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this Section are *subject to* conditions and safeguards provided for under its domestic law.

5. Except as otherwise specifically provided in articles in this chapter, mutual assistance shall be *subject to* the conditions provided for by the law of the requested Party or by applicable mutual assistance treaties.

Exercise 34. Read and comment on this information.

The United States is a signatory to nine multilateral treaties that it has either blatantly violated or gradually subverted. The Bush Administration rejected a number of those treaties, and in doing so placed global security in jeopardy as other nations feel entitled to do the same. The rejected treaties include: The Comprehensive Test Ban Treaty, the Treaty Banning Antipersonnel Mines, the Rome Statute of the International Criminal Court, a protocol to create a compliance regime for the Biological Weapons Convention, the Kyoto Protocol on global warming, and the Anti-Ballistic Missile Treaty. The U.S. is also

not complying with the nuclear Non Proliferation Treaty, the Chemical Weapons Commission, the BWC, and the UN framework Convention on Climate Change. This unprecedented rejection of and rapid retreat from global treaties that have in effect kept the peace through the decades will not only continue to isolate U.S. policy, but will also render these treaties and conventions invalid without the support and participation of the world's foremost super-power.

Exercise 35. **Do the two way translation of this text.**

VIENNA CONVENTION ON THE LAW OF TREATIES

SIGNED AT VIENNA 23 May 1969

ENTRY INTO FORCE: 27 January 1980

The States Parties to the present Convention	Государства — участники настоящей Конвенции,
Considering the fundamental role of treaties in the history of international relations,	учитывая важнейшую роль договоров в истории международных отношений,
Recognizing the ever-increasing importance of treaties as a source of international law and as a means of developing peaceful co-operation among nations, whatever their constitutional and social systems,	признавая все возрастающее значение договоров как источника международного права и как средства развития мирного сотрудничества между нациями, независимо от различий в их государственном и общественном строе,
Noting that the principles of free consent and of good faith and the pacta sunt servanda rule are universally recognized,	отмечая, что принципы свободного согласия и добросовестности и норма pacta sunt servanda получили всеобщее признание,

<p>Affirming that disputes concerning treaties, like other international disputes, should be settled by peaceful means and in conformity with the principles of justice and international law,</p>	<p>подтверждая, что споры, касающиеся договоров, как и прочие международные споры, должны разрешаться только мирными средствами и в соответствии с принципами справедливости и международного права,</p>
<p>Recalling the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained</p>	<p>напоминая о решимости народов Объединенных Наций создать условия, при которых могут соблюдаться справедливость и уважение к обязательствам, вытекающим из договоров</p>
<p>Having in mind the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force and of universal respect for, and observance of, human rights and fundamental freedoms for all,</p>	<p>принимая во внимание принципы международного права, воплощенные в Уставе Организации Объединенных Наций, такие, как принципы равноправия и самоопределения народов, суверенного равенства и независимости всех государств, невмешательства во внутренние дела государств, запрещения угрозы силой или ее применения и всеобщего уважения и соблюдения прав человека и основных свобод для всех,</p>
<p>Believing that the codification and progressive development of the law of treaties achieved in the present Convention will promote the purposes of</p>	<p>полагая, что кодификация и прогрессивное развитие права договоров, осуществленные в настоящей Конвенции, будут способствовать достижению указанных в</p>

the United Nations set forth in the Charter, namely, the maintenance of international peace and security, the development of friendly relations and the achievement of co-operation among nations,	Уставе целей Организации Объединенных Наций, а именно поддержанию международного мира и безопасности, развитию дружественных отношений между народами и осуществлению их сотрудничества друг с другом,
Affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of the Present Convention,	подтверждая, что нормы международного обычного права будут по-прежнему регулировать вопросы, которые не нашли решения в положениях настоящей Конвенции,
Have agreed as follows	договорились о нижеследующем

- pacta sunt servanda – Latin for "agreements must be kept", is a brocard, a basic principle of civil law and of international law.
- a brocard – основной принцип

OVER TO YOU

Translate these articles from Vienna Convention on the Law of Treaties.

Статья 48. Ошибка

1. Государство вправе ссылаться на ошибку в договоре как на основание недействительности его согласия на обязательность для него этого договора, если ошибка касается факта или ситуации, которые, по предположению этого государства, существовали при заключении договора и представляли собой существенную основу для его согласия на обязательность для него данного договора.

Статья 49. Обман

Если государство заключило договор под влиянием обманных действий другого участвовавшего в перегово-

рах государства, то оно вправе ссылаться на обман как на основание недействительности своего согласия на обязательность для него договора.

Статья 50. Подкуп представителя государства

Если согласие государства на обязательность для него договора было выражено в результате прямого или косвенного подкупа его представителя другим участвовавшим в переговорах государством, то первое государство вправе ссылаться на такой подкуп как на основание недействительности его согласия на обязательность для него такого договора.

Статья 51. Принуждение представителя государства

Согласие государства на обязательность для него договора, которое было выражено в результате принуждения его представителя действиями или угрозами, направленными против него, не имеет никакого юридического значения.

Статья 52. Принуждение государства посредством угрозы силой или ее применения

Договор является ничтожным, если его заключение явилось результатом угрозы силой или ее применения в нарушение принципов международного права, воплощенных в Уставе Организации Объединенных Наций.

Статья 53. Договоры, противоречащие императивной норме общего международного права (*jus cogens*)

Договор является ничтожным, если в момент заключения он противоречит императивной норме общего международного права. Поскольку это касается настоящей Конвенции, императивная норма общего международного права является нормой, которая принимается и признается международным сообществом государств в целом как норма, отклонение от которой недопустимо и которая может быть изменена только последующей нормой общего международного права, носящей такой же характер.

See the Appendix for the answers.

LESSON 6

STRUCTURE OF A TREATY DOCUMENT

Starting up

Analyze the following quotation and comment on it. Do you agree? Why do you think Bismark made this remark?

"The secret of politics? Make a good treaty with Russia."
*Otto von Bismark. (1815 – 1898),
 a Prussian/German statesman and a dominant figure in
 world affairs.*

Exercise1. **Read the text.**

Structure of a treaty document

The treaty document covers the following parts:

1. The preamble containing:

- * a list of the heads of state in whose names the treaty is concluded;
- * a list of plenipotentiaries;
- * usually a statement of the purposes and objectives of the treaty, sometimes accompanied by a recital of principles and circumstances;
- * a declaration that the plenipotentiaries have the necessary powers.

2. The text generally containing, in the form of numbered articles, the respective agreements of the signatories. It also indicates:

- * the requirements for bringing the treaty into force;
- * its duration;
- * the place where the exchange of ratifications will take place.

3. The final clauses, specifying that the plenipotentiaries have signed the treaty and have affixed their seals thereto, and including information on:

- * the number of signed copies;
- * if in more than one language, the languages used, and that each is equally authentic;
- * the place and date of signature.

The provisions of a treaty determine the manner in which and the date on which the treaty enters into force. Where the treaty does not specify a date, there is a presumption that the treaty is intended to come into force as soon as all the negotiating states have consented to be bound by the treaty.

After a treaty is concluded, the written instruments, which provide formal evidence of consent to be bound by ratification, accession, and so on, and also reservations and other declarations, are placed in the custody of a depositary, which may be one or more states, or an international organization. The depositary has functions of considerable importance relating to matters of form, including provision of information as to the time at which the treaty enters into force. The United Nations Secretariat plays a significant role as depositary of multilateral treaties.

As regards treaties, conventions, etc., these, when concluded between two countries, are now ordinarily signed in two texts in the respective languages of the two countries, though exceptions occur. In the case of treaties of a general nature – multilateral treaties – concluded between many states, the usual practice is to use French and English. Those concluded under the auspices of the United Nations have texts in its official languages, all equally authentic.

The authenticity of the text is established by means of the signatures of the plenipotentiaries.

(From *"A Diplomat's Handbook of International Law and Practice"* by B. Sen)

Exercise 2. Find in the text above the English equivalents for these word combinations.

Главы государств, полномочные представители, обладать необходимыми полномочиями, соответствующие договоренности сторон, место и дата подписания, положения договора, присоединение к договору, поместить на сохранение в депозитарий, многосторонний договор, под эгидой ООН, равно аутентичные, установить подлинность.

Exercise 3. Cover the text above and fill in the appropriate prepositions.

1. The preamble contains a list ____ the heads ____ state ____ whose names the treaty is concluded; a list ____ plenipotentiaries and a statement ____ the purposes and objectives ____ the treaty.

2. The text contains, ____ the form ____ numbered articles, the respective agreements ____ the signatories and indicates the requirements ____ bringing the treaty ____ force; its duration.

3. The provisions ____ a treaty determine the manner ____ which and the date ____ which the treaty enters ____ force.

4. After a treaty is concluded, the written instruments, reservations and other declarations are placed ____ the custody ____ a depositary.

5. Treaties and conventions concluded ____ two countries, are signed ____ two text ____ the respective languages ____ the two countries.

6. Treaties concluded ____ the auspices ____ the United Nations have texts ____ its official languages, all equally authentic.

7. The authenticity ____ the text is established ____ means ____ the signatures ____ the plenipotentiaries.

Exercise 4. **Answer these questions.**

1. What parts does the treaty document cover?
2. What information does the preamble contain?
3. What does the text generally indicate?
4. What do final clauses specify?
5. Does the treaty always specify a date on which it enters into force?
6. Who can act as depositary of multilateral treaties?
7. How many copies are treaties, conventions ordinarily signed in?
8. What language are treaties concluded in?
9. How is the authenticity of the text established?

Exercise 5. **Translate these word combinations using the appropriate forms of the words in bold type.**

provision – основные положения договора, в соответствии со следующими положениями, согласно положениям настоящей конвенции, постановления закона, прийти соглашению по следующим пунктам.

to sign – подписать договор, место подписания, мы нижеподписавшиеся, подписи полномочных представителей сторон, подписать текст на двух языках, подписать в трех экземплярах, дата подписания.

instrument – юридически обязательный документ, акт о присоединении, принятие новых актов, письменный документ, акт о капитуляции, ратификационная грамота.

Exercise 6. **Study the Preamble to Treaty of Lisbon and answer these questions.**

1. What kind of treaty is it?
2. When and where was the treaty concluded?
3. Who signed the treaty?

Лиссабонский договор

Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community



Тип договора	Поправки к предыдущим договорам
Подготовлен	7-8 сентября 2007
Подписан (место)	13 декабря 2007, Лиссабон, Португалия
Скреплен печатью	18 декабря 2007
Вступил в силу	1 декабря 2009
Подписан	страны-члены ЕС
Место хранения	МИД Италии
Языки	23 языка ЕС

Exercise 7. **Study the Preamble to Optional Protocol to the Convention on the Rights of the Child and answer these questions.**

Answer the following questions in English:

- What are the objectives of this Optional Protocol?
- What are the States Parties to the Protocol disturbed by?

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

The States Parties to the present Protocol.

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security.

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development.

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals.

Noting the adoption of the Statute of the International Criminal Court² and, in particular, its inclusion as a war crime of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts.

Have agreed as follows:

Exercise 8. Memorize the following.

(having) resolved

решив, постановив

resolved

выражая решимость

determined

имея намерение

guided by

руководствуясь

(being) inspired by desire	<i>движимый желанием</i>
(being) moved by anxiety	<i>движимый беспокойством</i>
(being) encouraged by	<i>будучи воодушевленным</i>
(being) convinced	<i>будучи убежденным</i>
(being) concerned	<i>выражая беспокойство</i>
(being) alarmed	<i>будучи встревоженным</i>
(being) disturbed	<i>выражая тревогу</i>

Exercise 9. **Translate these sentences.**

1. Convinced that the existence of racial barriers is repugnant to the ideals of any human society.

2. Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation.

3. Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination.

4. Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere.

5. Determined to contribute to the development of their economic relations, the Sides agreed to take all necessary measures to ensure a further considerable growth of trade turnover.

Exercise 10. **Translate into English.**

1. Руководствуясь интересами укрепления мира и безопасности...

2. Выражая беспокойство продолжающейся гонкой вооружений...

3. Будучи убежденными в необходимости всеобщего и полного разоружения...

4. Имея твердое намерение продолжать переговоры...

5. Движимые желанием развивать дружеские отношения и взаимовыгодное сотрудничество между странами...

6. Решив и дальше следовать общей внешней политике...

7. Будучи встревоженными напряженностью в регионе...

8. Выражая решимость внести свой вклад в укрепление мира и безопасности...

Exercise 11. **Complete the Preamble to this treaty.**

TREATY of Friendship and Cooperation
between _____ (name of country) and
_____ (name of country)

The Republic of _____ and the Republic
 of _____,

Guided by

Proceeding from;

Firmly believing;

Firmly resolved;

Striving;

HAVE RESOLVED to conclude this Treaty of Friendship and Cooperation AND AGREED as follows:

Exercise 12. **Read the information and suggest the answers to the questions.**

BBC NEWS

The Lisbon Treaty finally came into effect in 2009, eight years after European leaders launched a process to make the EU "more democratic, more transparent and more efficient".

Like the European constitution before it, the treaty is often described as an attempt to streamline EU institutions to make the enlarged bloc of 27 states function better. But opponents see it as part of a federalist agenda that threatens national sovereignty.

The constitution was thrown out by French and Dutch voters in 2005. The Lisbon Treaty, too, was rejected by Irish voters in June 2008. But it got overwhelming support in a second referendum in the Republic of Ireland on 2 October 2009. Under EU rules, the treaty must be ratified by all 27 member states before it comes into force. The last country yet to ratify it was the Czech Republic.

1. Have all other EU members ratified the treaty?
2. Was Ireland the only country to hold a referendum?
3. How similar is Lisbon to the draft constitution?
4. If it contains the same substance, why is the Lisbon Treaty not a constitution?
5. How long did it take to agree the treaty?
6. Why was the constitution dropped?
7. Does the Charter of Fundamental Rights feature in the new treaty?
8. Are any countries seeking opt-outs?
9. When did the new treaty kick in?

*13 ноября 2009 года документ был передан на хранение в МИД Италии, которая является страной-депозитарием договора

See the Appendix for full information.

OVER TO YOU

Write a paragraph about the Lisbon Treaty (initially known as the Reform Treaty). What treaties does it amend? What prominent changes about the European Union are included into the Lisbon Treaty?

Exercise 13. Read the text of the Treaty of Friendship and Cooperation. Give the English equivalents for the words in brackets.

Article 1: The High Contracting Parties shall (*продолжать укрепление дружеских отношений, солидарности и взаимопомощи*). They shall steadfastly develop political relations, (*углублять всестороннее сотрудничество*), and give each other all-out support based on (*взаимоуважении к государственному суверенитету*) and independence, equality and (*невмешательство во внутренние дела друг друга*).

Article 2: The High Contracting Parties shall (*объединить усилия*) to strengthen and expand mutually advantageous economic, scientific and technical cooperation with the aim of steadily improving the material and cultural standards of the peoples of their countries...

Article 3: The High Contracting Parties shall (*укреплять связи*) in the spheres of culture, education, literature and the arts, public health, environmental protection, tourism, and in other fields...

Article 4: The High Contracting Parties shall contribute (*всеми возможными способами*) to the defence of international peace and the security of nations, and shall support the just struggle for (*искоренение расизма во всех его формах и проявлениях*).

Article 5: (*Высокие договаривающиеся стороны*) shall consult each other on all important international issues affecting the interests of the two countries. In case one of the Parties becomes the object of attack or of a threat of attack, the High Contracting Parties shall immediately begin mutual consultations (*с намерением*) removing that threat and (*принять соответствующие меры к обеспечению мира*) and the security of their countries...

See the Appendix for the answers.

Exercise 14. **Study the text of the following treaty and be ready to answer the questions below the text.**

***The Treaty of
Mutual Cooperation and Security
between the United States and Japan***

*signed between the United States and Japan in Washington
on January 19, 1960.*

JAPAN and THE UNITED STATES OF AMERICA,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law.

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well-being in their countries.

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments.

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations.

Considering that they have a common concern in the maintenance of international peace and security in the Far East.

Having resolved to conclude a treaty of mutual cooperation and security.

Therefore agree as follows:

ARTICLE I: The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to 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. The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II: The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

ARTICLE III: The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

ARTICLE IV: The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V: Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter.

ARTICLE VI: For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan.

ARTICLE VII: This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII: This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

ARTICLE IX: The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE X: This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area. However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

In witness whereof the undersigned Plenipotentiaries have signed this Treaty.

Done in duplicate at Washington in the Japanese and English languages, both equally authentic, this 19th day of January, 1960

FOR THE UNITED STATES OF AMERICA: FOR JAPAN:

Exercise 15. Answer these questions.

1. What are the purposes and objectives of the treaty?
2. What principles and circumstances are recited in the Preamble?
3. What are the general provisions of the Treaty?
4. What are the requirements for bringing the treaty into force?

5. What is the treaty duration?
6. Where will the exchange of ratifications take place?
7. How many signed copies has the instrument done in?
8. Which languages are used? Are they equally authentic?
9. What are the place and date of signature?

Exercise 16. **Study these word combinations. Mind the use of the prepositions.**

	<i>entering into force</i>
	<i>the expiration of this period</i>
UPON	<i>agreement by the parties concerned</i>
(на, при, по)	<i>conclusion of negotiations</i>
	<i>the acceptance of this proposal</i>
	<i>the exchange of instruments of ratification</i>
	<i>the recommendation of the Security Council</i>

Exercise 17. **Translate these sentences.**

1. *Upon* the assignment of a consular officer, his commission is sent to the diplomatic representative accredited to the government within whose competence the consular office concerned is situated.

2. The Bureau shall appoint for a period of three years the Secretary-General, who shall be eligible for reappointment immediately *upon* the expiration of this period.

3. *Upon* the request of the parties concerned the General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

4. The Treaty shall terminate one year *upon* appropriate notification to the other Party of the intention to terminate the Treaty.

5. *Upon* the conclusion of the bilateral meeting the two prime ministers directed the foreign secretaries, accordingly, to resume the dialogue on the agreed dates.

Exercise 18. **Suggest the Russian equivalents.**

PARTY

the (High) Contracting Parties, Party concerned, a hostile Party States Parties to the present Convention, the parties to the dispute, the parties concerned, to become a Party to a treaty, a Party to the Protocol, an adverse party, a belligerent party, the third party.

Exercise 19. **Translate these sentences into English.**

1. Выражая желание укреплять узы дружбы, существующие между ними, страны заключили договор о сотрудничестве и взаимной безопасности.

2. Стороны подтвердили свою приверженность целям и принципам Устава ООН.

3. Главы государств выразили общую обеспокоенность проблемой поддержания мира на Ближнем Востоке.

4. Заинтересованные стороны будут предпринимать шаги, направленные на урегулирование конфликта мирными средствами.

5. В связи с угрозой безопасности одной из сторон станы – участники провели двусторонние консультации касательно применения договора.

6. Об акте вооруженного нападения и предпринятых в связи с ним мерах было немедленно сообщено в ООН.

7. После ратификации договора сторонами – участниками в соответствии с конституционной процедурой был произведен обмен ратификационными грамотами.

Exercise 20. **Study these word combinations. Mind the use of the prepositions.**

a view	- a personal opinion or attitude, a
on/about	thought or comment on sth
in view of	- taking sth into account, considering sth
with a view to doing	- with the intention or hope of doing sth

Exercise 21. **Translate these sentences.**

1. Determined to continue negotiations *with a view to* achieving effective progress towards further measures in the field of disarmament.

2. During the five meeting of the four-day summit the heads of State presented their *views on* the role of the United Nations in the twenty-first century and the main challenges facing the peoples of the world.

3. The General Conference expresses to the Director-General its appreciation of the approaches which he is continuing to make to Member States *with a view to* improving the cash position.

4. The Congress, *in the view of* the report of the Executive and Liaison Committee, charges the Executive Council to study the problem in its entirety and to take the necessary decision.

5. *In the view of* the fact that the term of office of two members of the Commission was due to expire on 11 May 2010, the Director General applied the procedure provided for in that Protocol for the replacement of the members concerned.

6. States Parties recognize the right of migrant workers and members of their families to take part in meetings and activities of trade unions and of any other associations established in accordance with law, *with a view to* protecting their economic, social, cultural and other interests, subject only to the rules of the organization concerned.

7. The Parties shall, as appropriate, consult periodically *with a view to* facilitating the effective use and implementation of this Convention.

OVER TO YOU

Are all international treaties obeyed? What really significant treaties do you know? Read the following quotation and analyze it. Do nuclear weapons limitation treaties exist nowadays?

"All nuclear weapon states should now recognize that this is so, and declare – in Treaty form – that they will never be the first to use nuclear weapons. This would open the way to the gradual, mutual reduction of nuclear arsenals, down to zero".

Joseph Rotblat (1908 - 2005), physicist.

Exercise 22. Read the final clauses of this Convention. Give the English equivalents for the words in brackets.

CONVENTION

on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques

Article 6 Any (государство-участник) this Convention may (предложить поправки) the Convention. The text of any proposed amendment (должен быть представлен в Депозитарий), who shall promptly circulate it to all States Parties.

Article 7 This Convention shall be (неограниченного срока действия).

Article 8 Five years after (вступления в силу) of this Convention, a conference of the States Parties to the Convention shall be convened by the Depositary at Geneva, Switzerland.

Article 9

1. This Convention shall (открыта для подписания всем странам).

2. This Convention shall (подлежит ратификации) by signatory States. (Ратификационные грамоты) or accession shall be deposited with the Secretary - General of the United Nations.

Article 10 This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts (являются в равной мере аутентичными), shall be deposited with the Secretary – General of the United Nations, who

shall transmit (*соответствующим образом заверенные копии*) thereof to the Governments of the signatory and acceding States.

(*В свидетельство вышеизложенного*) the undersigned, (*имея соответствующие полномочия*) thereto by their respective Governments, (*подписали данную Конвенцию*), opened for signature at Geneva on the eighteenth day of May, one thousand nine hundred and seventy-seven.

(От имени правительства)	(От имени правительства)
(signed)	(signed)

See the Appendix for the answers

Exercise 23. Translate ito Russian and be ready to speak on the ratification process in the Russian Federation.

Ратификация международных договоров относится к компетенции Федерального Собрания. В Конституции федеральные законы о ратификации и денонсации международных договоров включены в перечень принимаемых Государственной Думой федеральных законов, подлежащих обязательному рассмотрению Советом Федерации (п. "г" ст. 106). В соответствии с этой нормой Закон о международных договорах устанавливает, что ратификация международных договоров осуществляется в форме федерального закона (ст. 14). Совет Государственной Думы, исходя из содержания поступившего на рассмотрение договора, определяет ответственный комитет по подготовке его к ратификации и направляет ему на заключение договор с сопроводительными материалами. Одновременно договор и проект федерального закона о его ратификации направляется в комитет по международным делам и (или) в комитет по делам Содружества Независимых Государств и связям с соотечественниками в соответствии с их компетенцией. По итогам обсуждения с учетом поступивших предложений ответственный комитет

представляет в Госдуму заключение и проект федерального закона о ратификации, а Комитеты по международным делам и по делам СНГ и связям с соотечественниками – свои заключения. Кроме того, в обязательном порядке должны быть представлены рекомендации других комитетов, если они содержат предложения воздержаться от ратификации или сопроводить ее оговорками. На заседании Госдумы при рассмотрении вопроса о ратификации международного договора с докладом выступает полномочный представитель Президента в Федеральном Собрании, а также при необходимости представители комитетов, участвовавшие в подготовке договора к ратификации.

Государственная Дума принимает федеральный закон о ратификации международного договора простым большинством голосов и направляет его в течение пяти дней в Совет Федерации (ст. 17 Закона). Если согласно ст. 125 Конституции в Конституционный Суд был направлен запрос о соответствии Конституции вынесенного на ратификацию международного договора, то до принятия Судом решения по этому вопросу Госдума приостанавливает рассмотрение проекта федерального закона о его ратификации.

Федеральный закон о ратификации международного договора, принятый Федеральным Собранием, направляется в соответствии с Конституцией Президенту для подписания и обнародования, и тот на основании этого закона подписывает ратификационную грамоту, которая скрепляется его печатью и подписью министра иностранных дел России (ст. 18 Закона).

Exercise 24. Read the provisions of this Convention and answer these questions.

1. When and where was this Convention adopted?
2. Why do you think this Convention was signed?

Convention

on the Prevention and Punishment of the Crime of Genocide

Adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948.

Article 1: The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article 2: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent births within the group;
- forcibly transferring children of the group to another group.

Article 3: The following acts shall be punishable:

- genocide;
- conspiracy to commit genocide;
- direct and public incitement to commit genocide;
- attempt to commit genocide;
- complicity in genocide.

Article 4: Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article 5: The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article 3.

Article 6: Persons charged with genocide or any of the other acts enumerated in Article 3 shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article 7: Genocide and the other acts enumerated in Article 3 shall not be considered as political crimes for the purpose of extradition. The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article 8: Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article 3

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Exercise 25. **Fill in the required prepositions.**

1. Genocide means any acts committed ____ intent to destroy, ____ whole or ____ part, a national, ethnical, racial or religious group.

2. Genocide, whether committed ____ time ____ peace or ____ time ____ war, is a crime ____ international law.

3. Not only genocide but complicity ____ genocide and any attempt ____ commit this crime are punishable.

4. The Contracting Parties undertake to enact the necessary legislation to provide effective penalties ____ persons guilty ____ Genocide.

5. The Contracting Parties pledge themselves ____ cases ____ genocide to grant extradition ____ accordance ____ their laws and treaties ____ force.

6. The United Nations may take such action ____ the Charter ____ the United Nations as they consider appropriate ____ the prevention and suppression ____ Acts ____ genocide.

Exercise 26. **Suggest the Russian equivalents.**

ACT

barbarous act, legitimate act, act of discrimination, constituent act, act of accession, act of lawlessness and arbitrary rule, unfriendly act, act of capitulation, act of violence, unlawful act, act of good will, internationally injurious act, legal act, act of terrorism, legislative act, unilateral act, acts of genocide, final act, to issue (promulgate) an act, hostile act, act of (armed) aggression

Exercise 27. **Answer these questions.**

1. Is genocide a crime under international law when committed in time of peace or in time of war?

2. What kind of act is genocide?

3. What acts shall be punishable?

4. What legislation do the Contracting Parties undertake to enact?

5. Where and how shall persons charged with genocide be tried?

6. Are genocide and the other acts considered as political crimes for the purpose of extradition?

7. What competent organs may Contracting Parties call upon to take actions for the prevention and suppression of acts of genocide?

Exercise 28. **Translate these sentences.**

1. Акт агрессии – наиболее опасный вид нарушения мира в международном праве, в каждом конкретном случае констатируется Советом Безопасности ООН.

Агрессией является применение вооруженной силы государством против суверенитета, территориальной целостности или политической независимости другого государства.

2. Апелляционная коллегия Гаагского трибунала признала актом геноцида убийство 8 тысяч боснийских мусульман, имевшее целью их уничтожения как этнической группы.

3. В 1945 году нацистская Германия подписала акт о капитуляции.

4. Государство несет ответственность за неправомерные действия всех своих органов, а также физических лиц (собственных граждан и иностранцев), совершенные на его территории.

5. 'Меры по восстановлению отношений с Арменией являются актом доброй воли Турции, которая, тем не менее, хотела бы, чтобы армянские войска были выведены с территории Нагорного Карабаха,'-заявил премьер министр Турции.

6. Резолюция решительно осуждает акты беззакония и произвола, допущенные в годы сталинской тирании в отношении балкарского народа, выразившихся в насильственном его переселении и лишении национальной государственности.

OVER TO YOU

Write a paragraph about genocide. Give the legal definition of this crime. What actions may the United Nations take under the Charter of the United Nations for the prevention and suppression of acts of genocide? What the acts of genocide do you know? Were these acts punished?

LESSON 7

Protocols

Starting up

Before you read, analyze the following quotation. What do you know about Kyoto protocols?

"Kyoto was a flawed process. There wasn't one industrialized country around the world that has ratified that treaty, and so that is a non-starter".

*Andrew Card, born 1947,
a Republican American politician.*

Exercise 1. Read the following text.

In international law and international relations, a protocol is generally a treaty or international agreement that supplements a previous treaty or international agreement. A protocol can amend the previous treaty, or add additional provisions. Parties to the earlier agreement are not required to adopt the protocol; sometimes this is made clearer by calling it an "optional protocol", especially where many parties to the first agreement do not support the protocol (e.g., the United Nations Framework Convention on Climate Change established a framework for the development of binding greenhouse gas emission limits, while the Kyoto Protocol contained the specific provisions and regulations later agreed upon).

Derived from the Latin *protocollum*, the word «protocol» has come to mean the form used in drawing up public documents, and in diplomacy the register in which the minutes of a conference are kept. It is also employed to signify the forms to be observed in the official correspondence of the minister for foreign affairs, and in the drafting of diplomatic documents, such as treaties, conventions, declarations, full powers, ratifications, letters of credence and other letters addressed by one head of state to another.

Exercise 2. **Complete these sentences.**

1. In international law and international relations, a protocol is _____.
2. A protocol can amend _____ or _____.
3. An optional protocol is adopted when _____.
4. The word "protocol" is derived from _____.
5. In diplomacy the term "protocol" is employed to ____.

Exercise 3. **Suggest the Russian equivalents.**

STATE

city state, police state, welfare state, heads of state, member states of the European Union, a signatory state, an aggressor state, a state party to the present convention, the contesting states, the contracting states, a depositary state, a founding state, a friendly state, a host state, a hostile state, an (in)dependent state, a neighbouring state, a neutral state, a (non) belligerent state, a (non) nuclear state, an offending state, a participating state, a receiving state, a recipient state, a transgressing state, states with different social systems, a state visit, statehood, stateless person, the State of Israel

Exercise 4. **Translate into English.**

- | | |
|---------------------------|-----------------------------|
| 1. государство, подписав- | 2. заинтересованные госу- |
| шее договор | дарства |
| 3. главы государств | 4. государство-нарушитель |
| 5. государство пребывания | 6. безъядерное государство |
| 7. государства с различ- | 8. государство, совершившее |
| ным общественным строем | противоправное действие |
| 9. государственный визит | 10. воюющая сторона |
| 11. принимающая сторона | 12. государства-участники |
| 13. лицо без гражданства | |

Exercise 5. **Do the two way translation of this text.**

OPTIONAL PROTOCOL
to the International Covenant
on Civil and Political Rights

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Статья 8

1. Настоящий Протокол открыт для подписания любым государством, подписавшим Пакт.

2. Настоящий Протокол подлежит ратификации любым государством, ратифицировавшим Пакт или присоединившимся к нему. Ратификационные грамоты передаются на хранение Генеральному секретарю Организации Объединённых Наций.

3. Настоящий Протокол открыт для присоединения любого государства, ратифицировавшего Пакт или присоединившегося к нему.

4. Присоединение осуществляется депонированием документа о присоединении у Генерального секретаря Организации Объединённых Наций.

5. Генеральный секретарь Организации Объединённых Наций сообщает всем подписавшим настоящий Протокол или присоединившимся к нему государствам о депонировании каждой ратификационной грамоты или документа о присоединении.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession

Статья 9

1. При условии вступления Пакта в силу настоящий Протокол вступает в силу через три месяца со дня депонирования у Генерального секретаря Организации Объединённых Наций десятой ратификационной грамоты или документа о присоединении.

2. Для каждого государства, которое ратифицирует настоящий Протокол или присоединится к нему после депонирования десятой ратификационной грамоты или документа о присоединении, настоящий Протокол вступает в силу через три месяца со дня депонирования его собственной ратификационной грамоты или документа о присоединении

Article 12

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.

Статья 12

1. Каждое государство-участник может в любое время денонсировать настоящий Протокол путём письменного уведомления на имя Генерального секретаря Организации Объединённых Наций. Денонсация вступает в силу через три месяца со дня получения этого уведомления Генеральным секретарём.

<p>2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.</p>	<p>2. Денонсация не препятствует продолжению применения положений настоящего Протокола к любому сообщению, представленному в соответствии со статьёй 2 до даты вступления денонсации в силу.</p>
<p>Article 14</p> <p>1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.</p> <p>2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.</p>	<p>Статья 14</p> <p>1. Настоящий Протокол, английский, испанский, китайский, русский и французский тексты которого равно аутентичны, подлежит сдаче на хранение в архив Организации Объединённых Наций.</p> <p>2. Генеральный секретарь Организации Объединённых Наций препровождает заверенные копии настоящего Протокола всем государствам, указанным в статье 48 Пакта.</p>

Exercise 6. **Fill in the required prepositions.**

1. The present Protocol shall enter ____ force three months ____ the date ____ the deposit ____ the Secretary-General ____ the United Nations ____ the tenth instrument of ratification.

2. Any State Party may denounce the present Protocol ____ any time ____ written notification addressed ____ the Secretary-General ____ the United Nations.

3. The Secretary-General _____ the United Nations shall transmit certified copies ____ the present Protocol ____ all States.

4. This Protocol is open ____ signature ____ any State which has signed the Covenant.

5. No derogation ____ the provisions ____ this Protocol shall be made ____ Article 15 ____ the Convention.

6. This Protocol shall be subject ____ ratification, acceptance or approval.

7. Reservations ____ this Protocol may be made ____ accordance ____ international law.

8. Any Party ____ the Protocol may denounce this Protocol ____ giving written notice ____ the Depositary.

Exercise 7. **Study these word combinations and make up sentences of your own.**

to come into
to be in
to enter into
entry into
to remain in

FORCE

Exercise 8. **Translate these sentences.**

1. This Protocol shall *enter into force* on the sixtieth day after the deposit of the second instrument of ratification.

2. For every State which ratifies it subsequently it shall *enter into force* on the sixtieth day after the deposit of the instrument of ratification.

3. This Agreement shall *enter into force* on signature.

4. The contacts, exchange and cooperation are subject to laws and procedures *in force* in the countries of both Parties.

5. Secretary-General of the Council of Europe shall notify the member-States of the Council of any date of *entry into force* of this Protocol in accordance with Article 5 and 8.

6. The present Convention shall thereafter *remain in force* for successive periods of five years for such Contract-

ing Parties as have not denounced it at least six months before the expiration of the current period.

7. The present Convention shall be registered by the Secretary-General of the United Nations on the date of its *coming into force*.

Exercise 9. Translate these articles of the Protocol.

Статья 8

1. Настоящий Протокол вступает в силу в первый день месяца, следующего за днем, когда пять государств – членов Совета Европы выразили согласие взять на себя обязательства по данному Протоколу в соответствии с положениями Статьи 7.

2. В отношении любого государства – участника, который впоследствии выразит согласие взять на себя обязательства по данному Протоколу, Протокол вступает в силу в первый день следующего месяца со дня депонирования его собственной ратификационной грамоты, документа о присоединении или одобрении.

Статья 9

Генеральный секретарь Совета Европы уведомляет государства – члены Совета о:

- а) подписании;
- б) депонировании его ратификационной грамоты, документа о присоединении или одобрении;
- в) дне вступления в силу данного Протокола в соответствии со Статьями 5 и 8.

Exercise 10. Read the text and answer these questions.

1. What is The Kyoto Protocol?
2. What is the major distinction between the Protocol and the Convention?
3. When and where was the Protocol adopted?
4. What are called the "Marrakesh Accords"?



Delegates celebrated adoption of the Protocol in 1997.

The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change. The major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialized countries and the European community for reducing greenhouse gas (GHG) emissions. These amount to an average of five per cent against 1990 levels over the five-year period 2008–2012.

The major distinction between the Protocol and the Convention is that while the Convention encouraged industrialised countries to stabilize GHG emissions, the Protocol commits them to do so.

Recognizing that developed countries are principally responsible for the current high levels of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity, the Protocol places a heavier burden on developed nations under the principle of “common but differentiated responsibilities.”

The Kyoto Protocol was adopted in Kyoto, Japan, on 11 December 1997 and entered into force on 16 February 2005. The detailed rules for the implementation of the Protocol were adopted at COP 7 in Marrakesh in 2001, and are called the “Marrakesh Accords.”

The Kyoto Protocol is generally seen as an important first step towards a truly global emission reduction regime that will stabilize GHG emissions, and provides the essential architecture for any future international agreement on climate change.

Under the Treaty, countries must meet their targets primarily through national measures. However, the Kyoto Protocol offers them an additional means of meeting their targets by way of three market-based mechanisms:

Emissions trading – known as “the carbon market”

Clean development mechanism

Joint implementation.

Under the Protocol, countries’ actual emissions have to be monitored and precise records have to be kept of the trades carried out. Registry systems track and record transactions by Parties under the mechanisms. The UN Climate Change Secretariat, based in Bonn, Germany, keeps an international transaction log to verify that transactions are consistent with the rules of the Protocol. Reporting is done by Parties by way of submitting annual emission inventories and national reports under the Protocol at regular intervals.

A compliance system ensures that Parties are meeting their commitments and helps them to meet their commitments if they have problems doing so.

The Kyoto Protocol, like the Convention, is also designed to assist countries in adapting to the adverse effects of climate change. It facilitates the development and deployment of techniques that can help increase resilience to the impacts of climate change.

Exercise 11. **Find the English equivalents for these word combinations.**

Рамочная конвенция об изменении климата, основные черты, поставить обязательные задачи, промышленно развитые страны, уменьшить выбросы парниковых газов, стабилизировать выбросы парниковых газов, тяжелое бремя, промышленная деятельность, подробные правила реализации протокола, соответствовать целям/ выполнить задачи, посредством государственных мер, рыночные механизмы, совместное применение, точные отчеты, система регистрации, удостовериться, соответствовать правилам, выполнять обязательства, способствовать развитию, повышать гибкость реагирования на последствия изменения климата.

OVER TO YOU

What do you think about the objectives of the Kyoto protocol? Are they easily implemented? What commitments did the member states bear under the protocol? Has the Russian Federation signed and ratified this Protocol? Write an essay to express your opinion.

Exercise 12. **Read the text of this Protocol.**

SUPPLEMENTARY PROTOCOL TO THE HAGUE CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS

(Concluded 1 February 1971)

The States signatory to the present Protocol.

In the knowledge that certain grounds of jurisdiction, which are not included in Articles 10 and 11 of the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, can only exceptionally justify the international recognition and enforcement of judgments.

Convinced that the principles upon which this Protocol is founded shall prevail both in Supplementary Agreements, which will be concluded under Article 21 of the said Convention and in other Conventions to be concluded in the future.

Have resolved to conclude a Protocol to this end, and agreed on the following provisions:

(1) This Protocol shall apply to all foreign decisions, regardless of their State of origin, rendered in matters to which the Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters extends, and directed against a person having his domicile or habitual residence in a Contracting State.

(2) Contracting States for the purposes of Articles 1 and 2 are States which are Parties to the Convention, and are linked by a Supplementary Agreement in accordance with Article 21 thereof.

(3) The grounds of jurisdiction referred to in the first paragraph of Article 2 are the following:

a) the presence in the territory of the State of origin of property belonging to the defendant, or the seizure by the plaintiff of property situated there, unless:

- the action is brought to assert proprietary or possessory rights in that property, or arises from another issue relating to such property;

- the property constitutes the security for a debt which is the subject-matter of the action;

b) the nationality of the plaintiff;

c) the domicile, habitual residence or ordinary residence of the plaintiff within the territory of the State of origin unless the assumption of jurisdiction on such a ground is permitted by way of an exception made on account of the particular subject-matter of a class of contracts;

d) the fact that the defendant carried on business within the territory of the State of origin, unless the action arises from that business;

e) service of a writ upon the defendant within the territory of the State of origin during his temporary presence there;

f) a unilateral specification of the forum by the plaintiff, particularly in an invoice.

(4) A legal person shall be considered to have its domicile or habitual residence where it has its seat, its place of incorporation, or its principal place of business.

(5) This Protocol shall not prevail over present or future Conventions which, in relation to special fields, provide for any of the grounds of jurisdiction specified in Article 4.

(6) This Protocol applies subject to the provisions of existing Conventions relating to the recognition and enforcement of foreign judgments.

(7) The present Protocol shall be open for signature by every State which has signed the Hague Convention on the

Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters.

It shall enter into force on the sixtieth day after the deposit of the second instrument of ratification....

A denunciation of the Convention entails the denunciation of the Protocol.

In witness whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at The Hague, on the first day of February, 1971, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Netherlands and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Tenth Session of the Hague Conference on Private International Law, and to Cyprus, Iceland and Malta.

Exercise 13. Find in the text of the Protocol the English equivalents for these word combinations.

Сознавая, что...; международное признание и применение судебных решений; согласовать положения; применять протокол; с этой целью; временное и постоянное проживание; вне зависимости от; отстаивать право собственности на; возникать из; являться обеспечением по кредиту; судебная повестка/предписание; временное присутствие; влечет за собой денонсацию; по дипломатическим каналам; равно аутентичные тексты.

Exercise 14 Complete these sentences.

1. The States signatory have resolved to _____
2. This Protocol shall apply to _____
3. The grounds of jurisdiction, which are not included in the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters are _____
4. This Protocol shall not prevail _____

5. This Protocol applies _____
6. The present Protocol shall be open for _____
7. The Protocol shall enter into force _____

Exercise 15. **Study these word combinations with the word “end” in the meaning “an aim or purpose”. Make up sentences of your own.**

to achieve		for commercial / political ends
to further	this end	with this end in view
to pursue		to this end

Exercise 16. **Translate these sentences.**

1. *To this end*, the Parties shall work together to establish a regional security regime.
2. Government policy uses the variety of policy instruments available in an effort *to achieve its ends*.
3. *With this end in view*, an international information network for environmental education could ensure the systematic gathering of data on national achievements and could make these data available to users through various media and in various forms.
4. *To this end* the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons
5. It is logical to assume that NATO continues to extend its borders *for political ends* alone - to spread the European zone of liberty and democracy.
6. *To this end* the contracting Parties shall separately or jointly take in particular the measures indicated below.
7. The invention of nuclear and space weapons has made war unacceptable as an instrument for *achieving political ends*.
8. *To this end*, these Parties shall take steps to share their experience and exchange information on such policies and measures, including developing ways of improving their comparability, transparency and effectiveness.

Exercise 17. **Translate these word combinations using the appropriate forms of the words in bold type and their derivatives.**

supplementary – дополнительный протокол, дополнить текст конвенции протоколом, приложение к документу, дополнительные выплаты, воскресное приложение газеты, полезная добавка.

authentic – подлинная подпись, аутентичный документ, аутентичность текста договора, аутентичная копия, подлинность рукописи, установить историческую подлинность документа, установить авторство.

to authorize – дать разрешение на, имеющие соответствующие полномочия, санкционированный визит, под руководством, обладать полномочиями, лицо, обладающее властью, местные власти, иметь вес, авторитетный политик, без санкции под эгидой ООН.

Exercise 18. **Fill in the gaps with words from the box.**

have	be abolished	derogation	in	accord-	author-
agreed				ance with	ized
signatory	considering	in	respect	reservation	archives
		of			
applica-	receipt	in-	subject	authentic	
tion	strument				

PROTOCOL No.6
CONCERNING THE ABOLITION OF THE DEATH PENALTY

Strasbourg, 28.IV.1983

The member States of the Council of Europe, _____ to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention").

_____ that the evolution that has occurred in several member States of the Council of Europe expresses a general tendency in favour of abolition of the death penalty, _____ as follows:

Article 1: The death penalty shall _____. No one shall be condemned to such penalty or executed.

Article 2: A State may make provision in its law for the death penalty _____ acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and _____ its provisions _____.

Article 3: No _____ from the provisions of this Protocol shall be made under Article 15 of the Convention.

Article 4: No _____ may be made under Article 64 of the Convention in respect of the provisions of this Protocol.

Article 5:

1. Any State may, at the time of signature or when depositing its _____ of ratification, acceptance or approval, specify the territory or territories to which this Protocol shall apply.

2. Any State may at any later date, by a declaration addressed to the Secretary-General of the Council of Europe, extend the _____ of this Protocol to any other territory specified in the declaration. In respect of such territory the Protocol shall enter into force on the first day of the month following the date of _____ of such declaration by the Secretary-General.

Article 7: This Protocol shall be open for signature by the member States of the Council of Europe, signatories to the Convention. It shall be _____ to ratification, acceptance or approval. A member State of the Council of Europe may not ratify, accept or approve this Protocol unless it has, simultaneously or previously, ratified the Convention _____.

IN WITNESS WHEREOF the undersigned, being duly _____ thereto, have signed this Protocol.

DONE AT Strasbourg, this 28th day of April 1983, in English and French, both texts being equally _____, in a single copy, which shall be deposited in the _____ of the Council of Europe.

The Secretary-General of the Council of Europe shall transmit certified copies to each Member State of the Council of Europe.

Exercise 19. **Write the final provisions of a protocol using the information below.**

The Contracting Parties: the Government of the Republic of Finland and the Government of the Russian Federation.

Subject Matter: Cooperation in the Field of Higher Education during

The Period: 2005–2015.

Entry into Force: on 1 April 2005.

Duration: until 30 April 2015.

Place of Signature: Helsinki.

Languages: Finnish and Russian.

Exercise 20. **Read the text and give the definition of "memorandum".**

Memorandum of understanding

A memorandum of understanding (MOU or MoU) is a document describing a bilateral or multilateral agreement between parties. It expresses a convergence of will between the parties, indicating an intended common line of action. It is often used in cases where parties either do not imply a legal commitment or in situations where the parties cannot create a legally enforceable agreement. It is a more formal alternative to a gentlemen's agreement. In international relations, Memoranda of Understandings fall under the broad category of treaties and should be registered in the United Nations treaty database. In practice and in spite of the United Nations' Legal Section insistence that registration be done to avoid 'secret diplomacy,' MOUs are sometimes kept confi-

dential. As a matter of law, the title of MoU does not necessarily mean the document is binding or not binding under international law. To determine whether or not a particular MoU is meant to be a legally binding document (i.e. a treaty), one needs to examine the intent of the parties and well as the position of the signatories (e.g. Minister of Foreign Affairs vs Minister of Environment).

Exercise 21. Say whether these statements are true or false. Correct the wrong ones.

1. A memorandum of understanding a document describing a unilateral agreement.
2. A memorandum of understanding indicates an intended common line of action by the parties.
3. MoU is used in cases where parties do not imply a legal commitment.
4. MoUs don't need to be registered in the United Nations treaty database.
5. The title of MoU does not necessarily mean the document is binding or not binding under international law.
6. It is impossible to determine whether or not a particular MoU is meant to be a legally binding document.

Exercise 22. Answer these questions.

1. What kind of international document if a memorandum of understanding?
2. In what cases is MoU often used?
3. Do Memoranda of Understandings fall under the category of treaties?
4. Why does the United Nations' Legal Section insist that registration of memoranda in the United Nations treaty database be done?
5. Does the title of MoU mean the document is binding or not binding under international law?
6. What should be done to determine whether or not a particular MoU is meant to be a legally binding document?

Exercise 22. Do the two way translation of this text.

<p>Меморандум о взаимопонимании между Федеральным агентством по обустройству государственной границы Российской Федерации и Международной организацией по миграции</p>	<p>Memorandum of Understanding between the Federal Agency for the Development of the State Border of the Russian Federation and the International Organization for Migration</p>
<p>Федеральное агентство по обустройству государственной границы Российской Федерации и Международная организация по миграции (далее именуемая МОМ), в дальнейшем именуемые «Стороны»,</p>	<p>The Federal Agency for the Development of the State Border of the Russian Federation and The International Organization for Migration (hereinafter referred to as "IOM"), jointly hereinafter referred to as "the Parties",</p>
<p>подчеркивая обоюдную заинтересованность Сторон в налаживании и поддержании сотрудничества в сфере обустройства пунктов пропуска через государственную границу (далее – пункты пропуска),</p>	<p>Underlining the Parties' mutual interest in the establishment and maintenance of cooperation in the area of management and maintenance of the checkpoints on the State border (hereinafter – checkpoints),</p>
<p>выражая заинтересованность в обмене информацией по вопросам создания условий, необходимых для организации различных видов контроля в пунктах пропуска, в том числе в целях пресечения нарушений миграционных правил,</p>	<p>Expressing interest in exchange of information concerning creation of conditions needed for organization of various kinds of control in the checkpoints in particular aimed at curbing irregular migration</p>
<p>придавая большое значение соблюдению общепризнанных прав и свобод мигрантов,</p>	<p>Attaching great importance to respect for universally recognized human rights and freedoms of migrants,</p>

опираясь на накопленный Сторонами опыт в данной сфере,	Drawing from the experience of both Parties accumulated in this area,
сознавая целесообразность более тесного сотрудничества между Сторонами по вопросам, представляющим общий интерес, и желая дальнейшего расширения и укрепления такого сотрудничества,	Conscious of the expediency for closer cooperation between the Parties in matters of common interest, and desirous of further enhancing and strengthening such cooperation,
принимая во внимание положения Концепции реализации государственной политики в сфере обустройства государственной границы Российской Федерации, одобренной распоряжением Правительства Российской Федерации от 11 сентября 2008 года № 1309-р,	Taking into consideration the provisions of the Concept for implementation of State policy in the area of the management of the State border of the Russian Federation, approved by the Order of the Government of the Russian Federation of 11 September 2008 № 1309-p,
достигли взаимопонимания и подписали Меморандум о следующем:	Have reached the following mutual understandings and signed the Memorandum on the following:
1. Стороны выражают намерение осуществлять сотрудничество в области обустройства инфраструктуры пунктов пропуска по следующим направлениям:	1. The Parties express their intention to cooperate in the area of management of the checkpoints in the following fields:
1.1 Организация экспертных консультаций по вопросам осуществления государственной политики и совершенствования зако-	1.1 organizing expert consultations on implementation of state migration policy and elaboration of legislation related to manage-

<p>нодательства в сфере обустройства и администрирования пунктов пропуска;</p>	<p>ment and administration of the checkpoints;</p>
<p>1.2 Проведение совместных исследований и обмен информацией открытого характера по вопросам обустройства пунктов пропуска, в частности, технологических схем пропуска через границу, технологий в сфере обустройства и администрирования пунктов пропуска;</p>	<p>1.2 conducting joint research and exchanging information in the public domain on issues of management of the checkpoints and in particular on border crossing procedures and technologies of equipping and administrating of the checkpoints.</p>
<p>1.3 разработка и реализация программ, представляющих взаимный интерес;</p>	<p>1.3 development and implementation of programmes in fields of mutual interest;</p>
<p>1.4 Сотрудничество в области развития эффективной деятельности Росграницы путем повышения квалификации сотрудников. В этих целях Стороны могут организовывать совместные учебные семинары и курсы.</p>	<p>1.4 co-operation on building capacity for effective work of Rosgranitsa through staff training activities. For these purposes the Parties may organize joint seminars and trainings.</p>
<p>2. Стороны могут проводить совместные конференции, круглые столы по вопросам, представляющим общий интерес, обмениваться научной информацией и результатами исследований по вопросам обустройства и администрирования пунктов пропуска, которые не отнесены законодательством Российской Федерации к госу-</p>	<p>2. The Parties may conduct joint conferences and round tables on matters of common interest, and exchange scientific information and the results of research in the areas of management of the checkpoints except those which are classified by the legislation of the Russian Federation as State secret or confidential information.</p>

<p>дарственной тайне и иным сведениям, носящим конфиденциальный характер.</p>	
<p>3. Стороны могут обмениваться методическими материалами и публикациями, которые не отнесены законодательством Российской Федерации к государственной тайне и иным сведениям, носящим конфиденциальный характер, по вопросам обустройства пунктов пропуска, представляющим общий интерес.</p>	<p>3. The Parties may exchange methodological materials and publications on the management of the checkpoints, except those which are classified by the legislation of the Russian Federation as State secret or confidential information on matters of common interest.</p>
<p>4. Стороны могут проводить рабочие встречи и консультации в целях повышения эффективности сотрудничества в рамках настоящего Меморандума.</p>	<p>4. The Parties may conduct working meetings in order to make the cooperation under this Memorandum more effective.</p>
<p>5. Для целей реализации совместной деятельности в рамках настоящего Меморандума Сторонами могут создаваться совместные рабочие группы в случае необходимости.</p>	<p>5. For the purpose of implementation of the joint activities under this Memorandum, the Parties may establish joint working groups as and when necessary.</p>
<p>6. Стороны соглашаются с тем, что проведение мероприятий, предусмотренных в рамках настоящего Меморандума, будет осуществляться в зависимости от наличия финансирования и на основе дополнительного согласования между Сторонами.</p>	<p>6. The Parties agree that the activities within the framework of this Memorandum will be implemented subject to the availability of funds and on the basis of further written consent between the Parties.</p>

<p>7. Стороны могут подписывать совместные протоколы, необходимые для осуществления деятельности в рамках настоящего Меморандума о взаимопонимании.</p>	<p>7. The Parties may sign joint protocols as needed for the purposes of implementation of the activities under this Memorandum of Understanding.</p>
<p>8. Ничто в настоящем Меморандуме о взаимопонимании не затрагивает привилегий и иммунитетов, которыми пользуются МОМ в качестве межправительственной организации.</p>	<p>8. Nothing in this Memorandum of Understanding affects the privileges and immunities enjoyed by IOM as an intergovernmental organization.</p>
<p>9. Настоящий Меморандум о взаимопонимании вступает в силу с момента его подписания Сторонами и действует до истечения 3 месяцев после письменного уведомления одной из Сторон другой Стороны о намерении прекратить его действие.</p>	<p>9. This Memorandum of Understanding shall enter into force upon signature by the Parties, and may be terminated by three months written notice to the other party.</p>
<p>10. В настоящий Меморандум по взаимному согласию Сторон могут быть внесены изменения и дополнения, которые оформляются совместным протоколом.</p>	<p>10. Amendments and additions may be entered by mutual agreement in writing between the Parties and listed in joint protocols.</p>
<p>11. Спорные вопросы, возникающие в связи с толкованием или применением данного Меморандума, разрешаются путем переговоров на основе взаимопонимания.</p>	<p>11. Any dispute concerning the interpretation or application of this Memorandum shall be settled by negotiation in the spirit of mutual understanding.</p>

Подписано в г. Москве _____ 2009 года в двух эк- земплярах, каждый на рус- ском и английском языках, имеющих одинаковую юри- дическую силу, по одному экземпляру для каждой Стороны.	Signed in the city of Mos- cow, Russia, _____ 2009 in two copies in Russian and English, each having equal legal effect, one copy for each Party.
За международную орга- низацию по миграции За Федеральное агентство по обустройству государ- ственной границы Россий- ской Федерации	For International Organi- zation for Migration For the Federal Agency for the Development of the State Border of the Russian Federation

Exercise 23. **Suggest the Russian equivalents.**

Understanding

Memorandum of Understanding, binding Memoranda of Understandings, under this Memorandum, within the frame-
work of this Memorandum, beyond human understanding, a
limited understanding of, no real understanding between, to
work for a better understanding between the nations, my
understanding is ..., to come to an understanding, to reach
an understanding with smb, on the understanding that, on
this understanding, an understanding approach.

Exercise 24. **Translate these word combinations using the appropriate forms of the words in bold type and their derivatives.**

implementation – организация экспертных консуль-
таций по вопросам осуществления государственной по-
литики, для осуществления деятельности, осуществ-
ляться в зависимости от наличия, в целях реализации
совместной программы, экспертные консультации по
вопросам осуществления государственной политики,
ввести в действие план реформирования.

mutual – взаимный интерес, совместные договоренности, обоюдное намерение, по взаимному согласию Сторон, в духе взаимопонимания, достичь взаимопонимания, взаимная выгода, взаимопомощь.

expediency – признавать целесообразность, целесообразность более тесного сотрудничества между Сторонами, целесообразность в вопросах, представляющих взаимный интерес, политически целесообразный.

OVER TO YOU

Study Optional Protocol to the International Covenant on Civil and Political Rights in the Appendix. What type of document is this Protocol? What is it about? Give your comments of its compositional design. Give the written translation of the first three articles.

LESSON 8

DECLARATIONS

Starting up

Analyze the following quotation. What declaration is mentioned in it?

"What makes the Universal Declaration an epochal document is first of all its global impetus and secondly the breadth of its claims, a commitment to a new social contract, binding on all the Governments of the world".

*John Charles Polanyi, born in 1929,
a Canadian chemist who won a Nobel Prize.*

Can you give a legal definition for the term "declaration"?

Exercise 1. Read the text and see whether you were right in your definition. Summarize the information of the text.

The term "declaration" usually denotes a treaty that declares existing law with or without modification, or creates new law. Not all declarations are to be regarded as treaties, as they do not create contractual obligations between two or more states.

Although sometimes declarations (i.e. legally binding agreements) are important international agreements in themselves, they are more often appended to a treaty or convention to form a subsidiary compact, or to place on record some understanding reached or some explanation given.

Ministers for Foreign Affairs, even heads of government or heads of state, now frequently meet to discuss policies and problems of common interest to their countries. These meetings lead to what is sometimes known under the traditional term of "Declaration" or "Communique".

Legal experts are concerned about the obligatory value of these "declarations of intention" or "statements of policy and principles", the juridical character of which must still be defined. Normally, because of their designation as "Declaration" or "Communique", they are assumed to constitute statements of intention or policy rather than to constitute international commitments, such as are normally embodied in the customary form of an international agreement.

The title "Declaration" is also frequently given to agreements between governments regarding some minor matter which may or may not provide for ratification.

Exercise 2. **Suggest the Russian equivalents.**

Declaration

Universal Declaration of Human Rights, Declaration on the Enhancement of Cooperation, Declaration on the Elimination on All Forms of Racial Discrimination, a joint declaration, a declaration of war, a declaration of independence, a customs declaration, a political declaration, a solemn declaration, a declaration for (against), a declaration of the poll, Declaration on the Non Proliferation of Nuclear Weapons, Declaration on Principles of International Law, Declaration on the Peaceful Settlement of International Disputes, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security, to sign a declaration.

Exercise 3. **Cover the text above and fill in the required prepositions.**

1. Not all declarations are regarded ____ treaties, because they do not create contractual obligations ____ two or more states.

2. Declarations are more often appended ____ a treaty or convention to form a subsidiary compact, or to place ____ record some understanding reached.

3. Ministers ____ Foreign Affairs, heads ____ government or heads ____ state frequently meet to discuss problems ____ common interest ____ their countries.

4. Legal experts are concerned ____ the obligatory value ____ these "declarations ____ intention" or "statements ____ policy and principles".

5. The title "Declaration" is frequently given ____ agreements ____ governments regarding some minor matter which may or may not provide ____ ratification.

Exercise 4. Answer these questions.

1. What does the term «declaration» denote?
2. Why are not all declarations regarded as treaties?
3. When is an international instrument to be regarded as legally binding?
4. What is the usual form of a declaration?
5. What do the meetings of Ministers for Foreign Affairs, heads of government or even heads of state lead to?
6. What are legal experts concerned about regarding "declarations of intention" or "statements of policy and principles"?

Exercise 5. Fill in the gaps with words from the box.

Universal Declaration enjoy standard movement
General Assembly spell out rights first time

The international human rights _____ was strengthened when the United Nations _____ adopted of the _____ of Human Rights on 10 December 1948. Drafted as a common _____ of achievement for all peoples and nations', the Declaration for the _____ in human history _____ basic civil, political, economic, social and cultural _____ that all human beings should _____.

Exercise 6. Read and translate the Preamble of the Universal Declaration of Human Rights.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

Whereas it is essential to promote the development of friendly relations between nations.

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

Now, therefore.

THE GENERAL ASSEMBLY

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Exercise 7. **Find in the text above the English equivalents for these word combinations.**

Невнимание и пренебрежение к неотъемлемым правам; варварский акт, совесть человечества, приход/наступление мира, устремления обычных людей, принуждать/вынуждать, искать защиту, последнее прибежище, восстание против тирании и угнетения, вновь подтвердить свою приверженность, брать на себя обязательства, провозгласить всеобщим стандартом, добиваться чего-либо, обеспечить признание и соблюдение прав и свобод.

Exercise 8 **Translate these formal style words into Russian using the following definitions.**

whereas in view of the fact that; taking into consideration; in contrast or comparison with;

whereat at which place; for which reason;

whereby by which means; in consequence of which;

wherefrom from which; whence; wherein: in which place or respect; whereof: of what, which, or whom;

whereon on which;

whereto to which; towards what place, direction, or end;

whereupon in consequence of which; immediately after which;

wherewith with which.

Exercise 9. Translate into Russian paying attention to the words in italics.

1. In witness *whereof* the undersigned, duly authorized, have signed this Declaration on behalf of their respective Governments.

2. The ideal of free human beings can only be achieved if conditions are created *whereby* everyone may enjoy his civic and political rights

3. In 1980 a majority of member countries of the Organization of African Unity (OAU) recognized the Polisario as the rightful government of Western Sahara, *whereupon* Morocco resigned from the OAU in protest.

4. These include policies of enforced separation *whereby* only activities that do not cause conflicts are carried on within a single entity, declining to act in situations of acute conflict, use of independence policies and Chinese walls.

5. Decision 2.2 *wherein* the Executive Board expressed its opinion concerning the future presentation of this document is of particular importance.

Exercise 10. Read the general provisions of the Universal Declaration of Human Rights in the Appendix and answer these questions.

1. What are the inalienable rights and freedoms set forth in this Declaration?

2. Are all people equal before the law entitled to equal protection against any discrimination?

3. What duties does everyone have?

4. Shall everyone be subject to any limitations in the exercise of his rights and freedoms?

Exercise 11. Read this extract and answer these questions.

1. What does this declaration proclaim?

2. What does the right to civil disobedience and conscientious objection for peace consist in?

Luarca Declaration on the Human Right to Peace

issued by the Spanish Society for the Advancement of Human Rights Law

Luarca, 30th October 2006.

Paragraph 5:

1. Everyone, individually or in a group, has the right to civil disobedience and conscientious objection for peace, which consists in:

2. The right to civil disobedience in respect of activities which involve threats against peace, including peaceful protest and peaceful non-compliance with laws which offend the conscience;

3. The right of the members of any military or security institution to disobey criminal or unjust orders during armed conflicts and to refrain from participating in armed operations, whether international or national, which violate the principles and norms of international human rights law or international humanitarian law;

4. The right to refrain from participating in – and to denounce publicly – scientific research for the manufacture or development of arms of any kind;

5. The right to acquire the status of conscientious objector in respect of military obligations;

6. The right to object to paying taxes allocated to military expenditure and to object to taking part, in a working or professional capacity, in operations which support armed conflicts or which are contrary to international human rights law or international humanitarian law.

Exercise 12. Look in the text of the Declaration to complete these word partnerships. Make sentences of your own, using these word combinations.

- | | |
|---------------|--|
| 1. to involve | a) the status of conscientious objector |
| 2. to disobey | b) to paying taxes allocated to military expenditure |

- 3. to refrain c) armed conflicts
- 4. to acquire d) to international humanitarian law
- 5. to object e) threats against peace
- 6. to support f) from participating in armed operations
- 7. to be con- g) criminal or unjust orders
trary

Exercise 13. Translate these sentences using the word partnerships in Exercise 12.

1. A person shall not be criminally liable for _____ or command.
2. The participating states, recalling their obligations in mutual relations reaffirm that they will _____ inconsistent with the purpose and principles of the UN Charter.
3. The contradictions of far more countries than it may seem at first sight _____, security and stability and therefore should be solved by joint efforts.
4. Red Cross's opinion is that the West Bank Israeli security barrier, in as far as its route deviates from the 'Green Line' into the occupied territory, is _____ the statement said.
5. To _____ an individual should claim the right to refuse to perform military service on the grounds of freedom of thought, conscience, or religion.

OVER TO YOU

Analyze the following quotations. What fundamental declarations are mentioned in them? When were these declarations adopted? Why do you think they are so important?

"With the adoption of the Declaration on the Elimination of Violence against Women, the international community sent out a clear message that gender based violence will not be tolerated."

*Jenny Shipley, born in 1952, the 36th Prime Minister of
New Zealand*

"Cultural variety is always worth striving for, but must never precede the declaration of human rights".

*Bjorn Ulvaeus, born in 1945, is a Swedish musician,
composer*

"However, if the religions in essence merely repeat statements from the United Nations Human Rights Declaration, such a Declaration becomes superfluous; an ethic is more than rights".

*Hans Kung, born in 1928 a Swiss Catholic priest,
President of the Foundation for a Global Ethic*

What other declarations as important as these ones can you name?

Exercise 14. **Read the text of this declaration translating the words in italics.**

Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security

The General Assembly,
Solemnly declares that:

(*В соответствии с положениями Устава ООН*) concerning the role of regional arrangements or agencies (*в имя поддержания мира и безопасности во всем мире*), in particular Chapter VIII of the Charter:

The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort (*для достижения мирного урегулирования*) of local disputes through such regional arrangements or by such regional agencies (*до того как передать их в Совет Безопасности ООН*);...

The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority, but no enforcement action shall

be taken under regional arrangements or by regional agencies (*без полномочия Совета*);

Regional arrangements or agencies can, in their fields of competence and in accordance with the Charter, (*внести важный вклад в*) the maintenance of international peace and security, including, where appropriate, (*посредством мирного урегулирования споров, превентивной дипломатии, достижения и поддержания мира и пост-конфликтного мирного строительства*);

States participating in regional arrangements or agencies are encouraged (*рассмотреть возможность использования*) or, where appropriate, establishing or improving at the regional level (*процедур и механизмов для раннего обнаружения, предотвращения и мирного урегулирования споров*), in close coordination with the preventive efforts of the United Nations.

Exercise 15. **Study these word combinations and make up sentences of your own.**

as/ as if/ as soon as/

if/ while/ though/ unless/

where/wherever/

when/whenever

necessary

appropriate

expected

defined

noted

possible

provided

speaking

Exercise 16. **Translate into Russian paying attention to these constructions.**

1. Regional arrangements or agencies are encouraged to consider, *as appropriate*, in their fields of competence, ways and means for promoting closer cooperation and coordination with the United Nations with the aim of contributing to the fulfillment of the purposes and principles of the Charter, including in the fields of preventive diplomacy,

peacemaking and post-conflict peace-building, and *where appropriate*, peace-keeping

2. These agencies shall consider the possibility of establishing and training groups of military and civilian observers, fact-finding missions and contingents of peace-keeping forces, for use *as appropriate*, in coordination with the United Nations and, *when necessary*, under the authority or with the authorization of the Security Council, in accordance with the Charter.

3. Each Party shall adopt such legislative and other measures *as may be necessary* to establish as criminal offences under its domestic law, *when committed* intentionally, the access to the whole or any part of a computer system without right, *as defined* under the law of that Party.

4. Efforts undertaken by regional agencies in the area of the maintenance of international peace and security, within their respective fields of competence and in accordance with the purposes and principles of the Charter, should be encouraged and, *where appropriate*, supported by the Security Council.

5. *If adopted* by the UN General Assembly, the amendment shall enter into force.

6. The Parties to the present Convention decided that the Committee should meet *whenever necessary*.

Exercise 17. **Read the text of the Preamble to the declaration.**

DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW

PREAMBLE

The General Assembly,

Reaffirming in the terms of the Charter of the United Nations that the maintenance of international peace and security and the development of friendly relations and co-operation between nations are among the fundamental purposes of the United Nations.

Recalling that the peoples of the United Nations are determined to practise tolerance and live together in peace with one another as good neighbours.

Bearing in mind the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development.

Bearing in mind also the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations.

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States and the fulfillment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security and for the implementation of the other purposes of the United Nations.

Noting that the great political, economic and social changes and scientific progress which have taken place in the world since the adoption of the Charter give increased importance to these principles and to the need for their more effective application in the conduct of States wherever carried on.

Recalling the established principle that outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation...

Convinced that the strict observance by States of the obligation not to intervene in the affairs of any other State is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the creation of situations which threaten international peace and security.

Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State.

Considering it essential that all States 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.

Considering it equally essential that all States shall settle their international disputes by peaceful means in accordance with the Charter.

Reaffirming, in accordance with the Charter, the basic importance of sovereign equality and stressing that the purposes of the United Nations can be implemented only if States enjoy sovereign equality and comply fully with the requirements of this principle in their international relations.

Convinced that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security.

Convinced that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law...

Convinced in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter.

Exercise 18. Find in the text above the English equivalents for these word combinations.

Вне зависимости от уровня развития, величайшей важности, добросовестное соблюдение принципов, небесные тела, строгое выполнение, дух и буква Устава

ООН, любая форма принуждения, не следующий принципам, урегулировать споры мирными средствами, полностью соответствовать требованиям, подвергнуть угнетению, господству и эксплуатации со стороны другого государства, представлять значительный вклад в современное международное право, частичное или полное разрушение.

Exercise 19. Study the word combinations in the box and use them to write Declaration on Principles of International law.

the maintenance of international peace and security, to practise tolerance, developing friendly relations among nations, promotion of the rule of law, the faithful observance of the principles, the need for more effective application, not subject to national appropriation, the obligation not to intervene, the duty to refrain from any form of coercion use, of force against the territorial integrity, attempt aimed at the disruption of the national unity, to settle disputes by peaceful means, the importance of sovereign equality, a major obstacle to peace and security, equal rights and self-determination, incompatible with the purposes and principles, of the Charter.

Declaration on Principles of International law

Preamble

Reaffirming that

Determined to

Bearing in mind the importance of

Considering that

Noting that

Convinced that

Recalling the duty of States to

Considering it essential that

Exercise 20. Study these word combinations. Make up sentences of your own.

To express	intention (of)
	interest (in)
	desire (for)
	confidence (in)
	their
	determination(to)
	satisfaction (at/with)
	appreciation (of)
	concern (about/over)
	regret (about)

Exercise 21. Fill in the appropriate words from Exercise 20.

1. Both Sides express _____ at the cooperation which has been established between them in the field of nuclear technology.

2. Ministers expressed their _____ to Canada for hosting the inauguration of the Arctic Council.

3. The Leaders of the Group of Twenty expressed their deep _____ risks building up in financial markets.

4. They expressed _____ that international financial institutions can provide critical support for the global economy.

5. The Participants expressed their _____ to continue their vigorous efforts to address long-term challenges.

Exercise 22. Translate these sentences.

1. The Security Council today *expressed its intention* to establish a United Nations peacekeeping operation in war-torn Somalia and called on Secretary-General Ban Ki-moon to develop, by 15 April.

2. U.S. Secretary of State Hillary Clinton *expressed regret over* the incident at a joint press conference attended by the visiting presidents of Afghanistan and Pakistan.

3. The Sides *express satisfaction at* the successful holding of the Days of Indian Culture in Russia in 2005 and welcome the initiative to hold the Days of Delhi in Moscow in 2006.

4. The Russian government *has expressed a desire* to renovate the former Russian Cultural Center as part of its plan to restore up to 150 industrial, commercial and cultural sites that Moscow had sponsored during its 10-year occupation of Afghanistan.

5. The Slovak embassy in Minsk, which represents Portugal's European Union presidency in Belarus, on Wednesday, issued a statement *to express* its deep *concern about* political prisoners in the country.

Exercise 23. **Complete the text of a declaration below.**

DECLARATION

on friendship and cooperation

between the Republic of (name of country) **and** the Republic of (name of country)

The Republic of ... and the Republic of ...

Expressing their determination to _____,

Guided by unanimity of views on _____,

Expressing their concern over _____,

Coming out for still greater unity and solidarity of _____,

Reaffirming their adherence to the purposes and principles of _____, ... Declare that the Republic of ... and the Republic of ... shall guide themselves in their relations by the following:

1. The Sides shall closely cooperate in _____.

2. The Sides shall continue expanding and developing ____.

3. The Sides shall give all possible assistance to _____.

4. The Republic of... and the Republic of... shall exert every effort aimed at _____.

5. The provisions of this Declaration shall not affect the obligations earlier assumed by either Side in regard to

third countries and international organizations. The Sides shall not enter into any agreements or take any action incompatible with the aims of this Declaration.

DONE AT (city) this _____ day of _____ 20__ in duplicate, in the ... and ... languages, both texts equally authentic.

For the Republic of
(signed)

For the Republic of
(signed)

Exercise 24. Read and translate the text of this declaration. Speak on the style and composition of this declaration.

DECLARATIONS AND RESERVATIONS MADE UPON SIGNATURE

United Kingdom of Great Britain and Northern Ireland

The Government of the United Kingdom declares under Article 41 of this Covenant that it recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party, provided that such other State Party has, not less than twelve months prior to the submission by it of a communication relating to the United Kingdom, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.

Exercise 25. Read the text translating the expressions in brackets into English. Summarize the information of the text.

DECLARATION on police cooperation

The Conference (подтверждает согласие) of the Member States on (цели) underlying the German delegation's (предложения) at the European Council meeting in Luxembourg on 28 and 29 June 1991.

(К настоящему моменту), the Member States agree to examine as a matter of priority the drafts submitted to them, on the basis of the work programme and time table agreed upon in the report drawn up (по запросу) of the Luxembourg European Council, and they are willing to envisage (принятие практических мер) in areas such as those suggested by the German delegation, relating to the following functions in the exchange of information and experience:

- support for national criminal investigation and security authorities, in particular in the coordination of investigations and search operations;
- (создание баз данных);
- central analysis and (оценка информации) in order to take stock of the situation and identify investigative approaches;
- collection and analysis of national prevention programmes for forwarding to Member States and for drawing up Europe-wide prevention strategies; .
- measures relating to further training, research, forensic matters and criminal records departments.

Member States agree to consider on the basis of a report, during 1994 to the latest, whether the scope of such cooperation should be extended.

OVER TO YOU

Make a draft declaration on police cooperation between the Ministry of the Interior of the Russian Federation and Europol. Follow the compositional design of a declaration document: the preamble, the substantive articles and the final clauses.

LESSON 9

OTHER TYPES OF INTERNATIONAL DOCUMENTS.

Starting up

Comment on the following quotation.

"Make fair agreements and stick to them"

*Confucius (551 BC – 479 BC),
a Chinese thinker and social philosopher*

Exercise 1. **Read the following text and find the definition for the term "agreement".**

AGREEMENTS

The term «agreement» means an agreement intended to have an obligatory character but usually of a less formal nature than a treaty (syn. Concorde Agreement , Covenant). Like treaties, agreements may be concluded between Heads of State, between States or between Governments.

A term substantially equivalent to «agreement» is «arrangement». Other terms sometimes used instead of «agreement», though believed to be substantially similar, are: memorandum of understanding constituting an agreement; understanding; agreed joint statement; memorandum constituting an agreement; joint declaration constituting an agreement.

Agreements are frequently concluded by exchange of notes, sometimes referred to as «letters». In such cases, the representative of one government sends the representative of another government a note setting forth the arrangements proposed or to be agreed upon. The reply agrees to and frequently repeats the terms of the first note.

A temporary or working arrangement made in order to bridge over some difficulty pending a permanent settle-

ment is usually referred to as *modus vivendi*. This type of a temporary arrangement is made in a most informal way and does not require ratification.

Most agreements of a binding nature follow the same compositional design, with some variation, as treaties and other international compacts.

Exercise 2. Answer these questions.

1. What kind of arrangement does the term «agreement» mean?
2. What other terms are sometimes used instead of «agreement»?
3. Is the term «agreement» similar to the term «treaty»?
4. May agreements be concluded by exchange of notes?
5. What is *modus vivendi*?
6. Are agreements considered binding?
7. Do agreements of a binding nature follow the same compositional design as treaties?

Exercise 3. Fill in the required prepositions.

1. A binding agreement is usually ____ a less formal nature than a treaty.
2. Agreements may be concluded ____ Heads ____ State, ____ States or ____ Governments.
3. The representative ____ one government sends the representative ____ another government a note setting forth the arrangements to be agreed ____.
4. A temporary arrangement made ____ order to bridge ____ some difficulty ____ a permanent settlement is *modus vivendi*.
5. Most agreements ____ a binding nature follow the same compositional design, ____ some variation, as other international compacts.

Exercise 4. **Suggest the Russian equivalents.**

AGREEMENT

parties to the earlier agreement, tentative agreement, armistice/ceasefire agreement, procedural agreement, sales agreement, trade agreement, Agreement on European economic cooperation, agreement on the establishment of diplomatic relations, agreement on scope of authority, arms-control agreement, cultural exchange agreement, assistance agreement, free trade agreement. intergovernmental agreement, interim agreement, joint agreement, long-term agreement, tripartite agreement, truce agreement, multipartite agreement, agreement on a wide range of issues, in accordance with the agreement achieved, by mutual agreement.

Exercise 5. **Study these word combinations and make up sentences of your own.**

to reach to conclude to enter into to observe to work out to honour to abrogate to break to violate to denounce	agreement arrangement covenant Concorde Agreement pact compact
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Exercise 6. **Translate these sentences.**

1. They reached full (complete, solid) agreement on all points.

2. The negotiators came to an agreement that all troops would be withdrawn.

3. The International Compact with Iraq was concluded on the initiative of the Government of Iraq for a new partnership with the international community.

4. The Compact is a five-year national plan that includes benchmarks and mutual commitments from both Iraq and the international community, all with the aim of helping Iraq on the path towards peace, sound governance and economic reconstruction.

Exercise 7. Study these word combinations and make up sentences of your own.

pending

(до,
в ожидании,
во время,
в течение,
в продолжение)

a permanent settlement of the problem
trial
the conclusion of the arrangements
formal accession
the achievement of its objectives
the completion of the agreement
these negotiations

Exercise 8. Translate into Russian.

1. A temporary or working arrangement made in order to bridge over some difficulty *pending* a permanent settlement is usually referred to as *modus vivendi*.

2. The suspects were held in custody *pending* trial.

3. The head of the Central bank was suspended *pending* a parliamentary vote on his dismissal. The deputy was to assume his functions after appointment and *pending* confirmation.

4. *Pending* the final decision, the tribunal may indicate any measures which it considers ought to be taken.

5. Separate assemblies and conferences of representatives of States and organizations continue to be held *pending* the formal accession to membership in WTO of other States.

6. *Pending* the truce negotiations the State Parties signed an agreement to refrain from the use of force or a threat of force.

7. *Pending* the achievement of the objectives of resolution 1514 adopted by the General Assembly concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter and other international conventions and instruments under the United Nations.

Exercise 9. Fill in the gaps with words from the box.

customary	binding	consensus	framework
obligations	agreements	non-binding	

_____ instruments refer to the international treaties that are signed and ratified by governments, and impose _____ under international law for State Parties to the conventions to comply with those agreements. _____ instruments refer primarily to the UN Conference and UN General Assembly agreements adopted through inter-governmental _____. While not binding in a legal sense, the UN Conference _____, such as the Vienna Programme of Action on Human Rights and the Beijing Platform for Action; or UN General Assembly Declarations, such as the Declaration on the Elimination of Violence Against Women (1993), the Millennium Declaration (2000), or the Declaration of Commitment on HIV/AIDS (2001) – become international _____ law. That is, they form an integral part of the international human rights _____, and become established as human rights principles and standards of conduct that governments are expected to promote and protect.

Exercise 10. Read the text of the agreement and answer these questions.

1. What kind of international compact is it?
2. Who are the parties to the Agreement?

3. When and where was the Agreement adopted?
4. What are the general provisions of the document?

Florence Educational Scientific and Cultural Agreement

adopted by the General Conference of Unesco at Florence, Italy

Preamble

The contracting States,

Considering that the free exchange of ideas and knowledge and, in general, the widest possible dissemination of the diverse forms of self-expression used by civilizations are vitally important both for intellectual progress and international understanding, and consequently for the maintenance of world peace;

Considering that this interchange is accomplished primarily by means of books, publications and educational, scientific and cultural materials;

Considering that the Constitution of the United Nations Educational, Scientific and Cultural Organization urges co-operation between nations in all branches of intellectual activity....,

Recognize that these aims will be effectively furthered by an international agreement facilitating the free flow of books, publications and educational, scientific and cultural materials; and

Have, therefore, agreed to the following provisions:

Article I

I. The contracting States undertake not to apply customs duties or other charges on, or in connection with, the importation of:

Books, publications and documents, educational, scientific and cultural materials, listed in Annexes to this Agreement;

Article II

1. The contracting States undertake to grant the necessary licenses and/or foreign exchange for the importation of the following articles:

(a) Books and publications consigned to public libraries and collections and to the libraries and collections of public, educational, research or cultural institutions;

(b) Official government publications, that is, official, parliamentary and administrative documents published in their country of origin;

(c) Books and publications of the United Nations or any of its Specialized Agencies;

(d) Books and publications received by the United Nations Educational, Scientific and Cultural Organization and distributed free of charge by it or under its supervision;

(e) Publications intended to promote tourist travel outside the country of importation, sent and distributed free of charge;

(f) Articles for the blind:

Article III

1. The contracting States undertake to give every possible facility to the importation of educational, scientific or cultural materials, which are imported exclusively for showing at a public exhibition approved by the competent authorities of the importing country and for subsequent re-exportation. These facilities shall include the granting of the necessary licenses and exemption from customs duties and internal taxes and charges of all kinds payable on importation, other than fees and charges corresponding to the approximate cost of services rendered.....

Article IV

The contracting States undertake that they will as far as possible:

(a) Continue their common efforts to promote by every means the free circulation of educational, scientific or cultural materials, and abolish or reduce any restrictions to that free circulation which are not referred to in this Agreement;

(b) Simplify the administrative procedure governing the importation of educational, scientific or cultural materials;

(c) Facilitate the expeditious and safe customs clearance of educational, scientific or cultural materials.

Article V

Nothing in this Agreement shall affect the right of contracting States to take measures, in conformity with their legislation, to prohibit or limit the importation, or the circulation after importation, of articles on grounds relating directly to national security, public order or public morals.

Article IX

I. This Agreement, of which the English and French texts are equally authentic, shall bear today's date and remain open for signature by all Member States of the United Nations Educational, Scientific and Cultural Organization, all Member States of the United Nations....

Done at Lake Success, New York, this twenty-second day of November one thousand nine hundred and fifty

Exercise 11. Find in the text above the English equivalents for these word combinations.

Распространение различных форм самовыражения, жизненно необходим для, поощрять сотрудничество во всех областях интеллектуальной деятельности, способствовать цели, содействовать/облегчать свободное движение, обязуются/ ручаются не взимать таможенные пошлины, распространять бесплатно, страна ввоза, для последующего вывоза, выдача необходимых разрешительных документов, примерная стоимость оказываемых услуг, продолжать совместные усилия, отменить ограничения на, упростить процедуру, таможенная очистка, принять меры, в соответствии с законодательством, от имени подписавших стран.

Exercise 12. **Look in the text of the agreement to complete these word partnerships. Make sentences of your own, using these word combinations.**

- | | |
|-------------------|-------------------------------|
| 1. to urge | a) for signature |
| 2. to apply | b) measures |
| 3. to grant | c) customs clearance |
| 4. to continue | d) the procedure |
| 5. to simplify | e) common efforts |
| 6. to facilitate | f) a license |
| 7. to take | g) customs duties, charges on |
| 8. to remain open | h) cooperation |

Exercise 13. **Study these verbs with similar meaning. Make up sentences of your own.**

- | | | |
|----------------|---------------------------------|-------------|
| to provide for | <i>обеспечивать</i> | exchange |
| to facilitate | <i>содействовать, облегчить</i> | visits |
| to promote | <i>способствовать</i> | contacts |
| to encourage | <i>поощрять</i> | cooperation |
| to support | <i>поддерживать</i> | |

Exercise 14. **Translate these sentences.**

1. It would facilitate matters if you were more cooperative.
2. The right of individuals to appeal to a higher court is provided for in the constitution.
3. The head of the Chamber of Commerce claims the new regulations will encourage investment.
4. International humanitarian law imposes rather strict and detailed rules facilitating humanitarian relief in armed conflicts.
5. Intensified co-operation between the OSCE and the Council of Europe is needed to reinforce both organizations' work to promote democracy, human rights and the rule of

law and to avoid duplication, said the Secretary General of the Council of Europe in Vienna today.

6. The UN Committee for Development Policy aims at strengthening support measures for the least developed countries.

Exercise 15. Read the text of the cultural agreement translating the words in italics.

The Government of (name of country) and the Government of (name of country),

Выражая желание развивать взаимопонимание между народами двух стран, and to improve the general state of relations between them;

both *полагая, что дальнейшее расширение контактов, обменов и взаимовыгодного плодотворного сотрудничества* between them will *способствовать достижению данных целей,*

принимая во внимание позитивный опыт achieved through special agreements on exchanges *в научной, технической, образовательной, культурной и других областях.*

HAVE AGREED as follows:

Article 1

The Parties shall (*поощрять и развивать контакты, обмен и сотрудничество в сферах*) of science, education, and culture, and in other fields of (*представляющих взаимный интерес*).

Article 2

The Parties shall encourage and (*способствовать расширению контактов, обмена и сотрудничества в различных сферах образования*). To this end, both Parties shall:

a) (*обеспечивать обмен*) of students, researchers, and faculty members for study and research; professors and teachers to lecture, teach and conduct researches;

b) (*содействовать обмену*) by appropriate organizations, of education and teaching materials.

Article 3

In order to achieve better (*взаимного знакомства с культурными достижениями*) of each country, the Parties shall:

1. (*поощрять развитие обмена*) in artistic performance such as theatrical, musical and choreographic ensembles, orchestras and entertainment groups and exchange of individuals;

2. (*способствовать обмену*) of exhibitions and museum items;

3. (*содействовать взаимным визитам*) of artists, writers, and specialists in all academic disciplines, (*особенно когда такие визиты предпринимаются для участия*) in conferences and symposia;

4. (*поощрять визиты и обмен*) of athletes, athletic teams, teachers and specialists in various sports affairs.

Article 4

1. This Agreement shall (*вступает в силу с момента подписания*). Either Party may terminate the Agreement by a six month's (*письменного уведомления*) to the other Party. The Agreement may be modified by mutual agreement of both parties.

2. Nothing in this Agreement shall be construed to prejudice other agreements concluded between both Parties.

DONE AT ... this ... day of ..., 19_ , in duplicate, in the English and Arabic languages, both texts being equally authentic.

Exercise 16. **Find out the meaning of the word «prejudice» in these sentences.**

1. Nothing in this Agreement shall be construed *to prejudice* other agreements concluded between both Parties.

2. Where the requested Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise *prejudice* the requesting Party's investigation, it shall promptly so inform the requesting Party.

3. The liability of a legal person may be criminal, civil or administrative. Such liability shall be without *prejudice* to the criminal liability of the natural persons who have committed the offence.

4. Nothing in paragraph 3 below should in any way *prejudice* the position of any Member State on this question.

5. States Parties undertake to adopt effective measures with a view to combating *prejudices* which lead to racial discrimination.

6. Nothing in the present Declaration is to be construed as *prejudicing* in any manner the provisions of the Charter.

7. Denunciation shall be without *prejudice* to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Exercise 17. Read the text of the agreement below and answer these questions.

1. What is the Embassy informing about?

2. What is the agreement pursuant to?

AGREEMENT

in the form of an exchange of notes

(city), (date)

EMBASSY OF (name of country)

IN (city)

No. ____

The Embassy of ... presents its compliments to the Ministry of Foreign Affairs of... and has the honour to inform it of the following:

Pursuant to the relevant provisions of the Final Act of the Conference on Security and Cooperation in Europe, the (British, etc.) authorities are prepared to grant on a reciprocal basis, as of 17 October 20__ one-year multiple entry and exit visas to ... journalists permanently accredited to the Government of ... and members of their families.

The Embassy would regard a positive response from the Ministry as constituting an agreement between the two Parties in this matter.

The Embassy of ... takes this opportunity to renew to the Ministry of Foreign Affairs of ... the assurances of its highest consideration.

(signed)

MINISTRY OF FOREIGN AFFAIRS OF (name of country)

***on a reciprocal basis** – на взаимной основе.

Exercise 18. **Translate this text using a dictionary.**

International agreements without Senate approval

The Constitution of the United States recognizes a distinction between "treaties" and "agreements" or "compacts" but does not indicate what the difference is. Once a stepchild in the family in which treaties were the preferred offspring, the executive agreement has surpassed in number. During the first half-century of its independence, the United States was party to sixty treaties but to only twenty-seven published executive agreements. Most executive agreements entered into were authorized in advance by Congress by statute or by treaty provisions ratified by the Senate.

Perhaps the first formal authorization in advance of an executive agreement was enactment of a statute that permitted the Postmaster General to "make arrangements with the Postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets, through the post offices." Congress has also approved, usually by resolution, other executive agreements, such as the annexing of Texas and Hawaii, the acquisition of Samoa and the reciprocal arrangements between the United States and other countries for the securing of protection for patents, copyrights, and trademarks.

In 1904-1905, Secretary of State John Hay negotiated a series of treaties providing for the general arbitration of international disputes. The Senate approved the British treaty having, however, first amended it by substituting the word "treaty" for "agreement".

The President's first important utilization of the executive agreement device took the form of an exchange of notes in 1933, with Maxim Litvinov, the USSR Commissar for Foreign Affairs, whereby American recognition was extended to the Soviet Union.

The most extensive delegation of authority ever made by Congress to the President to enter into executive agreements took place at a time when war appeared to be in the offing. The legislation referred to is the Lend-Lease Act of 1941. The US entered into Mutual Aid Agreements whereby the Government furnished its allies in World War II forty billions of dollars worth of munitions of war and other supplies.

Article 43 of the United Nations Charter provides: " All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security." This time the Senate did not boggle over the word "agreement".

Negotiated pursuant to authorizations contained in treaties between the United States and foreign nations in the territory of which American troops are stationed, Status of Forces Agreements afford the United States a qualified privilege, which may be waived, of trying by court martial soldiers and their dependents charged with commission of offenses normally within the exclusive, criminal jurisdiction of the foreign signatory power.

Many types of executive agreements comprise the ordinary daily grist of the diplomatic mill. Among these are those applying to minor territorial adjustments, boundary rectifications, and the regulation of fishing rights. Also, there are such time-honored diplomatic devices as the "protocol" which marks a stage in the negotiation of a treaty, and the *modus vivendi*, which is designed to serve as a temporary substitute for one. Executive agreements become of constitutional significance when they constitute a determinative factor of future foreign policy and hence of the country's destiny.

Post-war diplomacy of the United States was greatly influenced by the executive agreements entered into at Cairo, Teheran, Yalta, and Potsdam. For a period, the formal treaty – the signing of the United Nations Charter and the entry into the multinational defense pacts, like NATO, SEATO, and the like – reestablished itself, but soon the executive agreement again became the principal instrument of United States foreign policy.

*NATO – North Atlantic Treaty organization (an arrangement made between several European countries, the USA and Canada to give each other military help if necessary).

*SEATO – Southeast Asia Treaty organization, formed in 1954.

Exercise 19. **Speak on these types of executive agreements.**

- a) Executive Agreements by Authorization of Congress
- b) Reciprocal Trade Agreements
- c) The Lend-Lease Act
- d) Agreements under the United Nations Charter
- e) Status of Forces Agreements
- f) Executive Agreements on the Sole Constitutional Authority of the President.

OVER TO YOU

Write an essay to answer these questions.

1. Does the Constitution of the United States indicate the difference between "treaties" and "agreements" or "compacts"?
2. How were most executive agreements entered into authorized?
3. What was the most extensive delegation of authority ever made by Congress to the President to enter into executive agreements?
4. What are time-honored diplomatic devices?
5. What was post-war diplomacy of the United States influenced by?
6. What kind of agreement is the principal instrument of United States foreign policy?

Lesson 10

Diplomatic law

Starting up

Comment on the following quotation.

“The principle of give and take is the principle of diplomacy – give one and take ten”.

Mark Twain, an Americal writer

Before you read, answer the following questions.

1. What, in your opinion, diplomacy is?
2. Give a definition of diplomacy.

Exercise 1. Read the text.

Diplomacy is the art and practice of conducting negotiations between representatives of groups or states. It usually refers to international diplomacy, the conduct of international relations through the intercession of professional diplomats with regard to issues of peace-making, trade, war, economics, culture, environment and human rights. International treaties are usually negotiated by diplomats prior to endorsement by national politicians. In an informal or social sense, diplomacy is the employment of tact to gain strategic advantage or to find mutually acceptable solutions to a common challenge, one set of tools being the phrasing of statements in a non-confrontational or polite manner.

The science of diplomatics, dealing with the study of old documents, also owes its name to the above, but its present meaning is completely distinct from that of diplomacy.

Diplomatic law is that area of international law that governs permanent and temporary diplomatic missions. A fundamental concept of diplomatic law is that of diplomatic immunity, which derives from state immunity.

Key elements of diplomatic law are the immunity of diplomatic staff, the inviolability of the diplomatic mission and its

grounds, and the security of diplomatic correspondence and diplomatic bags. Diplomatic law is also an accepted principle of customary international law and is recognized between countries as a matter of practicality. Diplomatic law is often strictly adhered to by states because it works on reciprocity. For example, if you expel diplomats from a certain country, then your diplomats will most likely to be expelled from this country. It is in this way that diplomatic relations between states, and government to government interaction, can prosper. For most of history diplomatic law has mostly been customary. An important treaty with regards to diplomatic law is the 1961 Vienna Convention on Diplomatic Relations. Questions not expressly regulated by the Convention continue to be governed by the rules of customary international law.

Exercise 2 Cover the text above and fill in the appropriate prepositions.

1. Diplomacy refers ____ the conduct ____ international relations ____ the intercession ____ professional diplomats ____ regard ____ issues ____ peace-making, trade, war, economics, culture, environment and human rights.

2. A fundamental concept ____ diplomatic law is that ____ diplomatic immunity, which derives ____ state immunity.

3. Diplomatic law is an accepted principle ____ customary international law recognized ____ countries as a matter ____ practicality.

4. Diplomatic law is often strictly adhered ____ ____ states because it works ____ reciprocity.

5. If you expel diplomats ____ a certain country, then your diplomats will most likely to be expelled ____ this country.

6. An important treaty ____ regards ____ diplomatic law is the 1961 Vienna Convention ____ Diplomatic Relations.

7. Questions not expressly regulated ____ this Convention are governed ____ the rules ____ customary international law.

Exercise 3. **Complete these sentences.**

1. Diplomacy is the art and practice of _____
2. International treaties are usually negotiated by _____
3. In an informal or social sense, diplomacy is _____
4. The science of diplomatics deals with _____
5. Diplomatic law is _____
6. Key elements of diplomatic law are _____
7. Diplomatic law is adhered to by states because _____
8. For most of history diplomatic law has mostly been _____

Exercise 4. **Translate these word combinations using the appropriate forms of the words in bold.**

diplomatic – профессиональный дипломат, дипломатический персонал, дипломатическая миссия, вмешательство дипломатов, дипломатический иммунитет, дипломатия, конвенция о дипломатических сношениях, дипломатическая переписка, дипломатическая почта, дипломатические отношения между странами, выдворить дипломата, дипломатическая нота.

principle – принцип неприкосновенности, принятый и признанный принцип, придерживаться принципа, принцип взаимности, руководствоваться принципами, из принципа, главным образом, человек с высокими принципами, дело принципа, в принципе, принцип равных возможностей.

Exercise 5. **Read this text and answer these questions.**

1. When and where was the Conventions on Diplomatic Relations adopted?
2. How many countries has it been ratified by?
3. Why the Convention is considered a cornerstone of modern international relations?

The Vienna Conventions on Diplomatic Relations of 1961 is an international treaty that defines a framework for diplomatic relations between independent countries. It specifies the privileges of a diplomatic mission that enable diplomats to perform their function without fear of coercion or harassment by the host country. This forms the legal basis for diplomatic immunity. Its articles are considered a cornerstone of modern international relations. It has been ratified by 186 countries.

It is possible for the official's home country to waive immunity; this tends to only happen when the individual has committed a serious crime, unconnected with their diplomatic role (as opposed to, say, allegations of spying), or has witnessed such a crime. The Vienna Convention provides a complete framework for the establishment, maintenance and termination of diplomatic relations on a basis of consent between independent sovereign States. It specifies the functions of diplomatic missions, the formal rules regulating appointments, declarations of *persona non grata* of a diplomat who has in some way given offence, and precedence among heads of mission. It makes provision for withdrawal of a mission – which may take place on grounds of economy or physical security – and for breach of diplomatic relations which may occur in response to abuse of immunity or severe deterioration in relations between sending and receiving States.

Article 22 confirms the inviolability of mission premises – barring any right of entry by law enforcement officers of the receiving State and imposing on the receiving State a special duty to protect the premises against intrusion, damage, disturbance of the peace or infringement of dignity. Even in response to abuse of this inviolability or emergency, the premises may not be entered without the consent of the head of mission. *Article 24* ensures the inviolability of mission archives and documents – even outside mission premises – so that the receiving State may not seize or inspect them or permit their use in legal proceedings.

Article 27 guarantees free communication between a mission and its sending State by all appropriate means, and ensures that the diplomatic bag carrying such communications may not be opened or detained even on suspicion of abuse.

Article 29 provides inviolability for the person of diplomats and *article 31* establishes their immunity from civil and criminal jurisdiction. Immunity from jurisdiction – like other immunities and privileges – may be waived by the sending State. *Article 34* sets out the tax exemption accorded to diplomats along with detailed exceptions in respect of matters unrelated to their official duties or to ordinary life in the receiving State. *Article 36* provides for exemption from customs duties on diplomatic imports throughout a diplomat's posting.

Articles 37 sets out a complex code for the treatment of families and junior. *Article 38* bars from all privileges and immunities, except for immunity for their official acts, nationals and permanent residents of the receiving State. These two provisions limit immunities to what is essential to ensure the efficient performance of the functions of diplomatic missions as representing States.

Exercise 6. Find in the text above the English equivalents for these word combinations.

Не боясь принуждения и преследования со стороны принимающей страны; краеугольный камень; снять иммунитет; обвинения в шпионаже; установление и прекращение дипломатических отношений, объявление дипломата персоной нон грата, серьезное ухудшение отношений между странами, неприкосновенность помещения дипломатического представительства, ущемление достоинства, без согласия главы дипмиссии, освобождение от налогов и таможенных пошлин, задерживать диппочту, обеспечить эффективное выполнение функций.

Exercise 7. Say whether these statements are true or false. Correct the wrong ones.

1. The Vienna Conventions on Diplomatic Relations is an international treaty that defines a framework for diplomatic relations between European countries.

2. The Vienna Conventions enables diplomats to perform their function without fear of coercion or harassment by the home country.

3. It is possible for the official's home country to waive immunity.

4. The Vienna Convention provides a framework for the establishment, maintenance and termination of diplomatic relations on a basis of consent between sovereign States.

5. Withdrawal of a mission may take place only for breach of diplomatic relations.

6. The receiving State has a duty to protect the premises against intrusion, damage, disturbance of the peace or infringement of dignity.

7. The receiving State may seize or inspect mission archives and documents or permit their use in legal proceedings.

8. A diplomatic bag may not be opened or detained even on suspicion of abuse.

Exercise 8. Suggest the Russian equivalents.

IMMUNITY

Diplomatic immunity, to grant immunity, legal immunity, a limited form of immunity, to waive immunity, immunity from jurisdiction, to bar from all immunities, immunity to criticism, immunity against the virus, immunity from prosecution, to be immune to flattery, immune to abuse, immune system, a worldwide immunization programme against this disease.

Exercise 9. Do you think diplomatic immunity has a long history? Try to give the definition of diplomatic immunity.

Exercise 10. Read the text and find the correct answers to the questions in exercise 9.

Diplomatic immunity is a form of legal immunity and a policy held between governments, which ensures that diplomats are given safe passage and are considered not susceptible to lawsuit or prosecution under the host country's laws (although they can be expelled). It was agreed as international law in the Vienna Convention on Diplomatic Relations (1961), though the concept and custom have a much longer history. Many principles of diplomatic immunity are now considered to be customary law. Diplomatic immunity as an institution developed to allow for the maintenance of government relations, including during periods of difficulties and even armed conflict. When receiving diplomats — who are, formally, representatives of the sovereign — the receiving head of state grants certain privileges and immunities to ensure that they may effectively carry out their duties, on the understanding that these will be provided on a reciprocal basis.

Originally, these privileges and immunities were granted on a bilateral, ad hoc basis, which led to misunderstandings and conflict, pressure on weaker states, and an inability for other states to judge which party was at fault. Various international agreements known as the Vienna Conventions codified the rules and agreements, providing standards and privileges to all states.

Exercise 11. Read this text and answer these questions.

1. Where and when was the Conventions on Consular Relations adopted?
2. How many countries was it ratified by?
3. What does the Convention define?

The **Vienna Convention on Consular Relations** of 1963 is an international treaty that defines a framework for consular relations between independent countries. A consul normally operates out of an embassy in another country, and performs two essential functions:

(1) protecting in the host country the interests of their countrymen, and

(2) furthering the commercial and economic relations between the two countries. While a consul is not a diplomat, they work out of the same premises, and under this treaty they are afforded most of the same privileges, including a variation of diplomatic immunity called consular immunity. The treaty has been ratified by 172 countries. The treaty is an extensive document, containing 79 articles.

Exercise 12. **Compete this text with words from the box in appropriate form.**

the	issuing	the consul	host	vice
embassy	visas	citizens	country	consuls
consulates	consuls	administrative	consular	
		duties	duties	

Consulate

An office established by one state in an important city of another state for the purpose of supporting and protecting its _____ traveling or residing there. In addition, these offices are charged with performing other important _____ such as _____ to _____ nationals wishing to travel to the country the consulate represents. All _____, whether located in the capital city or in other communities, are administratively under the ambassador and _____. In addition to carrying out their _____, they often serve as branch offices for the embassy, supporting, for example,

the latter's political and economic responsibilities. Consulates are expected to play a particularly significant role in connection with the promotion of their own country's exports and other commercial activities. Officers performing consular duties are known as _____ or, if more junior, _____. The chief of the consulate is known as _____.

Exercise 13. Translate this basic overview of the Vienna Convention key provisions.

ВЕНСКАЯ КОНВЕНЦИЯ О ДИПЛОМАТИЧЕСКИХ СНОШЕНИЯХ 1963 года

- В *статье 5* перечисляются 13 консульских функций, включая защиту в государстве пребывания интересов представляемого государства и его граждан, а также содействие развитию торговых, экономических, культурных и научных связей между странами.

- *Статья 23* Государство пребывания может в любое время и по любой причине уведомить представляемое государство о том, что то или иное консульское должностное лицо является "persona non grata". Представляемое государство должно в течении соответствующего периода времени отозвать данное лицо, иначе это лицо потеряет консульский иммунитет.

- *Статья 31* Власти государства пребывания не могут вступать в консульские помещения и должны защищать консульские помещения от всяких вторжений или нанесения ущерба.

- *Статья 35* Государство пребывания должно разрешать и охранять свободу сношений консульского учреждения с представляемым государством, Консульская вализа не подлежит вскрытию. Консульский курьер не подлежит ни аресту, ни задержанию.

- *Статья 36* Иностранные граждане в случае ареста или задержания должны быть безотлагательно про-

информированы об своем праве на то, чтобы компетентные органы государства пребывания уведомили посольство или консульское учреждение представляемого государства.

Exercise 14. Study these Diplomatic Ranks, listed in order of precedence. Give their Russian equivalents.

1. Ambassador Extraordinary and Plenipotentiary
2. Ministers Plenipotentiary
3. Ministers
4. Chargé d'Affaires ad hoc or pro tempore
5. Chargé d'Affaires ad interim
6. Minister-Counselors
7. Counselors (or Senior Secretaries in the absence of Counselors)
8. Army, Naval and Air Attachés
9. Civilian Attachés
10. First Secretaries
11. Second Secretaries
12. Assistant Army, Naval and Air Attachés Civilian Assistant Attachés
13. Third Secretaries and Assistant Attachés

Exercise 15. Match these terms with their definitions.

1. Ambassador Extraordinary and Plenipotentiary
2. Head of Chancery
3. Consular Agent
4. Attaché
5. Chief of Mission
6. Chargé d'Affaires

a) The chief of a diplomatic mission; the ranking official diplomatic representative of his country to the country to which he is accredited, and the personal representative of his own head of state to the head of state of the host country. The term "extraordinary" has no real meaning.

b) They are either junior officers in an embassy or, if more senior, officers who have a professional specialization such as "labor oneé", "commercial one", "cultural oneé", etc. On the military side, an embassy will generally have either an army one, naval one, or air one– and often all three. In American embassies, the senior of the three is called the defense one

c) The ranking officer in an embassy, permanent mission, legation, consulate general or consulate (i.e. an ambassador always, and a minister, consul general, or consul when no more senior officer is assigned to the post). A "chief of mission" can also be the head of a special and temporary diplomatic mission, but the term is usually reserved for the earlier listed examples

d) An important position in British embassies not found in American diplomatic establishments. An officer, usually head of the political section, charged with coordinating the substantive and administrative performance of the embassy. In an American embassy, the ambassador looks to the deputy chief of mission to do this.

e) An official doing consular work for a nation in a locality where it does not maintain a regular consulate. This official is usually a national of his host state, and his work is usually part-time.

f) Formerly, it was the title of a chief of mission, inferior in rank to an ambassador or a minister. Today with the a.i. (ad interim) added, it designates the senior officer taking charge for the interval when a chief of mission is absent from his post. .

Exercise 16. **Study this chart outlining the immunities afforded to foreign diplomatic personnel residing in the United States.**

Diplomatic immunity in the United States

Category		May be arrested or detained	Residence may be entered subject to ordinary procedures	May be issued traffic ticket	May be subpoenaed as witness	May be prosecuted	Official family member
Diplomatic	Diplomatic agent	No	No	Yes	No	No	Same as sponsor
	Member of administrative and technical staff	No	No	Yes	No	No	Same as sponsor
	Service staff	Yes	Yes	Yes	Yes	No, for official acts. Otherwise, yes	No
Consular	Career Consular Officers	Yes, if a felony and pursuant to a warrant	Yes	Yes	No, for official acts. Testimony may not be compelled in any case	No, for official acts. Otherwise, yes	No

	Honorary consular officers	Yes	Yes	Yes	No, for official acts. Yes, in all other cases	No, for official acts. Otherwise, yes	No
	Consular employees	Yes	Yes	Yes	No, for official acts. Yes, in all other cases	No, for official acts. Otherwise, yes	No
International organization	Diplomatic-level staff of missions to international organizations	No	No	Yes	No	No	Same as sponsor
	International Organization Staff	Yes	Yes	Yes	No, for official acts. Yes, in all other cases	No, for official acts. Otherwise, yes	No
	Support staff of missions to international organizations	Yes	Yes	Yes	No, for official acts. Yes, in all other cases	No, for official acts. Otherwise, yes	No

Exercise 17. Answer and debate these questions.

1. Do these diplomatic rules follow the Vienna Convention, in your opinion?
2. Do these rules apply in other countries as well?

Exercise 18. Read the Reservation by QATAR to the Vienna Convention on Diplomatic Relations, Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning Acquisition of Nationality and Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning the Compulsory Settlement of Disputes and answer these questions.

1. What right does the Government of the State of Qatar reserve?
2. In what situations may a diplomatic bag be opened?
3. What does not the accession to the Convention by the State of Qatar mean?

Reservation by QATAR

I. On article 27, para. 3: The Government of the State of Qatar reserves its right to open a diplomatic bag in the following two situations:

1. The abuse, observed in flagrante delicto, of the diplomatic bag for unlawful purposes incompatible with the aims of the relevant rule of immunity, by putting therein items other than the diplomatic documents and articles for official use mentioned in para. 4 of the said article, in violation of the obligations prescribed by the Government and by international law and custom.

In such a case both the foreign Ministry and the Mission concerned will be notified. The bag will not be opened except with the approval by the Foreign Ministry.

The contraband articles will be seized in the presence of a representative of the Ministry and the Mission.

2. The existence of strong indications or suspicions that the said violations have been perpetrated.

In such a case the bag will not be opened except with the approval of the Foreign Ministry and in the presence of a member of the Mission concerned. If permission to open the bag is denied it will be returned to its place of origin.

II. On article 37, para. 2:

The State of Qatar shall not be bound by para. 2 of article 37.

III. Accession to this Convention does not mean in any way recognition of Israel and does not entail entering with it into any transactions regulated by this Convention

* *flagrante delicto* – (Latin: "in a blazing offence") or sometimes simply *in flagrante* (Latin: "while blazing") is a legal term used to indicate that a criminal has been caught in the act of committing an offence. The colloquial "caught red-handed" or "caught rapid" are English equivalents.

OVER TO YOU

Debate this question.

Some countries have made reservations to the Vienna Convention on Diplomatic Relations, but they are minor. Most important are the reservation by most Arab nations concerning non-recognition of Israel. Why do you think these countries included this reservation to the Vienna Convention?

Exercise 19. **Define the term "alternat", as seen from the text below. Consult a glossary, if necessary.**

International courtesy has established a custom called "rotation in precedence" which confers on each state the right to occupy, in rotation, the place of honour in signing international acts in which it participates. This means that, when the final documents are drawn up, the first place in the list of the participating powers is given successively to each of the signatory states. Its plenipotentiary moves to the head of the list and signs at the place of honour, that is to say, at the left if the names of the signatories are placed side by side, or at the top if they are disposed vertically. Each state receives the signed original of the convention

where its name appears first. This procedure is not normally followed in the signature of multilateral acts, because it is now customary to sign only one original of such documents.

The other plenipotentiaries then sign in the order previously agreed upon. This manner of presentation must be exactly respected in the instruments of ratification, in the official reports of the exchange of instruments of ratification and at the time of the official publication of the texts. It should be noted that, according to the language employed for the drafting of a convention, the alphabetic order of the states can vary appreciably.

Exercise 20. Match these terms with their definitions.

1) *Protocol* 2) *Credentials* 3) *Visa* 4) *Alternat* 5) *Diplomatic Note* 6) *Agrément*

a) In international politics, it is the etiquette of diplomacy and affairs of state. It guides how an activity should be performed, especially in the field of diplomacy. In diplomatic services and governmental fields of endeavor they are often unwritten guidelines. Protocols specify the proper and generally-accepted behavior in matters of state and diplomacy, such as showing appropriate respect to a head of state, ranking diplomats in chronological order of their accreditation at court, and so on.

b) When an agreement is signed between two states, or among several states, each signatory keeps an official copy for itself. This principle provides that a state's own name will be listed ahead of the other signatory, or signatories, in its own official copy. It is a practice devised centuries ago to handle sensitivities over precedence.

c) The name for letters given to an ambassador by his chief of state, and addressed to the chief of state of his host country. They are delivered to the latter by ambassadors in a formal ceremony, which generally takes place shortly after his arrival at a new post. Until this ceremony has taken place he is not formally recognized by the host country, and he cannot officially act as an ambassador.

d) Diplomatic courtesy requires that before a state appoints a new chief of diplomatic mission to represent it in another state, it must be first ascertained whether the proposed appointee is acceptable to the receiving state. The acquiescence of the receiving state is signified by its granting its agreement to the appointment.

e) Written authority to enter a country for either temporary or permanent residence, depending on its wording.

f) A formal written means of communication among embassies.

Exercise 21. **Study different ways of translating the Russian word *политика*.**

policy

1) линия поведения, установка, курс, стратегия, политика

Syn: course , custom , method , practice , strategy.

2) полис, страховой полис

to cancel a policy – аннулировать страховой полис;

to issue/write up a policy – выдавать/выписывать страховой полис;

to reinstate a policy – восстанавливать страховой полис;

to take out a policy – получать страховой полис.

politics

1) политика (методы ведения политики; искусство управлять; политическая жизнь)

local politics – местная политическая жизнь;

national politics – национальная политика;

power politics – политика с позиции силы.

2) политическая деятельность.

3) политические убеждения.

4) стиль поведения, принципы поведения, отношения в определенной сфере (office politics – служебные отношения).

Exercise 22. Match the words and their translation.

- | | |
|--|--|
| 1. to adopt a policy | a) долгосрочная политика |
| 2. set a policy | b) твердая политика |
| 3. to adhere to, follow, pursue a policy | c) вырабатывать политику |
| 4. to carry out, implement a policy | d) проводить политику |
| 5. to form, shape a policy | e) осмотрительная, осторожная политика |
| 6. cautious policy | f) четкий политический курс |
| 7. clear, clear-cut policy | g) внешняя политика |
| 8. deliberate policy | h) устанавливать политику |
| 9. home policy | i) обдуманная, взвешенная политика |
| 10. foreign policy | j) гибкая политика |
| 11. firm policy | k) недальновидная политика |
| 12. flexible policy | l) краткосрочная политика |
| 13. foolish policy | m) принимать курс |
| 14. long-range, long-term policy | n) следовать политике |
| 15. short-range, short-term policy | o) внутренняя политика |

Exercise 23. Translate into English.

- | | |
|--|----------------------------------|
| 1. военная политика | 6. твердая, жесткая политика |
| 2. денежная политика | 7. здравая, мудрая политика |
| 3. официальная политика | 8. политика открытых дверей |
| 4. национальная политика | 9. прозападный политический курс |
| 5. жесткий политический курс, твердая политика | |

Exercise 24. Translate into Russian.

- | | |
|-----------------------------|-----------------------------|
| a) | b) |
| 1. bridge-building policy | 1. adjustable life policy |
| 2. containment policy | 2. homeowners policy |
| 3. nuclear deterrent policy | 3. life insurance policy |
| 4. legal policy | 4. personal accident policy |
| 5. monetary policy | 5. whole life policy |
| 6. socialization policy | |
| 7. wait-and-see policy | |
| 8. zero-tolerance policy | |

Exercise 25. Translate the following examples.

1. Without education, there can be no politics. (Arthur Miller)

2. Practical politics consists in ignoring facts. (Henry Adams)

3. The war inevitably set its marks ... upon our minds, our industries, our commerce, our politics and our social action. (W.Wilson)

4. Indeed, it was at Westminster that I received a very large part of my education in politics, dialectic, rhetoric, and one or two other things. ("Iron Curtain" Speech, W.S.Churchill)

5. In a May 23, 1964, speech, Johnson publicly launched the bridge-building policy that was designed to improve relations with the Communist Bloc states.

6. You came into our consciousness for many Americans in 1947 when you were the author of the so-called containment policy with regard to the Soviet Union.

7. When Cold War politicians discuss the nuclear deterrent policy, they always mention North Korea.

8. Special educational programmes have been executed in the framework of socialization policy.

9. Mayor Giuliani's zero-tolerance policy has brought New York City's crime rate down.

10. It was a policy of retribution.

OVER TO YOU

Chose one of the quotations below. What do you think of the idea expressed in it? What do you know about the people who said these words you liked? Write a small essay to cover the topic.

1) "Thus the policy and the will of one country are subjected to the policy and will of another". George Washington (1789-1797).

2) "Businessmen are entitled therefore to a clear statement of the policy of the Government on the subject". Harry S. Truman (1945-1953).

3) "Questions of economic and trade policy can always be negotiated". John F. Kennedy (1961-1963).

Exercise 26. Give a written translation of the passage below.

Exceptions to the Vienna Convention

A number of countries limit the diplomatic immunity of persons who are citizens of the receiving country. As nations keep faith to their treaties with differing zeal, other rules may also apply, though in most cases this summary is a reasonably accurate approximation. It is important to note that the Convention does not cover the personnel of international organizations, whose privileges are decided upon on a case-by-case basis, usually in the treaties founding such organizations. The United Nations system (including its agencies, which comprise the most recognizable international bodies such as the World Bank and many others) has a relatively standardized form of limited immunities for staff traveling on U.N. laissez-passer; diplomatic immunity is often granted to the highest-ranking officials of these agencies. Consular officials (that do not have concurrent diplomatic accreditation) formally have a more limited form of immunity, generally limited to their official duties. Diplomatic technical and administrative staff also has more limited immunity under the Vienna Convention; for this reason, some countries may accredit technical and administrative staff as attachés.

Other categories of government officials that may travel frequently to other countries may not have diplomatic passports or diplomatic immunity, such as members of the military, high-ranking government officials, ministers, and others. Many countries provide non-diplomatic official passports to such personnel, and there may be different classes of such travel documents such as official passports, service passports, and others. De facto recognition of some form of immunity may be conveyed by states accepting officials traveling on such documents, or there may exist bilateral agreements to govern such cases (as in, for example, the case of military personnel conducting or observing exercises on the territory of the receiving country).

Formally, diplomatic immunity may be limited to officials accredited to a host country, or traveling to or from their host country. In practice, many countries may effectively recognize diplomatic immunity for those traveling on diplomatic passports, with admittance to the country constituting acceptance of the diplomatic status.

Exercise 27. Do you know the term *persona non grata*? Under what circumstances is the diplomat no longer welcome? Read the text below to find the answers to these questions.

Abuse

In reality, most diplomats are representatives of nations with a tradition of professional civil service, and are expected to obey regulations governing their behaviour and they suffer strict internal consequences (disciplinary action) if they flout local laws. In many nations a professional diplomat's career may be compromised if he or she (or even members of his or her family) disobeys the local authorities or causes serious embarrassment, and such cases are, at any rate, a violation of the spirit of the Vienna Conventions.

The Vienna Convention is explicit that "without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the

laws and regulations of the receiving State." Nevertheless, in some occasions, diplomatic immunity leads to some unfortunate results; protected diplomats have violated laws (including those which would be violations at home as well) of the host country and that country has been essentially limited to informing the diplomat's nation that the diplomat is no longer welcome (*persona non grata*). Diplomatic agents are not, however, exempt from the jurisdiction of their home state, and hence prosecution may be undertaken by the sending state; for minor violations of the law, the sending state may impose administrative procedures specific to the foreign service or diplomatic mission.

Violation of the law by diplomats has included espionage, smuggling, child custody law violations, and even murder.

Espionage

Minor espionage activity, or gathering information of host countries is conducted in almost every embassy. A typical position for an intelligence officer is as second press attaché, visa attaché or other position with no clear responsibilities. In the United States, it is a policy of the Foreign Service not to confirm or deny the existence of intelligence personnel in U.S. embassies.

Vehicular

A particular problem is the immunity of diplomatic vehicles to ordinary traffic regulations such as prohibitions on double parking. Occasionally, such problems may take a most serious turn, when disregard for traffic rules leads to bodily harm or death. This also includes parking violations

Exercise 28. Study these cases. Why do you think some of the diplomats were declared "persona non grata"? Give the similar examples you remember.

1. In 2009, a Canadian junior envoy was arrested after it was reported that he spat at a traffic policeman on duty in the middle of a traffic jam in the Banana district on the outskirts of Dar es Salaam-Tanzania and later to a journalist. Canada's High Commissioner Robert Orr was summoned

by the Tanzanian foreign ministry over the incident and decided to recall him from Tanzania.

2. In London in 1984, policewoman Yvonne Fletcher was killed on the street by a person shooting from inside the Libyan embassy. The incident caused a breakdown in diplomatic relations until Libya admitted "general responsibility" in 1999.

3. Kurt Waldheim, former Secretary-General of the United Nations and President of Austria, and his wife were given *persona non grata* status in the U.S. and other countries when he was accused of having known about Nazi war crimes and not having done anything about them

4. On January 8, 2010, the Egyptian Foreign Ministry declared Respect MP George Galloway "persona non grata" after he attempted to take 200 aid trucks into the Gaza Strip, along with international activists. He was subsequently deported from Egypt back to the UK

5. In New York City, the home of the United Nations Headquarters (and hence thousands of diplomats), the City regularly protests to the Department of State about non-payment of parking tickets because of diplomatic status.

OVER TO YOU

Read the following quotation. Do you agree with the idea presented in it? What qualities should a good diplomat and politician possess in your opinion? Express your point of view in a short essay.

"Be polite; write diplomatically; even in a declaration of war one observes the rules of politeness".

Otto von Bismarck (1815 – 1898), a Prussian/German statesman and a dominant figure in world affairs.

Part III. THE WORLD WE LIVE IN

LESSON 11

GLOBAL CHALLENGES

Starting up

Comment on the following quotation. Do you agree with the ideas expressed?

"No matter how complex global challenges may seem, we must remember that it is we ourselves who have given rise to them. It is therefore impossible that they are beyond our power as human beings to resolve. Returning to our humanity, reforming and opening up the inner capacities of our lives, can enable reform and empowerment on a global scale".

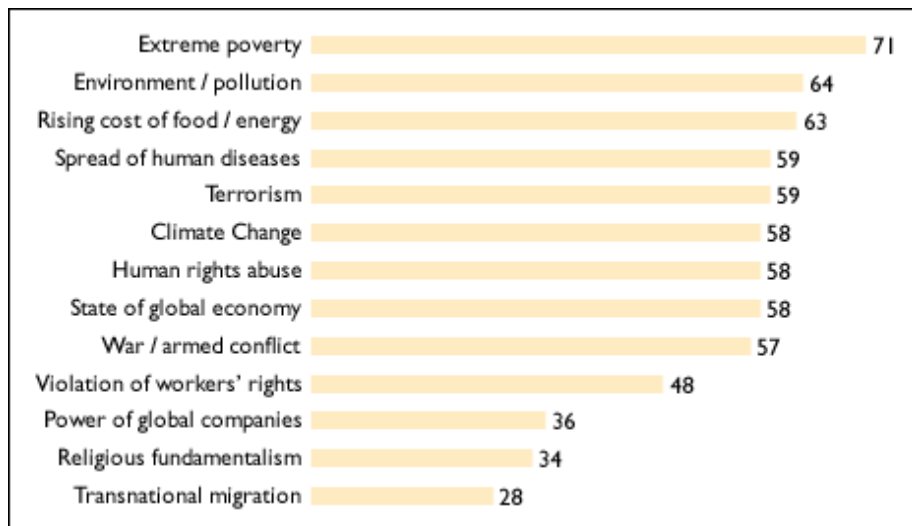
Daisaku Ikeda (1928), a Buddhist philosopher

Discuss the following questions.

1. Do you agree that we live in the global world? Why?
2. What are the signs of globalization?
3. What are the factors facilitating globalization?
4. What are the advantages and disadvantages of living in a global world?
5. What problems does globalization bring with it?
6. Does "globalization" mean "progress"?
7. What are the modern world challenges?

Exercise 1. Study the information below.

Professor N. J. Wheeler says that the world feels passionately about a large number of global challenges. In the graph below there are the results of an international poll conducted by him. Right at the top is extreme poverty, but eight other problems were rated "very serious" by more than half the people (average of 23 countries (%)). Study the graph and comment on it.



What challenges, in your opinion, were not included?

Exercise 2. Read the following text.

Globalization and jurisdiction issues of the international criminal court in combating crime

Today international cooperation of states and international organizations in combating international crimes becomes one of the most significant lines in international relations. The present-day state of relations between the countries of the world and international organizations is described by problems caused by mounting globalization processes. The problems that globalization brings may be divided into three groups:

- 1) international terrorism, transboundary organized crimes;
- 2) poverty, hunger, illiteracy;
- 3) ecological danger, man-caused catastrophes.

International crimes and crimes of international nature, and namely international terrorism, make one of the most serious dangers for the mankind today. A humanitarian action become more and more often the means for combating international terrorism, i.e. military intervention that is carried out in the territory of an individual state without consent of its top administration.

Globalization promotes such significant trends of the development of international law as expansion of the sphere of actions and intensification of regulation. The law embraces

new and new fields of interaction between the states, and the legal regulation becomes more intensive penetrating into the depth of such interaction. The development rates of international law grow constantly that becomes an exclusively complicated multi-sectoral system.

The formation of new branches is a significant line in the development of international law, they include: law of international security, international criminal law, etc. The existence of said branches is a characteristic feature of the law of international community. It *is* typical the circumstance that the concept of common heritage is aimed at the ensuring the interests of not only present, but future generations. A quite difficult task that international criminal law faces, is the necessity to meet the framework for settlement of international and non-international conflicts using the means that would not only promote the major aim of such settlement, but they should not violate these rights when they are applied. In the course of humanitarian actions that are one of the forms for combating terrorism and transnational crime today, from our viewpoint, rules and principles of international law should be necessary in principal in terms of the compliance with human rights, and these rules should be operative with respect to a wider and wider circle of international legal relations. The second problem immediately connected with the operation of rules and principles of international law is globalization. And as a result poverty, hunger, illiteracy that embraces less-developed countries of the world.

According to its Statute approved at the Rome Diplomatic Conference of plenipotentiaries under the aegis of the United Nations Organizations on 17 July 1998 and established on a permanent basis for handling the gravest international crime the International Criminal Court may put an end to impunity. The International Criminal Court should act relying on the principles and rules of international law recognized by the world community. The jurisdiction of the International Criminal Court that has competence over the gravest international

crimes does not include such crimes as international terrorism and illegal narcotic drug trafficking.

Today terrorist organizations have grown out of the borders of the states, an international terrorist community is being formed. Crime uses largely the opportunities granted by the present-day community, its political and legal system, science, technology that hampers essentially a fight against it by an individual state. Terrorist organizations have their structural units nearly in each state, especially in Islamic countries, they help each other materially, and also in setting up of various training camps where they train terrorists. Terrorist organizations often take an active part in illegal drug trafficking worldwide. Narcotic drugs are an integral part in the upbringing of suicide terrorists whose victims are not only military, but civilians, society and the state. The process of uniting the international community for putting into practice of necessary measures for liquidation of criminal organization.

Exercise 3. Give the English equivalents for the following word combinations.

Международное сотрудничество, борьба с международной преступностью, международные отношения, усиливающийся процесс глобализации, катастрофы, вызванные действиями человека, опасность для человечества, под эгидой ООН, средства для борьбы с международным терроризмом, осуществлять международное вторжение без согласия правительства, содействовать, существенные направления, расширение сферы действий, сферы взаимодействия между государствами, проникать, гарантировать интересы следующих поколений, столкнуться с трудной задачей, урегулирование конфликтов, нарушать права, применять, в соответствии с правами человека, на постоянной основе, иметь дело с самыми серьезными международными преступлениями, положить конец безнаказанности, мировое сообщество, затруднять борьбу.

Exercise 4. Cover the text above and fill in the correct prepositions.

1. International crimes make one of the most serious dangers ____ the mankind today.

2. Military intervention can be carried ____ in the territory of an individual state without consent of its top administration.

3. The legal regulation becomes more intensive penetrating ____ the depth of interaction between states.

4. The concept of common heritage is aimed ____ the ensuring the interests of future generations.

5. Principles of international law should be necessary ____ terms of the compliance ____ human rights, and these rules should be operative with respect ____ a wider and wider circle of international legal relations.

6. According ____ its Statute, the International Criminal Court should act relying ____ the principles and rules of international law recognized by the world community. The International Criminal Court has competence ____ the gravest international crimes.

7. Today terrorist organizations have grown ____ of the borders of the states.

Exercise 5. Do you agree with these statements? Give your reasons.

1. Globalization promotes significant trends of the development of international law.

2. Globalization increases competition among companies.

3. Globalization creates cross-cultural problems.

4. Globalization lowers people's living standards.

5. Globalization increases the power of governments.

6. Globalization could lead to big employment problems in the West.

7. Globalization brings many problems such as international terrorism and organized crime; poverty, hunger, illiteracy; ecological danger, catastrophes.

8. Globalization prevents governments from controlling their welfare systems.

9. Globalization units the international community.

OVER TO YOU

Are you for or against globalization? Write a short essay to express your opinion.

Exercise 6. **Analyze the following information.**

The Millennium Development Goals

The eight Millennium Development Goals (MDGs) – which range from halving extreme poverty to halting the spread of HIV/AIDS and providing universal primary education, all by the target date of 2015 – form a blueprint agreed to by all the world's countries and all the world's leading development institutions. They have galvanized unprecedented efforts to meet the needs of the world's poorest.

"We will have time to reach the Millennium Development Goals – worldwide and in most, or even all, individual countries – but only if we break with business as usual.

We cannot win overnight. Success will require sustained action across the entire decade between now and the deadline. It takes time to train the teachers, nurses and engineers; to build the roads, schools and hospitals; to grow the small and large businesses able to create the jobs and income needed. So we must start now. And we must more than double global development assistance over the next few years. Nothing less will help to achieve the Goals."

United Nations Secretary-General Kofi A. Annan

Exercise 7. **Study the following and give your estimate as to how achievable these targets look like.**

1) Eradicate extreme poverty and hunger.

- Integrate the principles of sustainable development into country policies and programs; reverse loss of environmental resources;

- Reduce by half the proportion of people without sustainable access to safe drinking water;
- Achieve significant improvement in lives of at least 100 million slum dwellers, by 2020.

2) Achieve universal primary education.

3) Promote gender equality and empower women.

- Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015.

4) Reduce child mortality.

5) Improve maternal health.

- Reduce by three quarters the maternal mortality ratio.

6) Combat HIV/AIDS, malaria and other diseases.

- Halt and begin to reverse the spread of HIV/AIDS;
- Halt and begin to reverse the incidence of malaria and other major diseases.

7) Ensure environmental sustainability.

- Integrate the principles of sustainable development into country policies and programs; reverse loss of environmental resources;
- Reduce by half the proportion of people without sustainable access to safe drinking water;
- Achieve significant improvement in lives of at least 100 million slum dwellers, by 2020.

8) Develop a global partnership for development.

- Develop further an open trading and financial system that is rule-based, predictable and non-discriminatory, includes a commitment to good governance, development and poverty reduction – nationally and internationally;
- Address the least developed countries' special needs. This includes tariff- and quota-free access for their exports; enhanced debt relief for heavily indebted poor countries; cancellation of official bilateral debt; and more gen-

erous official development assistance for countries committed to poverty reduction

- Address the special needs of landlocked and small island developing States;
- Deal comprehensively with developing countries' debt problems through national and international measures to make debt sustainable in the long term;
- In cooperation with the developing countries, develop decent and productive work for youth;
- In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries;
- In cooperation with the private sector, make available the benefits of new technologies – especially information and communications technologies.

Exercise 8. Give a written translation of the following report. Which facts impressed you most?

1) Численность малоимущего населения в Африке увеличивается. **Задача** – сократить вдвое за период 1990–2015 годов долю населения, имеющего доход менее 1 долл. США в день.

2) Неудачи в борьбе с голодом превышают достижения. Конфликты и стихийные бедствия усугубляют нищету и голод. **Задача** – сократить вдвое за период 1990–2015 годов долю населения, страдающего от голода.

3) Восемь из десяти детей, не посещающих школы, живут в странах Африки или в Южной Азии. **Задачи** – обеспечить, чтобы к 2015 году у детей во всем мире – как у мальчиков, так и у девочек – была возможность получать в полном объеме начальное школьное образование

4) В странах Африки к югу от Сахары и Южной Азии среди учащихся средней школы на 100 мальчиков приходится менее 80 девочек. **Задача** – ликвидировать, желательно к 2005 году, неравенство между полами в

сфере начального и среднего образования, а не позднее, чем к 2015 году – на всех уровнях образования

5) Страны Африки продолжают лидировать по показателю смертности детей в возрасте до пяти лет. **Задача** – сократить на две трети за период 1990–2015 годов смертность среди детей и на три четверти за период 1990–2015 годов коэффициент материнской смертности

6) Масштабы распространения ВИЧ-инфекции в странах Африки сохраняются на высоком уровне, растет число новых больных. Малярия поражает беднейшие и наиболее незащищенные группы населения. **Задача** – остановить к 2015 году распространение ВИЧ/СПИДа, малярии и других основных болезней.

7) В мире, особенно там, где имеются тропические леса, происходит утрата лесного покрова. Энергопотребление и объем эмиссии углекислого газа увеличились. Продолжается исчезновение видов и среды обитания животных. Богатые страны производят наибольшее количество «парниковых газов». **Задача** – обратить вспять процесс истощения природных ресурсов.

8) **Задача** – Сократить вдвое к 2015 году долю населения, не имеющего постоянного доступа к чистой питьевой воде и основным санитарно-техническим средствам.

9) Темпы роста численности обитателей трущоб опережают темпы улучшения жизни в городских районах. **Задача** – к 2020 году обеспечить существенное улучшение жизни как минимум 100 миллионам обитателей трущоб.

10) **Задача** – формирование глобального партнерства в целях развития.

11) **Задача** – удовлетворять особые потребности наименее развитых стран, не имеющих выхода к морю, и малых островных развивающихся государств.

12) **Задача** – в комплексе решать проблемы задолженности развивающихся стран.

13) **Задача** – разрабатывать и осуществлять стратегии, позволяющие молодым людям найти достойную и продук-

тивную работу, т.к. безработица среди молодежи является потенциальным источником социальных беспорядков.

(Источник: Доклад об осуществлении целей в области развития, сформулированных в Декларации тысячелетия, за 2005 год)

Exercise 9. **Summarize the information of the text.**

By Richard Black, Environment correspondent, BBC News, Bonn.

The first round of UN climate talks since December's bitter Copenhagen summit opens in Bonn on Friday with the future of the process uncertain.

Developing countries are adamant that the UN climate convention is the right forum for negotiating a global deal and want it done by the year's end.

But others, notably the US, appear to think this is not politically feasible.

Some delegates are concerned that the whole process could collapse, given the divisions and lack of trust.

"There is the political will among developing countries. They are working for an agreement that includes further emissions reductions under the Kyoto Protocol," Martin Khor, executive director of the South Centre, an intergovernmental organization of developing countries, told the BBC.

"Whether there is political will among the industrialized countries is another matter," he said.

Developing nations have been pressing to agree a series of preparatory meetings this year – as many as five – in order that outstanding differences on the text of a new agreement can be worked out in time for the next major summit in Mexico, in November and December.

But delegates here said that richer countries were resisting this, holding out for just one more meeting before November, which would leave no chance of agreeing a new global treaty or even agreeing a framework.

Analyses released since the end of the Copenhagen summit suggest that without further constraints soon, it will be very difficult to keep the rise in average global temperatures since pre-industrial times below 2C, a threshold commonly cited as indicating dangerous climate change.

Cross parties

The US, in particular, is in a sticky situation regarding domestic legislation.

An initial bill, introduced to the Senate last September, is widely seen as having no chance of passing.

A cross-party group of senators has been drawing up a new one, containing concessions to some states and industries.

But this version, if enacted, may reduce US emissions by considerably less than the 17 % figure (from 2005 levels by 2020) that President Barack Obama pledged when he addressed Copenhagen.

"There's considerable uncertainty about whether there is going to be a US domestic bill that follows through on the president's 17% commitment," said Alden Meyer, director of strategy and policy at the Union of Concerned Scientists (UCS).

"The administration is very sceptical about the ability to get a full-blown legal deal that replaces the Kyoto Protocol or builds on it".

BASIC instinct

Immediately after the Copenhagen summit, the US appeared to have formed a powerful new alliance with the BASIC group of countries – Brazil, China, India and South Africa – that steered through the controversial and weak Copenhagen Accord on the summit's final day.

There were signs that this group saw the accord, with its voluntary nature, as more attractive than the traditional negotiations and supposedly binding commitments of the UN process.

Climate change – A pattern of change affecting global or regional climate as measured by yardsticks such as average temperature and rainfall, or an alteration in frequency of extreme weather conditions. This variation may be caused by both natural processes and human activity.

Global warming is one aspect of climate change.

However, the BASIC countries have now affirmed that the UN climate convention (UNFCCC) should be the sovereign body for international climate talks.

More than 120 countries have sent letters to the UNFCCC secretariat saying whether or not they endorse the accord.

A majority do endorse it, but many with the rider that they see it as just a political declaration leading to a full-blown treaty at some stage, and certainly not be a replacement for such a treaty.

Sources said the US was "bullying" small developing countries into endorsing the accord, claiming they would not be eligible for financial help from rich nations unless they did so.

Whereas this accusation appears to be straining relations that were already stretched, there are signs that the EU is preparing to give ground on one of the major demands of developing countries – that further emissions cuts for rich countries are made under the Kyoto Protocol.

In a strategy document released last week, the UK said it was prepared to consider the idea; and other EU leaders are also reportedly sympathetic.

"This is a pretty good first step," said Mr Khor. "It's not enough, but if more countries in the EU take this position, that could be the foundation of something that could be a salvation to this situation".

However, if the EU did formally move in this direction, it would put the bloc at odds with traditional allies such as the US, Canada and Japan.

Exercise 10. Read the text again and find the English equivalents for these word combinations.

Быть непреклонным, невозможно политически, политическая воля, согласовать новый всеобщий договор, без дальнейших ограничений, порог, стороны, придерживающиеся противоположного мнения, в трудной ситуации, полноценный договор, готовить проект, содержать уступки, сократить выбросы, спорное соглашение, быть вызванным естественными процессами, подтвердить соглашение, дополнительное замечание, стать спасением.

Exercise 11. Cover the article above and fill in the appropriate prepositions.

1. ____ further constraints soon, it will be very difficult to keep the rise ____ average global temperatures ____ pre-industrial times ____ 2C.

2. A pattern ____ change affecting global or regional climate may be caused ____ both natural processes and human activity.

3. The US administration is skeptical ____ the ability to get a full-blown legal deal that replaces the Kyoto Protocol or builds ____ it.

4. UN climate convention should be the sovereign body ____ international climate talks.

5. The US was pressing small countries ____ endorsing the accord, claiming they would not be eligible ____ financial help ____ rich nations.

6. the EU is preparing to give ground ____ one ____ further emissions cuts ____ rich countries to be made ____ the Kyoto Protocol.

7. If more countries ____ the EU take this position, that could be the foundation ____ something that could be a salvation ____ this situation".

Exercise 12. **Match these idioms and their definitions. Make up the sentences of your own using these expressions.**

- | | |
|-----------------------------------|---|
| 1. to follow through | a) not understanding or having the same aims as each other |
| 2. to hold out for | b) to be disagreeing or quarrelling over sth |
| 3. to be in a sticky situation | c) to get gradually closer to sth, going in the direction |
| 4. to gain/make ground on | d) to be in difficult, unpleasant position |
| 5. to be at odds with sb over sth | e) to cause a delay in reaching an agreement in the hope of gaining sth |
| 6. at cross purposes | f) to carry out or continue sth to the end |
| 7. to steer through | g) to guide sb's movements, thoughts, etc |

Exercise 13. **Answer and debate these questions.**

1. What is climate change? Is it caused by natural processes or human activity? Do you find the situation dangerous?
2. What measures should all countries take to stop global warming process?
3. Do you think a global all inclusive binding environment protection accord is likely to be signed in the nearest future? Why or why not?

OVER TO YOU

Study the quotation below and write an essay to express your opinion about the ideas presented in it.

"We are 5 percent of the global population and we consume a third of the total resources – on some level we should all feel guilty relative to the world".

Julia Louis-Dreyfus, an American actress and comedian.

LESSON 12

THE THREAT OF TERRORISM AND FASCISM

Starting up

Comment on the following quotation. Do you agree with the ideas expressed? Whose official policy do you think it is?

"Shoot first, ask questions later. Wanted: Dead or alive. Such is our official policy regarding Osama bin Laden, the most infamous outlaw of the era".

<http://tinyfrog.wordpress.com>

Discuss the following questions.

1. What is terrorism, in your opinion? Can you think of a definition of terrorism?
2. Is terrorism "religiously" coloured?
3. What are the forms of terrorism?
4. Why do you think it exists?
5. Is it possible to stop or prevent it? What are the ways of combating terrorism?
6. There is an opinion that one of the main terrorist threats for the world is still Al Qaeda. Do you agree with it?

Exercise 1. Read the text. What is understood by "preemption" in this text? Why is it considered to be important? Do you agree with it?

What is Terrorism?

Terrorism is not new, and even though it has been used since the beginning of recorded history it can be relatively hard to define. Terrorism has been described variously as both a tactic and strategy; a crime and a holy duty; a justified reaction to oppression and an inexcusable abomination. Obviously, a lot depends on whose point of view is being represented. Terrorism has often been an effective

tactic for the weaker side in a conflict. As an asymmetric form of conflict, it confers coercive power with many of the advantages of military force at a fraction of the cost. Due to the secretive nature and small size of terrorist organizations, they often offer opponents no clear organization to defend against or to deter.

That is why preemption is being considered to be so important. In some cases, terrorism has been a means to carry on a conflict without the adversary realizing the nature of the threat, mistaking terrorism for criminal activity. Because of these characteristics, terrorism has become increasingly common among those pursuing extreme goals throughout the world. But despite its popularity, terrorism can be a nebulous concept. Even within the U.S. Government, agencies responsible for different functions in the ongoing fight against terrorism use different definitions.

The United States Department of Defense defines terrorism as "the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological". Within this definition, there are three key elements—violence, fear, and intimidation—and each element produces terror in its victims. The FBI uses this: "Terrorism is the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives". The U.S. Department of State defines "terrorism" to be "premeditated politically-motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.

Outside the United States Government, there are greater variations in what features of terrorism are emphasized in definitions. The United Nations produced this definition in 1992: "An anxiety-inspiring method of repeated violent

action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby – in contrast to assassination – the direct targets of violence are not the main targets." The most commonly accepted academic definition starts with the U.N. definition quoted above, and adds two sentences totaling another 77 words on the end; containing such verbose concepts as "message generators" and "violence based communication processes." Less specific and considerably less verbose, the British Government definition of 1974 is "...the use of violence for political ends, and includes any use of violence for the purpose of putting the public, or any section of the public, in fear".

Terrorism is a criminal act that influences an audience beyond the immediate victim. The strategy of terrorists is to commit acts of violence that draws the attention of the local populace, the government, and the world to their cause. The terrorists plan their attack to obtain the greatest publicity, choosing targets that symbolize what they oppose. The effectiveness of the terrorist act lies not in the act itself, but in the public's or government's reaction to the act. For example, in 1972 at the Munich Olympics, the Black September Organization killed 11 Israelis. The Israelis were the immediate victims. But the true target was the estimated 1 billion people watching the televised event.

Exercise 2. Find the English equivalents for the following word combinations.

Святой долг, оправданная реакция на угнетение, отвратительная вещь, которой нет оправдания, сила принуждения, право первой руки/ преимущественное право, без противника, преследовать экстремистские цели, неясная концепция, насаждать страх, вынуждать и запугивать, преследуя политические цели, применять насилие против гражданских лиц, тайная группа, многословное определение, отнюдь не только непосредственная жертва, местное население.

Exercise 3. **Complete these sentences.**

1. Terrorism has been described variously as both _____
2. Preemption is being considered to be so important because _____
3. The United States Department of Defense defines terrorism as _____
4. The FBI uses the following definition _____
5. The U.S. Department of State defines "terrorism" to be _____
6. The United Nations produced this definition _____
7. The most commonly accepted academic definition is _____
8. The strategy of terrorists is _____
9. The effectiveness of the terrorist act lies in _____

Exercise 4. **Debate these questions.**

1. Why do you think there are such a variety of terrorism definitions?
2. Which of the definitions do you like most? Give your reason?
3. What objectives do terrorists pursue?
4. Why do their attacks turn out to be so effective?
5. What measures should be taken to suppress terror, in your opinion?

Exercise 5. Analyze different definitions of state involvement in terror presented in the text. Why does this difference exist? What definition do you consider to be the most appropriate and why?

State involvement

Three different ways that states can engage in the use of terror are:

- Governmental or "State" terror
- State involvement in terror
- State sponsorship of terrorism

Governmental or "State" terror: Sometimes referred to as "terror from above", where a government terrorizes its own population to control or repress them. These actions usually constitute the acknowledged policy of the government, and make use of official institutions such as the judiciary, police, military, and other government agencies. Changes to legal codes permit or encourage torture, killing, or property destruction in pursuit of government policy. After assuming power, official Nazi policy was aimed at the deliberate destruction of "state enemies" and the resulting intimidation of the rest of the population. Stalin's "purges" of the 1930s are examples of using the machinery of the state to terrorize a population. The methods he used included such actions as rigged show trials of opponents, punishing family or friends of suspected enemies of the regime, and extra-legal use of police or military force against the population.

Saddam Hussein used chemical weapons on his own Kurdish population without any particular change or expansion of policies regarding the use of force on his own citizens. They were simply used in an act of governmental terror believed to be expedient in accomplishing his goals.

State involvement in terror: These are activities where government personnel carry out operations using terror tactics. These activities may be directed against other nations' interests, its own population, or private groups or individuals viewed as dangerous to the state. In many cases, these activities are terrorism under official sanction, although such authorization is rarely acknowledged openly. Historical examples include the Soviet and Iranian assassination campaigns against dissidents who had fled abroad, and Libyan and North Korean intelligence operatives downing airliners on international flights.

Another type of these activities is "death squads" or "war veterans": unofficial actions taken by officials or functionaries of a regime (such as members of police or intelligence

organizations) against their own population to repress or intimidate. While these officials will not claim such activities, and disguise their participation, it is often made clear that they are acting for the state. Keeping such activities "unofficial" permits the authorities deniability and avoids the necessity of changing legal and judicial processes to justify oppression. This is different than "pro-state" terror, which is conducted by groups or persons with no official standing and without official encouragement. While pro-state terror may result in positive outcomes for the authorities, their employment of criminal methods and lack of official standing can result in disavowal and punishment of the terrorists, depending on the morality of the regime in question.

State sponsorship of terrorism: Also known as "state supported" terrorism, when governments provide supplies, training, and other forms of support to non-state terrorist organizations. One of the most valuable types of this support is the provision of safe haven or physical basing for the terrorists' organization. Another crucial service a state sponsor can provide is false documentation, not only for personal identification (passports, internal identification documents), but also for financial transactions and weapons purchases. Other means of support are access to training facilities and expertise not readily available to groups without extensive resources. Finally, the extension of diplomatic protections and services, such as immunity from extradition, diplomatic passports, use of embassies and other protected grounds, and diplomatic pouches to transport weapons or explosives have been significant to some groups.

An example of state sponsorship is the East German Stasi providing support and safe-haven to members of the Red Army Faction and neo-fascist groups that operated in West Germany. Wanted members of the RAF were found resident in East Germany after the fall of the Berlin Wall in 1989.

Exercise 6. Fill in the appropriate prepositions

1. Governmental "State" terror is referred ____ as "terror from above", where a government terrorizes its own population ____ control or repress them, making use ____ official institutions such ____ the judiciary, police, military.

2. State involvement ____ terror is the activities where government personnel carry ____ operations directed ____ other nations' interests, its own population, or private groups viewed ____ dangerous ____ the state.

3. State sponsorship of terrorism is known ____ "state supported" terrorism, when governments provide supplies, training, and other forms ____ support ____ non-state terrorist organizations.

Exercise 7. Fill in the chart. Add some more examples to the chart.

County and organization	Type of terrorism
the East German Stasi	
USSR (Stalin's "purges")	
Libyan and North Korean intelligence operations	
Germany (Nazi policy)	

OVER TO YOU

Terrorists do not see themselves as evil. They believe they are legitimate combatants, fighting for what they believe in, by whatever means possible. A victim of a terrorist act sees the terrorist as a criminal with no regard for human life. The general public's view is the most unstable. The terrorists do their best trying to foster a "Robin Hood" image in hope of swaying the general public's point of view toward their cause. This sympathetic view of terrorism has become an integral part of their psychological warfare and needs to be countered vigorously.

Analyse the phrase “**one man’s terrorist is another man’s freedom fighter**”. What do you think of it? can you agree with it? Are there any situations where it can be considered just?

Exercise 8. Analyze the following categories of terrorism and terrorist groups. What specific criteria lie in the basis of this classification?

Separatist Separatist groups are those with the goal of separation from existing entities through independence, political autonomy, or religious freedom or domination. The ideologies separatists subscribe to include social justice or equity, anti-imperialism, as well as the resistance to conquest or occupation by a foreign power.

Ethnocentric Groups of this persuasion see race as the defining characteristic of a society, and therefore a basis of cohesion. There is usually the attitude that a particular group is superior because of their inherent racial characteristics.

Nationalistic The loyalty and devotion to a nation, and the national consciousness derived from placing one nation's culture and interests above those of other nations or groups. This can find expression in the creation of a new nation, or in splitting away part of an existing state to join with another that shares the perceived "national" identity.

Revolutionary. Dedicated to the overthrow of an established order and replacing it with a new political or social structure. Although often associated with communist political ideologies, this is not always the case, and other political movements can advocate revolutionary methods to achieve their goals.

Political Political ideologies are concerned with the structure and organization of the forms of government and communities. While observers outside terrorist organizations may stress differences in political ideology, the activities of groups that are diametrically opposed on the political spectrum are similar to each other in practice.

Religious Religiously inspired terrorism is on the rise, with a forty-three percent increase of total international terror groups espousing religious motivation between 1980 and 1995. While Islamic terrorists and organizations have been the most active, and the greatest recent threat to the United States, all of the major world religions have extremists that have taken up violence to further their perceived religious goals. Religiously motivated terrorists see their objectives as holy writ, and therefore infallible and non-negotiable

Social Often particular social policies or issues will be so contentious that they will incite extremist behavior and terrorism. Frequently this is referred to as "single issue" or "special interest" terrorism. Some issues that have produced terrorist activities in the United States and other countries include animal rights, abortion, ecology/environment, and minority rights.

Domestic .These terrorists are "home-grown" and operate within and against their home country. They are frequently tied to extreme social or political factions within a particular society, and focus their efforts specifically on their nation's socio-political arena.

International or Transnational Often describing the support and operational reach of a group, these terms are often loosely defined, and can be applied to widely different capabilities. International groups typically operate in multiple countries, but retain a geographic focus for their activities. Transnational groups operate internationally, but are not tied to a particular country, or even region. Al Qaeda is transnational; being made up of many nationalities, having been based out of multiple countries simultaneously, and conducting operations throughout the world. Their objectives affect dozens of countries with differing political systems, religions, ethnic compositions, and national interests

Exercise 9. **Answer and debate these questions.**

1. What countries do you think have the largest terrorism presence?
2. What are the historical, economic and political causes of it?

Exercise 10. **Guess which countries in the box are these mentioned in the text below.**

Iran	Afghanistan	Iraq	Pakistan	Sudan
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Countries with large terrorism presence

Terrorists have long found refuge in countries and in many cases worked hand in hand with the local governments. Today several countries continue to attract terrorists for training and to conspire their attacks. The host countries do not try to disassociate themselves fully from their ties to terrorism and in some cases continue to provide tacit support and use terror to accomplish broader objectives. Some of the countries with significant terrorist operations include:

1. This country became the hotbed of Islamic terror activities in the mid-1990s. With the radical Taliban government establishing control, several radical Islamic (mostly Sunni) terror organizations used that country as their training and operational base. Al Qaeda was the broad umbrella organization that recruited terrorists from Pakistan, Afghanistan, Central Asia and around the world, training them in Afghanistan and Pakistan. Some of the terrorist groups still operating in the region include Al Qaeda, Al-Jihad, Islamic Group, Armed Islamic Group, the Islamic Movement of Uzbekistan.

2. It has long been an active sponsor of Islamic terrorism, including accusations of it supporting subversive activities in Iraq. Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security were involved in the planning of and support for terrorist acts and continued to exhort a variety of groups that use terrorism to pursue their goals. Several terrorist groups including Hizballah, HAMAS,

the Palestine Islamic Jihad, and have been provided funding, safehaven, training, and weapons here.

3. Since the US led invasion the country has fallen into a violent spiral. The presence of US troops has attracted Islamic terrorists from the Middle-East and around the world. Al-Qaeda is believed to have established a toe-hold in the country along with various splinter groups. Some of the other terror organizations active in this country include Al-Faruq Brigades, Al-Mahdi Army, Iraqi Resistance Islamic Front (JAMI), Kurdistan People's Congress (KHK).

4. It has long been a staging ground and planning centre for Islamic terrorists operating in South Asia. After the launch of Operation Enduring Freedom, thousands of terrorists were either killed or driven out of Afghanistan, mostly finding refuge in that country. Its secret service (ISI) has also been accused of training and funding several terrorist groups operating in Indian Kashmir. The links have long been clear, since the the terrorist groups based there operate in plain sight and have a distinct Afghan and Indian focus. The massive leak of U.S. Intelligence data on the Wikileaks website further showed the complicity of the state with terrorist groups, used to establish a (false) state of deniability.

Groups aligned with Al Qaeda and based in this country have been responsible for numerous terrorist attacks in Afghanistan and have expanded their sights to Europe and North America. Some of these terror groups include Al Qaeda, Muslim United Army etc.

5. This country has been a training hub and safe haven for members of several of the more violent international terrorist and radical Islamic groups of the last decade. Among the terror groups known to have operated from this country are Hezbollah (Party of God), Palestine Islamic Jihad, HAMAS (Islamic Resistance Movement) and several smaller Islamic insurgent groups operating regionally in Ethiopia, Uganda, and Tunisia.

<http://www.terrorism-research.com/groups/>

Exercise 11. Render the following text in English.**Терроризм – угроза человечеству глобального масштаба**

Террористические удары в Вашингтоне и Москве, действия террористов на Ближнем Востоке и активизация их по всему миру сделали очевидными масштабы угрозы международного терроризма. Стала очевидной необходимость пересмотра политики безопасности, а также разработки новых форм стратегии безопасности и соответственно новых правовых методов, как на национальном, так и международном уровнях. Необходимым условием для внедрения такой стратегии является прежде всего законодательно закрепленное и унифицированное определение «терроризма». Женевская конференция по Предотвращению и Борьбе с Терроризмом определяет терроризм как действия, направленные против какого-либо государства и преследующие цель запугивания конкретных лиц, группы людей или человечества в целом. Причины современного терроризма имеют многостороннюю природу – политическую и социальную, идеологическую и религиозную, этническую и особенно фанатичную. Речь идет о разрешении политического конфликта, при котором все фундаментальные положения права и все пути цивилизованного взаимодействия отвергаются с самого начала или же ставятся под вопрос. Терроризм не представляет собой ничего иного, как определенную стратегию преступности. В силу этого национальные и международные системы защиты прав и законных интересов должны быть согласованы друг с другом, объединены фундаментальными соглашениями о сотрудничестве между отдельными и межгосударственными организациями правовой защиты.

Международный терроризм давно уже приобрел псевдовоеенное значение, что позволяет бороться с ним также военными мерами. Таким образом, международный терроризм должен быть отнесен к классической ка-

тегории международного права войны. Террористы не являются воюющей нацией, а в случае своего задержания не будут названы военнопленными. Они считаются преступниками.

Независимо от того, какими мотивами руководствуются исполнители, они всегда преследуют политические цели. Террористы не признают ни моральных, ни правовых границ. Их целью является запугивание враждебных им политического строя или системы. Террористы нацелены на разрушение изнутри такого строя или системы известными им средствами насилия – от нагнетания страха и психологического запугивания частных лиц до общества в целом. Применение силы террористами «асимметрично», так как на деле речь идет об ударах по гражданскому населению.

Определяющим фактором терроризма является его исключительно криминальная природа, многие террористические организации связаны с международной организованной преступностью: торговлей наркотиками и торговлей людьми, взяточничеством, компьютерной преступностью и отмыванием денег.

В настоящее время отсутствует единое и однозначное юридическое определение терроризма. Наиболее серьезные проблемы возникают также и в вопросах разграничения понятий терроризма и национальных освободительных движений, или освободительных войн. Террористы имеют обыкновение заявлять о себе как о «борцах за свободу», ссылаясь на основные законы международного права о самоопределении и необходимой обороне. Террористам не может быть дозволено ссылаться на эти принципы, оправдывая террористические действия.

Все эти обязательные к исполнению моменты необходимо в ближайшее время отразить во вновь разработанной международной конвенции по борьбе с терроризмом.

Exercise 12. **Look at the headline of the article. What do you think the article is about? Read the following article and see whether your guesses are correct.**

Official: Al Qaeda hasn't gotten far in getting nuclear weapons

By Pam Benson.

Presidential adviser John Brennan said al Qaeda has been trying to get a nuclear weapon for 15 years.

Washington (CNN) – The president's top counterterrorism adviser says there is indisputable evidence that dozens of terrorist groups have sought weapons of mass destruction. But a U.S. intelligence official who is not authorized to speak for attribution said although al Qaeda clearly wants a nuclear weapons capability, it hasn't gotten very far.

"At this point, they don't appear to have made much progress, but we continue to review every bit of information that comes in to determine whether they've advanced their efforts in any way whatsoever," said the official. "Developing a nuclear device involves a highly sophisticated technical process, and al Qaeda doesn't seem to have mastered it based on what we know now".

The concern that terrorists will get hold of nuclear material and use it in an attack is a far greater threat than the older concern of global nuclear war, according to the president's Nuclear Posture Review.

At a briefing kicking off President Obama's nuclear security summit on Monday, presidential adviser John Brennan said al Qaeda in particular has been actively trying to acquire a nuclear weapon for the past 15 years.

"Al Qaeda is especially notable for its longstanding interest in weapons (of) useable nuclear material and the requisite expertise that would allow it to develop a yield-producing improvised nuclear device", said Brennan.

With a nuclear capability, al Qaeda would be able to achieve what Brennan called its sole objective.

"They would have the ability not only to threaten our security and world order in an unprecedented manner, but also to kill and injure many thousands of innocent men, women and children", he said.

Organized crime and criminal gangs are well aware of the terrorist group's interest in acquiring bomb-making materials, which has led criminals to pursue getting those items for their own profit, according to Brennan.

When pressed by reporters about whether there was specific intelligence indicating an active threat now, Brennan would only say, "I think you can point to a lot of al Qaeda activities and public statements that underscore their determination to carry out attacks against the U.S. and western interests".

Nuclear weapons expert David Albright said it is unclear what terrorists are up to and when they might act.

"That makes the problem urgent to try to remove or better secure the one thing we know they have to get, and that is either plutonium or highly enriched uranium," said Albright.

A new report released on Monday indicates there have been 18 documented cases of theft or loss of the two key ingredients of a nuclear weapon.

"Securing the Bomb 2010," a report from the Nuclear Threat Initiative, cites two incidents in particular. In November 2007, a group of armed men attacked a nuclear facility in South Africa that contained hundreds of kilograms of highly enriched uranium. The men were stopped, but escaped capture. And in February 2006 a Russian man was arrested in the country of Georgia with nearly 80 grams of highly enriched uranium. There was some evidence suggesting the uranium came from a Russian nuclear fuel plant.

Albright also worries about whether Pakistan's nuclear stockpile is secure, despite assurances from both the U.S. and Pakistan that it is.

Pakistan "has had many leaks from its program of classified information and sensitive nuclear equipment, and so you have to worry that it could be acquired in Pakistan", said the author of "Peddling Peril".

However the U.S. intelligence official said there is no indication that terrorists have gotten anything from Pakistan, and added there is confidence right now in Pakistan's security apparatus. The Pakistanis store their nuclear stockpile in a way that makes it difficult to put the pieces together; that is, components are located in different places. The official said Pakistan has put the appropriate safeguards in place.

Exercise 13. Debate the following questions.

1. Is the threat that terrorists will get hold of nuclear material and use it in an attack real?
2. What steps should be taken to prevent this threat?

OVER TO YOU

Comment on the following quotation. What modern global challenges are referred to? How should the governments combat terrorism and piracy? Do you agree with the ideas expressed?

"Because of their outlaw conduct, pirates – and modern-day terrorists – put themselves outside protection of the law, according to military strategy expert Dave McIntyre, a former dean at the National War College." "On the high seas if you saw a pirate, you sank the bastard," he says. "You assault pirates, you don't arrest pirates".

LESSON 13

HUMAN RIGHTS PROTECTION

Starting up

Discuss the quotation.

"It has long been recognized that an essential element in protecting human rights was a widespread knowledge among the population of what their rights are and how they can be defended".

*Boutros Boutros-Ghali, Sixth UN Secretary-General,
1992-1996*

Exercise 1. Answer these questions.

1. What are the basic human rights?
2. What international Human Rights organizations do you know?

Exercise 2. Read the text to see whether your answers were correct.

Human Rights organizations

Human rights organizations argue that basic moral standards should not depend upon where a person happens to live, especially since many of the governments of the world do not have popular political support among their citizens.

Moreover, in purely legal terms, most countries of the world have signed international agreements concerning the treatment of individuals.

Two examples of such agreements are the Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948 without a dissenting vote, and the International Covenant on Civil and Political Rights (ICCPR), adopted in 1966.

However, only half of the members of the United Nations have so far signed the Convention, and only 34 coun-

tries have agreed to an Optional Protocol which allows individuals to seek redress in a court of law against violations of the Convention.

Human rights are recognized as fundamental by the United Nations and in 1993 the General Assembly created the post of United Nations High Commissioner for Human Rights (UNHCHR). When researching human rights issues, a distinction has to be made between Charter-based and treaty-based human rights bodies. The former derive their establishment from provisions contained in the Charter of the United Nations, hold broad human rights mandates, address an unlimited audience and take action based on majority voting. The latter derive their existence from provisions contained in a specific legal instrument, hold more narrow mandates, address a limited audience (i.e., only those countries that have ratified the legal instrument in question) and base their decision-making on consensus.

Charter-based bodies

The Human Rights Council was established by GA resolution 60/251 of 15 March 2006. The Council meets at least three times annually and reports to the General Assembly (GA).

The Commission on Human Rights was established by the Economic and Social Council resolution 5(1) of 16 February 2006. The Commission met in annual and, when required, special sessions and reported to the Economic and Social Council. The Commission concluded its final session in March 2006; its work is continued by the Human Rights Council.

Treaty-based bodies

The Committee against Torture was established pursuant to Article 17 of the Convention against Torture and Other cruel, Inhuman or Degrading Treatment or Punishment to supervise the implementation of the Convention. The Committee meets in two sessions each year in Geneva.

The Committee on Economic, Social and Cultural Rights was established to supervise the implementation of the In-

ternational Covenant on Economic, Social and Cultural Rights. The Committee currently meets in three sessions each year in Geneva.

The Committee on the Elimination of Discrimination against Women was established pursuant to Article 17 of the Convention on the Elimination of All Forms of Discrimination against Women to supervise its implementation. The Committee meets in two sessions each year in New York.

The Committee on the Elimination of Racial Discrimination was established pursuant to Article 8 of the Convention on the Elimination of All Forms of Racial Discrimination to supervise the implementation of the Convention. The Committee currently meets in two sessions each year in Geneva.

The Committee on the Protection of the Rights of All Migrant Workers and members of Their Families was established pursuant to Article 72 of the Convention on the Protection of the Rights of All Migrant Workers and members of Their Families to supervise the implementation of the Convention. The Committee currently meets in Geneva.

The Committee on the Rights of the Child was established pursuant to Article 43 of the Convention on the Rights of the Child to supervise the implementation of the said Convention. The Committee currently meets in three sessions each year in Geneva.

The Human Rights Committee was established pursuant to Article 28 of the International Covenant on Civil and Political Rights. The Committee meets in three sessions each year in New York and Geneva.

The European Convention on Human Rights (ECHR) was first adopted in 1950 and has now been signed by every country of Western Europe. Individual citizens of these countries have the right to bring a complaint before the European Commission if they think their government has broken the Convention. If the Commission agrees, it may try to persuade the country in question to rectify the breach, or it may refer the matter to the European Court

of Human Rights, which has the right to order a change of law in that country.

However, individual governments still manage to delay making changes to their laws by claiming special national interests.

When the laws of a country violate human rights, groups like Amnesty International protest to the government on moral grounds. Legal arguments are also used—references to the constitution of the country itself and to any relevant international agreements which its government has signed. But despite the development of legally binding national and international conventions, millions of people in the world still do not enjoy human rights.

Exercise 3. **Pay attention to the use of the prepositions.**

International agreements **concerning** the treatment of individuals; the Universal Declaration **of** Human Rights; the International Covenant **on** Civil and Political Rights;

United Nations High Commissioner **for** Human Rights; the Commission **on** Human Rights; the Convention **against** Torture and Other cruel, Inhuman or Degrading Treatment or Punishment; the Committee **on** the Elimination of Racial Discrimination

Exercise 4. **Study these word combinations and make up sentences of your own.**

to enjoy

to violate

to infringe

to protect

to acknowledge

to implement

to ensure

to observe

human rights

basic freedoms and rights

fundamental rights

individual rights

Exercise 5. **Fill in the chart.**

Name of the body	Date of establishment	Functions	Meeting schedule	Venue
Committee on the Elimination of Racial Discrimination				
Committee against Torture				
Committee on Economic, Social and Cultural Rights				
Committee on the Elimination of Discrimination against Women				
Protection of the Rights of All Migrant Workers and members of Their Families				
Committee on the Rights of the Child				
Human Rights Committee				

Exercise 6. **Study the following table. The English expressions below correspond to the Russian**

«В СООТВЕТСТВИИ С ЧЕМ-ЛИБО» «СОГЛАСНО ЧЕМУ-ЛИБО» «ВО ИСПОЛНЕНИЕ ЧЕГО-ЛИБО»	IN	accordance	WITH
		conformity	WITH
		compliance	WITH
		pursuance	OF
		keeping line	WITH
		pursuant	TO
		according	TO

Exercise 7. **Fill in the appropriate prepositions.**

1. The States Parties ____ the present Covenant shall respect human rights ____ pursuance ____ the provisions ____ the UN Charter.

2. Reservations ____ this Protocol maybe made ____ compliance ____ international law.

3. ____ the arbitral decision, the Contracting Party which has made known its dissatisfaction shall have the right to require the other Contracting Party to maintain the tariffs previously ____ force.

4. The third paragraph ____ article 12 shall also apply ____ any information which, ____ virtue ____ this article, is supplied ____ the competent authority ____ the requested State.

5. ____ the event ____ denunciation, the Contracting Parties shall take all necessary action to ensure the continuation and completion ____ all contracts signed ____ this Protocol.

6. The Chairman shall exercise the powers ____ his office ____ accordance ____ customary practice.

Exercise 8. **Translate into English paying attention to the words and phrases in bold type.**

1. **Во исполнение** статьи 17 Конвенции по защите прав мигрантов и членов их семей был создан одноименный комитет.

2. **В соответствии** с основными обязательствами, изложенными в статье 2 настоящей Конвенции, государства-участники обязуются не допускать дискриминации во всех её проявлениях

3. Генеральный секретарь Организации Объединённых Наций **согласно** статье 48 уведомляет представителей государств-членов ООН обо всех текущих изменениях в работе Организации.

4. **Во исполнение** своих обязанностей, вытекающих из Устава ООН, Экономический и Социальный Совет может вступать в соглашения со специализированными учреждениями, деятельность которых направлена на реализацию прав человека и основных свобод.

5. **В соответствии** с рекомендациями экспертов были значительно усилены программы в области защиты окружающей среды.

Exercise 9. **Read the text about the United Nations Convention on the Rights of the Child and answer these questions.**

1. What is The United Nations Convention on the Rights of the Child?
2. When and why was the Convention adopted?
3. Who is considered a child within the meaning of the Convention?
4. What parts does the document consist of?
5. What general principles are proclaimed in the Convention?
6. Is the convention binding?

The UN Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (UNCRC) is a comprehensive, internationally binding agreement on the rights of children, adopted by the UN General Assembly in 1989. It incorporates children's rights.



A child is defined in the UNCRC as a person under the age of 18 years. The Preamble of the UNCRC acknowledges the family as the fundamental unit of society and the natural environment for the growth and well-being of children. The Preamble also states that the family should be afforded the nec-

essary protection and assistance so that it can fully assume its responsibilities within the community.

Each of the substantive articles, Articles 1-41, details a different type of right.

Within the UNCRC, four articles are afforded special emphasis, as they are basic to the implementation of all other rights. These four articles are often referred to as 'general principles'. These are:

that all the rights guaranteed by the UNCRC must be available to all children without discrimination of any kind (Article 2);

that the best interests of the child must be a primary consideration in all actions concerning children (Article 3);

that every child has the right to life, survival and development (Article 6); and that the child's view must be considered and taken into account in all matters affecting him or her (Article 12).

Exercise 10. Group these children's rights under the following themes.

Survival rights	Development rights	Protection rights	Participation rights
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1. children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully. As their abilities develop, children are to have increasing opportunities to participate in the activities of their society, in preparation for responsible adulthood.

2. the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.

3. the child's right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services.

4. children are safeguarded against all forms of abuse, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employment; protection and rehabilitation for children who have suffered exploitation or abuse of any kind.

Exercise 11. Answer and debate these questions.

1. Do you think the United Nations Convention on the Rights of the Child is important? Why or why not?

2. Are there countries where the rights of children are infringed? Write a paragraph about the violations of the Child's rights in the world and possible measures to safeguard children.

Human rights violations

Torture is defined in the 1949 Geneva Convention, as "the deliberate, systematic or wanton infliction of physical and mental suffering." Sometimes it is used to extract information from prisoners, and sometimes it is used for no other reason than to hurt and frighten them. The use of torture violates international human rights laws, no matter what crime a prisoner has committed.

Between 1980 and 1988, the United Nations investigated over 15,000 disappearances in 40 countries. Governments sometimes kill civilians because of their political beliefs, race, or even because they were in the wrong place at the wrong time; they then cover up any information about the killing in order to avoid responsibility.

Human rights groups work to ensure that all trials are fair: that judges and juries are independent and unbiased; that suspects have access to adequate legal advice; and that prisoners are not held in jail for too long before a trial takes place. Amnesty has received reports of people held in Syrian prisons for eighteen years without ever having a trial. In the case of trials of political prisoners, Amnesty insists that they be held in public and that observers from independent countries be allowed to observe the proceedings.

A very large area of human rights law is concerned with refugees. Over fifteen million people have fled from their own countries because of human rights abuses, political pressures or economic hardship; they need international guarantees that they will be treated fairly and humanely in foreign countries. Many are seeking political asylum – the right to live in a new country – because of fears of what will happen to them if they are returned.

Few people would disagree with the right to racial equality, but what about sexual equality?

Political and legal discrimination against women includes lesser voting rights (in parts of Switzerland), official discouragement from entering politics (Singapore) and the need for a wife to get her husband's consent when she applies for a passport (Egypt). In Japan, where only seven of the nation's 1,257 detention centers have any female guards, there have been reports of women being strip searched even for traffic offences. Many women are arrested in Japan are illegal foreign workers, and this makes it less likely that their human rights will be observed. Women also suffer economic and social inequality throughout the world, either doing less well-paid work than men or being paid less for doing the same work. In addition, they are underrepresented in parliaments and on boards of directors.

Exercise 12. Find in the text above the English equivalents for these words and word combinations.

Пытки, физические и моральные страдания, расследовать исчезновения, из-за политических убеждений, избежать ответственности, не имеющие предубеждений, независимые наблюдатели, бежать из страны, нарушение прав, обращаться справедливо и гуманно, просить политического убежища, из страха, расовое равенство, получить согласие, страдать от неравенства.

Exercise 13. Cover the text above and fill in the appropriate prepositions.

1. Torture is defined ____ the 1949 Geneva Convention ____ "the deliberate, systematic or wanton infliction ____ physical and mental suffering used ____ extract information ____ prisoners.

2. Governments sometimes kill civilians ____ ____ their political beliefs, race, or even because they were ____ the wrong place ____ the wrong time.

3. Human rights groups work ____ ensure that all trials are fair, that suspects have access ____ adequate legal advice; and that prisoners are not held ____ jail ____ too long ____ a trial takes place.

4. Refugees are seeking political asylum—the right ____ live ____ a new country—because ____ fears ____ what will happen ____ them if they are returned.

5. Women suffer economic and social inequality ____ the world, being paid less ____ doing the same work. ____ addition, they are underrepresented ____ parliaments and ____ boards ____ directors.

Exercise 14. Answer and debate these questions.

1. How is torture defined in the 1949 Geneva Convention? Do you agree with the definition?

2. Are you for or against using torture to extract information from prisoners? Give your reasons.

3. Why do governments avoid responsibility killing civilians?

4. What do the work of human rights groups involve?

5. Why is a very large area of human rights law concerned with refugees?

6. What do political and legal discrimination against women include? Are women discriminated in Russia?

Exercise 15. **Read the text about the United Nations Convention on the Elimination of All Forms of Discrimination against Women and give the legal definition of sex discrimination.**

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;

to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and

to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life – including the right to vote and to stand for election – as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.

The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice.

Exercise 16. **Complete these sentences.**

1. The Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979, is described as _____
2. Consisting of a preamble and 30 articles, it defines ____
3. States Parties to the convention commit themselves to _____
4. The Convention provides the basis for _____
5. The Convention is the only human rights treaty _____

Exercise 17. **Study these cases and find out what rights were violated.**

1. In 1978, Saida Botan Elmi was arrested by the Somali government. She was held in prison for six years and frequently tortured. In the case of Saida Botan Elmi, her only

crime was to want to join her husband, who had resigned as a judge and left Somalia rather than implement laws that he believed were unfair. She was adopted as a prisoner of conscience by Amnesty International.

2. In 1982, Saul Godinez Cruz disappeared in Honduras after leaving home for work. Someone saw a military officer take him away, but he was never seen again. The government never acknowledged his arrest or detention. In this case the Inter-American Court of Human Rights held, in 1989, that the government of Honduras was in breach of the UDHR and should pay his family compensation of 875,000.

3. In 1973, Shabaka WaQlimi tried to rob a bank in Florida, gave up, and the next day gave himself up to the police. But he was charged with the murder of an attorney's wife, which he knew nothing about. His robbery accomplice gave false evidence against him to avoid prosecution himself. In addition, one member of the all-white jury is reported to have made racist remarks during the trial. Mr. WaQlimi was sentenced to death and spent over thirteen years on a prison death row before the truth of his innocence finally emerged.

4. In 1987, Sri Lankan refugees organized a dramatic demonstration at Heathrow airport, claiming that British immigration authorities gave them no opportunity to explain why they were seeking asylum and no access to legal representation.

5. In 1990, a group of women in Saudi Arabia deliberately broke the law by driving cars in a country where only men are permitted to drive. They were arrested and only released from prison when male members of their family promised to "keep them out of trouble."

Exercise 18. **Debate these issues.**

1. Describe four of Amnesty International's aims.

2. Mention one argument for, and one against, intervention against another country because of its human rights policies.

3. Name three international agreements on human rights.

4. True or false? Amnesty supports its criticisms with:

a) legal arguments; b) moral arguments; c) political arguments.

5. List five ways in which women in some countries appear to suffer unfair treatment.

Exercise 19. **Render in English.**

Что такое Страсбургский суд?

Созданный полвека назад Европейский суд по правам человека, известный более как Страсбургский суд, имеет репутацию единственной в мире инстанции, способной защитить права индивидуума от собственного государства.

Российские граждане дают примерно треть от общего числа жалоб, которые сейчас находятся на рассмотрении Европейского суда по правам человека. Наряду с Россией по числу жалоб лидируют Турция и Румыния. Так, например, в 2008 году суд вынес решения по 244 жалобам российских граждан на государство, в 233 случаях – в их пользу. Между тем ЕСПЧ не является высшей инстанцией по отношению к судебной системе государства-участника конвенции. Он не может отменить решение, вынесенное органом государственной власти или национальным судом, и давать указания законодателю. Но вправе присудить справедливое удовлетворение претензии в виде финансовой компенсации материального ущерба и морального вреда и возмещение выигравшей стороне издержек и расходов.

Суд рассматривает жалобы, только если они касаются событий, ответственность за которые лежит на государственной власти, и не принимает жалобы, направленные против частных лиц и учреждений. Жалоба должна быть подана не позднее чем через 6 месяцев после

окончательного рассмотрения вашего вопроса компетентным государственным органом.

При определении суммы компенсаций ЕСПЧ руководствуется собственными соображениями справедливости.

Exercise 20. Pay attention to translation of the extract from the Covenant on Civil and Political Rights.

International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976.

Preamble	
<i>The States Parties to the present Covenant,</i>	<i>Участвующие в данном пакте государства,</i>
<i>considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,</i>	<i>принимая во внимание, что в соответствии с принципами, провозглашёнными Уставом Организации Объединённых Наций, признание достоинства, присущего всем членам человеческой семьи, и равных и неотъемлемых прав их является основой свободы, справедливости и всеобщего мира,</i>
<i>recognizing that these rights derive from the inherent dignity of the human person,</i>	<i>признавая, что эти права вытекают из присущего человеческой личности достоинства,</i>
<i>recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal</i>	<i>признавая, что, согласно Всеобщей декларации прав человека, идеал свободной человеческой личности, поль-</i>

of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,	зующейся гражданской и политической свободой и свободой от страха и нужды, может быть осуществлён только, если будут созданы такие условия, при которых каждый может пользоваться своими экономическими, социальными и культурными правами, так же как и своими гражданскими и политическими правами,
<i>considering</i> the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,	<i>принимая во внимание</i> , что по Уставу Организации Объединённых Наций государства обязаны поощрять всеобщее уважение и соблюдение прав и свобод человека,
<i>realizing</i> that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,	<i>принимая во внимание</i> , что каждый отдельный человек, имея обязанности в отношении других людей и того коллектива, к которому он принадлежит, должен добиваться поощрения и соблюдения прав, признаваемых в настоящем Пакте,
<i>agree upon the following articles:</i>	<i>соглашаются о нижеследующих статьях.</i>
PART I	ЧАСТЬ 1
<i>Article 1</i>	Статья 1
1. All peoples have the right of self-determination. By virtue of that right they freely determine their	1. Все народы имеют право на самоопределение. В силу этого права они свободно устанавливают свой политиче-

political status and freely pursue their economic, social and cultural development.	ский статус и свободно обеспечивают своё экономическое, социальное и культурное развитие
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.	2. Все народы для достижения своих целей могут свободно распоряжаться своими естественными богатствами и ресурсами без ущерба для каких-либо обязательств, вытекающих из международного экономического сотрудничества, основанного на принципе взаимной выгоды, и из международного права. Ни один народ ни в коем случае не может быть лишён принадлежащих ему средств существования.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.	3. Все участвующие в настоящем Пакте государства, в том числе те, которые несут ответственность за управление несамоуправляющимися и подопечными территориями, должны, в соответствии с положениями Устава Организации Объединённых Наций, поощрять осуществление права на самоопределение и уважать это право.
PART II	ЧАСТЬ II
<i>Article 2</i>	Статья 2
1. Each State Party to the present Covenant undertakes to respect and to ensure to all indi-	1. Каждое участвующее в настоящем Пакте государство обязуется уважать и обеспечивать всем находящимся в

<p>viduals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p>	<p>пределах его территории и под его юрисдикцией лицам права, признаваемые в настоящем Пакте, без какого бы то ни было различия, как-то в отношении расы, цвета кожи, пола, языка, религии, политических или иных убеждений, национального или социального происхождения, имущественного положения, рождения или иного обстоятельства.</p>
<p>2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.</p>	<p>2. Если это уже не предусмотрено существующими законодательными или другими мерами, каждое участвующее в настоящем Пакте государство обязуется принять необходимые меры в соответствии со своими конституционными процедурами и положениями настоящего Пакта для принятия таких законодательных или других мер, которые могут оказаться необходимыми для осуществления прав, признаваемых в настоящем Пакте.</p>
<p>3. Each State Party to the present Covenant undertakes:</p>	<p>3. Каждое участвующее в настоящем Пакте государство обязуется:</p>
<p>(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the</p>	<p>а) обеспечить любому лицу, права и свободы которого, признаваемые в настоящем Пакте, нарушены, эффективное средство правовой защиты, даже если это нарушение</p>

violation has been committed by persons acting in an official capacity;	было совершено лицами, действовавшими в официальном качестве;
(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;	б) обеспечить, чтобы право на правовую защиту для любого лица, требующего такой защиты, устанавливалось компетентными судебными, административными или законодательными властями или любым другим компетентным органом, предусмотренным правовой системой государства, и развивать возможности судебной защиты;
(c) To ensure that the competent authorities shall enforce such remedies when granted.	с) обеспечить применение компетентными властями средств правовой защиты, когда они предоставляются.
<i>Article 3</i>	<i>Статья 3</i>
The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.	Участвующие в настоящем Пакте государства обязуются обеспечить равное для мужчин и женщин право пользования всеми гражданскими и политическими правами, предусмотренными в настоящем Пакте.

Exercise 21. **Pay attention to the translation.**

- | | |
|---------------------------|--|
| 1. considering | принимая во внимание, учитывая, считая |
| 2. recognizing | признавая |
| 3. realizing | сознавая, принимая во внимание |
| 4. recalling, remembering | памятуя, упоминая, помня |

5. looking forward to	питая надежду, ожидая
6. directing	вменяя в обязанность, предписывая
7. appreciating	ценя высоко
8. acting in accordance	действуя в соответствии с
9. noting, affirming	отмечая, констатируя
10. supporting, endorsing	поддерживая
11. accepting, affirming	соглашаясь с
12. referring to	ссылаясь
13. condemning	осуждая

Exercise 22. Translate these phrases into English.

1. Действуя в соответствии с положениями Устава ООН... 2. Осуждая дискриминацию во всех ее формах и проявлениях... 3. Сознвая необходимость обеспечения правовой защиты граждан... 4. Высоко ценя усилия, предпринимаемые государствами-участниками настоящей Конвенции... 5. Отмечая достигнутый прогресс... 6. Ожидая, что права и свободы будут признаваться... 7. Предписывая судебным, административным и законодательным властям или любым другим компетентным органам... 8. Принимая во внимание положениями настоящего Пакта... 9. Памятуя о попытках пересмотреть историю... 10. Поддерживая желание развивать международное экономическое сотрудничество...

Exercise 23. Translate the extract from the Covenant on Civil and Political Rights.

PART III.

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most se-

rious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled there from only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed...

Article 14

1. All persons shall be equal before the courts and tribunals...

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without

payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him.

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to

have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice...

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized...

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests...

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Exercise 24. Find in the text above the English equivalents for these word combinations.

неотъемлемое право на жизнь, лишить жизни, отменить смертную казнь, в соответствии с действующим законодательством, на момент совершения преступления, не противоречить положениям, право на помилование или смягчение приговора, подвергаться пыткам, бесчеловечное и унижительное обращение, без добровольного согласия, рабство и работорговля, не препятствовать, во исполнение приговора, законность задержания, право на компенсацию по решению суда, с уважением присущего человеку достоинства, право на свободу передвижения и выбор места жительства, налагаемые законом ограничения, выдворить из страны, презумпция невиновности, вынуждать свидетельствовать против себя, судебная ошибка, незаконное вмешательство, свободы совести и вероисповедания, свобода высказывать собственное мнение, пропаганда войны, подстрекательство к, основная ячейка общества, в случае расторжения брака, тайное голосование, доступ к государственным услугам, национальные меньшинства.

Exercise 25. Cover the text above and fill in appropriate prepositions.

1. The inherent right ____ life shall be protected ____ law. No one shall be arbitrarily deprived ____ his life.

2. Sentence ____ death may be imposed only ____ the most serious crimes ____ accordance ____ the law ____ force ____ the time ____ the crime commission.

3. No one shall be subjected ____ torture or ____ cruel, inhuman or degrading treatment or punishment.

4. No one shall be held ____ slavery; slavery and the slave-trade ____ all their forms shall be prohibited.

5. No one shall be deprived ____ his liberty except ____ such grounds and ____ accordance ____ such procedure as are established by law.

6. Juvenile offenders shall be segregated ____ adults and be accorded treatment appropriate ____ their age and legal status.

7. Everyone lawfully ____ the territory ____ a State shall have the right ____ liberty ____ movement and freedom ____ choose his residence.

8. An alien lawfully ____ the territory ____ a State Party ____ the present Covenant may be expelled there ____ only ____ pursuance ____ a decision reached ____ accordance ____ Law.

9. Everyone charged ____ a criminal offence shall have the right ____ be presumed innocent ____ proved guilty according ____ law.

10. No one shall be liable ____ be tried or punished again ____ an offence ____ which he has already been finally convicted.

11. No one shall be subjected ____ arbitrary or unlawful interference ____ his privacy, family, home or correspondence, nor ____ unlawful attacks ____ his honour and reputation.

12. Everyone shall have the right ____ hold opinions ____ interference.

13. All persons are equal ____ the law and are entitled ____ any discrimination ____ the equal protection ____ the law.

Exercise 26. **Complete these sentences.**

1. Everyone shall have the right to _____
2. No one shall be subjected to _____
3. No one shall be deprived of _____
4. Every child shall have _____
5. Every citizen shall have the right and the opportunity ____
6. Law shall prohibit _____

Exercise 27. **Answer these questions.**

1. Which human rights are considered inherent? Why?
2. Are you for or against abolishing the death penalty? What does the law provide about the capital punishment in our country?

3. Is the performance of hard labour imposed in pursuance of a sentence to some punishment by a competent court? What offences can be punished this way?

4. What rights do arrested or detained persons have?

5. What is the essential aim of the penitentiary system?

6. Is a person protected against interference with his privacy, family, home or correspondence, or attacks on his honour and reputation?

7. What does the right to freedom of thought, conscience and religion include?

8. What propaganda war shall be prohibited by law?

9. What do the right of peaceful assembly and the right to freedom of association mean?

10. Is equality of rights and responsibilities of spouses ensured?

11. What rights does the necessary protection of any children involve?

12. What rights shall every citizen have?

13. Are all persons entitled to the equal protection of the law?

14. What rights shall minorities not be denied?

Exercise 28. Read the information from Google company's blog post in January 2010. Say what rights of Chinese citizens are infringed?

"These attacks and the surveillance they have uncovered – combined with the attempts over the past year to further limit free speech on the web – have led us to conclude that we should review the feasibility of our business operations in China. We have decided we are no longer willing to continue censoring our results on Google.com, and so over the next few weeks we will be discussing with the Chinese government the basis on which we could operate an unfiltered search engine within the law, if at all. We recognize that this may well mean having to shut down Google.com, and potentially our offices in China".

Exercise 29. Read the Google vs. China story and answer these questions.

1. When did Google go into China, and why?
2. Are there financial reasons for Google to be in China, too?
3. What changed to make Google stop going along with Chinese censorship laws?
4. Does Google censor Web content in other countries?

That's the Google vs. China story in a nutshell.

Google made \$300 million in China last year alone, according to CNNMoney. And the Chinese Internet market is expected to grow considerably as the Asian country continues to industrialize. But on January 27, 2006, some eight years after Google first incorporated, the San Francisco, California-based search engine decided to launch Google.cn, a Chinese version of its Web site. Google's global Web site – Google.com – had been available in China before that, but it was censored and at times shut down by the Chinese government.

China's communist leadership restricts Internet content and political speech, so Google had to agree to censor some of its Internet search results in order to do business in China. Google says Chinese hackers tapped into the Gmail accounts of Chinese human rights activists and conducted a "highly sophisticated and targeted attack on our corporate infrastructure." China denies these claims, but the situation caused Google to promise to stop censoring its results in China unless some kind of new agreement could be arranged between Google and China".

Google caters its search site to censorship and privacy laws of countries where it operates. Among them: In Germany, France and Poland, it's illegal to publish material that denies the Holocaust. So Google filters search results that do so. And in Turkey, videos that the government says mock "Turkishness," are filtered by Google for its Google.com.tr Web site.

Exercise 30. Answer and debate these questions.

1. Are you for or against censoring Web content in Russia?
2. What materials should be denied to publish, in your opinion? Give your reasons.

Exercise 31. Discuss these issues.

1. As human rights issues grow, they provoke more and more debate.
2. Is freedom from economic hardship, as many socialist countries claim, the most important right?
3. Are economic refugees appearing to be, entitled to asylum in a foreign country?
4. Is the death penalty, as Amnesty has argued since 1977, always a violation of human rights?
5. What about the right not to be sentenced to corporal (physical) punishment?
6. Should an individual have the right to practice his/her religion in a public place?
7. Should men have the right to have a homosexual relationship?
8. Do all people enjoy the right to medical treatment?

OVER TO YOU

Analyze the quotation below and write a paragraph containing two arguments for and two against this statement.

"Matters such as corporal punishment and the status of women should be left up to individual societies, not international organizations".

Exercise 32. Read the following article and express your opinion about the facts discussed in it. Give a summary of the article.

BBC NEWS

Fighting for Muslim women's rights

Some of the world's leading Islamic feminists have been gathered in Barcelona for the third International Congress on Islamic Feminism, to discuss the issues women face in the Muslim world.

Some of the women taking part in the conference explained the problems in their home countries, and where they hoped to make progress. **ASMA BARLAS, Author, Pakistan.**

Religions always come into cultures, they don't come into abstract and pure spaces. Islam came into a very patriarchal, tribal and misogynistic culture. One of the deepest damages to Islam has been its reduction to "Arabisation".

I'm not going to say that the Arabs are particularly misogynistic in a way that nobody else is, but I do think there are very particular traits and attitudes towards women that have crept into Islam.

I have a friend who has been studying the interface between what he calls the Persian models and the Arabist models of Islam in the subcontinent and surprise, surprise: the Arabist models are misogynistic, authoritarian, unitarian and the Persian models are much more plural and tolerant.

This is a fight on two fronts – on the one hand we are struggling against the kinds of oppression dominant in Muslim patriarch societies and, on the other, Western perceptions of Islam as necessarily monolithic, and confusing the ideals of Islam with the reality of Muslim lives.

If we read the Koran as a totality rather than pulling out random verses or half a line, that opens all kinds of possibilities for sexual equality.

RAFIAH AL-TALEI, journalist, Oman

Oman is relatively liberal, women are free to choose what to wear, and can choose their jobs and education.

And the law does not require us to wear any particular form of clothing. But there are strong social and cultural factors – coming from the fact that we are in Arabia – that limit women.

As a journalist, it has not been hard for me to work among men, but it has been hard for some of my colleagues whose families told them this was not "appropriate" work for them.

The biggest difficulties are the social and cultural factors, and some aspects of law. For example, women who marry a foreigner cannot pass on their nationality to their children, whereas men in that situation can.

Religion is not an issue in our struggle, although there are problems with family law about divorce and marriage status. Omani laws are based on sharia law. Sharia is fair, but it is the wrong interpretations that are the problem. Male judges often don't understand the principal goals of sharia. We feel the law is fair, but ends up being unfair for women because of how judges interpret it.

Cultural and social factors often get mixed up with religion. Educated women can be more empowered and separate the two, but many don't dare challenge the conventions.

NORANI OTHMAN, Scholar-activist, Malaysia

I don't think it is any more difficult to be an Islamic feminist than a non-Muslim, or secular feminist.

Feminists in general have to face up to political and cultural obstacles, to achieve our objectives of women's rights. Even Western feminists have had a similar history – having to engage with certain religious beliefs not conducive to gender equality.

Perhaps the only distinctive difference peculiar to Muslim feminists is that we are caught in the cross-currents of modernisation and a changing society, due to a modern economy on the one hand and the global resurgence of political Islam on the other.

Political Islam wants to impose a world view about the gender order that is not consistent with the realities and the lived experiences of Muslim men and women in contemporary society.

There is a difference between South East Asian Muslim countries and the ones in the Middle East – culturally we are less patriarchal, we can always respond to our detractors by pointing out we don't have the cultural practices that they do.

Our detractors would hurl empty accusations at us – calling us Western, secular or anti-Islamic.

Our arguments are rooted within Islam – we want renewal and transformation within the Islamic framework. They don't like that.

We have a holistic approach, seeking gender equality within the Islamic framework, supported by constitutional guarantees. We see that these are not inconsistent with the message of the Koran, particularly during its formative stages. We have to understand the history and cultural context and extract the principle that will be applicable in modern times.

SITI MUSDAH MULIA, Academic, Indonesia

In my experience, I find that it is very difficult to make Indonesian Muslim women aware that politics is their right.

In Indonesian society, politics is always conceived as cruel and dirty, so not many women want to get involved, they think it is just for men.

We try to make women understand that politics is one of our duties and rights and they can become involved without losing their femininity.

Personally, I'm non-partisan; I'm not linked to one political party because, in Indonesia, the political parties often discriminate against women.

I struggle from outside the political sphere to make it women-friendly, to reform political parties and the political system.

One day, I hope to be involved more directly, if the system becomes more women-friendly. We have passed a law about affirmative action and achieving 30% female representation, but we won't see if it is implemented until after 2009 elections. We are waiting.

In Indonesia, some groups support us, but some radical groups oppose what we are trying to achieve. They accuse me, accuse feminist Muslims, of being infidels, of wanting to damage Islamic affairs.

According to their Islamic understanding, women should be confined to the home, and the domestic sphere alone.

AMINA WADUD, Academic, United States

There are many more conversations going on today between different interpretations of Islam. Some interpretations are very narrow, some are more broad, principled, ethically-based.

Unless we have sufficient knowledge about Islam, we cannot bring about reform of Islam. I am not talking about re-interpretation, I am talking more about gender-inclusive interpretation.

We have a lot of information about men's interpretations of Islam, and of what it means to be a woman in Islam. We don't have equal amounts of information about what women say it means to be a good woman in Islam. Now it's time for men to be active listeners, and after listening, to be active participants in bringing about reform.

There is a tendency to say that it is Islam that prohibits women from driving a car, for example, when women drive cars all over the world except in one country. So then you know it is not Islam. Islam has much more flexibility, but patriarchy tends to have the same objective, and that is to limit our ability to understand ourselves as Muslims.

I have always defined myself as pro-faith and pro-feminism.

I do not wish to sacrifice my faith for anybody's conception of feminism, nor do I sacrifice the struggle and actions for full equality of women, Muslim and non-Muslim women, for any religion. Islamic feminism is not an either/or, you can be Muslim and feminist and strive for women's rights and not call yourself a feminist.

FATIMA KHAFAJI, Consultant, Egypt

In Egypt, Islamic feminism is a way for women activists to reach a large number of ordinary women in the villages and in urban low-income areas, using a framework of Islam. So there would be a reference to Islam when talking about women's rights. Experience has shown that that is an easy way to get women to accept what you're saying.

Not many women get information about women's rights easily, so you have to counter what has been fed to them, to both men and women, from the strict, conventional, religious people who have more access to women.

They have their own idea of women's rights in Islam – that is, patriarchal, still limiting opportunities for women. But women have been receiving this concept for ages, through the radio, TV, mosques, so the challenge is how to give them another view, of enlightened Islam, that talks about changing gender roles. It's not an easy job.

Historically, in Egypt in the feminist movement, there have been both Muslim and Christian women. It has never been a problem. Unfortunately nowadays, it has become a problem. Religious discrimination has been dividing people very much. We have to think carefully about how to supersede the differences.

With family law, we're aiming to change the philosophy of the law itself. Traditional family law puts women down. I can see this whole notion of "women do not have control over their bodies" in so many laws, in the penal code and family law. For example, sexual harassment is happening because men think the control of women's bodies is a

matter for them. Even the decision whether to have children is the decision of men. This whole notion has to be changed in a dramatic way if we are really going to talk about women's rights in Egypt.

Story from BBC NEWS: http://news.bbc.co.uk/go/pr/fr/-/2/hi/in_depth/7689897.stm

OVER TO YOU

Write essays on the following topic.

1. What are the basic principles of Islamic culture and religion concerning human rights in general and rights of women in particular? Is the attitude to the role of a woman in the Islamic society changing nowadays, in your opinion?

2. What do you know about Hollywood stars activities in the sphere of human rights protection? What peacemakers do you know? What do you understand by peacemaking activity?

LESSON 14

WAR AND ARMED CONFLICTS

Starting up

Analyze the following quotation.

"These days, our senses are bombarded with aggression. We are constantly confronted with global images of unending, escalating war and violence".

Margaret J. Wheatley, a writer and management consultant

Debate the following questions.

1. What is war in your opinion?
2. How do you think war starts?
3. Who suffers most in armed conflicts and wars?

Exercise 1. **Study the information of the chart.**

How many armed conflicts took place in the world in 2009? Which regions are the most / the least affected by war? Do you think these conflicts have been resolved or still active?

Geographic Distributions of Armed Conflicts in 2009

Region	number of countries in region	number of conflicts in region	number of countries hosting conflicts	% of countries in region hosting conflicts	% of world conflicts
Africa	50	11	10	20	39.3
Asia	42	11	8	19	39.3
Europe	42	1	1	2.4	3.6
The Americas	44	1	1	2	3.6
Middle East	14	4	4	29	14.2
<i>World Totals</i>	192	28	24	12.5	100

Exercise 2. **Read the text and give the definition of the term "war".**

War

War should be understood as an *actual, intentional* and *widespread* armed conflict between political communities. Thus, fistcuffs between individual persons do not count as a war, nor does a gang fight... War is a phenomenon which occurs *only* between political communities, defined as those entities which either are states or intend to become states (in order to allow for civil war). Classical war is international war, a war between different states, like the two World Wars. But just as frequent is war within a state between rival groups or communities, like the American Civil War. Certain political pressure groups, like terrorist organizations, might also be considered "political communities", in that they are associations of people with a political purpose and, indeed, many of them aspire to statehood or to influence the development of statehood in certain lands.

What's statehood? Most people follow Max Weber's distinction between nation and state. A nation is a group which thinks of itself as "a people", usually because they share many things in common, such as ethnicity, language, culture, historical experience, a set of ideals and values, habitat, cuisine, fashion and so on. The state, by contrast, refers much more narrowly to the machinery of government which organizes life in a given territory. Thus, we can distinguish between the American state and the American people, or between the government of France and the French nation. At the same time, you've probably heard the term "nation-state." Indeed, people often use "nation" and "state" interchangeably but we'll need to keep them conceptually distinct for our purposes. "Nation-state" refers to the relatively recent phenomenon wherein a nation wants its own state, and moves to form one. This started out as a very European trend – an Ital-

ian state for the Italian nation, a German state for the German people, etc., but it has spread throughout the world. Note that in some countries, such as America, Australia and Canada, the state actually presides over many nations, and you hear of "multi-national societies". Most societies with heavy immigration are multi-national. Multi-national countries are sometimes prone to civil wars between the different groups. This has been especially true of central Africa in recent years.

... It seems that all warfare is precisely, and ultimately, about governance. War is a violent way for determining who gets to say what goes on in a given territory, for example, regarding: who gets power, who gets wealth and resources, whose ideals prevail, who is a member and who is not, which laws get made, what gets taught in schools, where the border rests, how much tax is levied, and so on. War is the ultimate means for deciding these issues if a peaceful process or resolution can't be agreed upon.

The conflict of arms must be actual, and not merely latent, for it to count as war. Further, the actual armed conflict must be both intentional and widespread: isolated clashes between rogue officers, or border patrols, do not count as actions of war. The onset of war requires a conscious commitment, and a significant mobilization, on the part of the belligerents in question.

It's not just that war is the continuation of policy by other means; it's that war is about the very thing which creates policy – i.e., governance itself. War is the intentional use of mass force to resolve disputes over governance. Ultimately, war is profoundly anthropological: it is about which group of people gets to say what goes on in a given territory.

War is a brutal and ugly enterprise. Yet it remains central to human history and social change. These two facts together might seem paradoxical and inexplicable... War

and its threat continue to be forces in our lives. Recent events graphically demonstrate this proposition, whether we think of the 9–11 attacks, the counter-attack on Afghanistan, the overthrow of Iraq's Saddam Hussein, the Darfur crisis in Sudan, the bombings in Madrid and London, or the on-going “war on terror” more generally.

Exercise 3. **Suggest the Russian equivalents. Make sentences of your own.**

War

cold war, warlord, to be at war with, civil war, a warlike nation, war game, World Wars, warhead, war of nerves, warfare, to go to war against/with sb, a war-torn city, the onset of war, warring factions, to declare war on the enemy, war on terror, war crime, to lead to war, on-going war, war criminal, the horrors of war

Exercise 4. **Complete these sentences.**

1. War should be understood as _____
2. War occurs only between _____
3. Classical war is _____
4. Civil War is _____
5. The distinction between nation and state is _____
6. The term “Nation-state” refers to _____
7. Multi-national societies are the ones which _____
8. War is a violent way for determining _____
9. The onset of war requires _____
10. War is the intentional use of mass force to _____

Exercise 5. **Match these adverbs with their definitions. Translate them into Russian.**

- | | |
|--------------------|--|
| 1. frequently | a) that can be explained |
| 2. interchangeably | b) containing opposite ideas |
| 3. relatively | c) deeply, extremely, to a very great extent |

- | | |
|------------------|---|
| 4. precisely | d) at the most basic level, finally, in the end |
| 5. ultimately | e) exactly, just |
| 6. profoundly | f) to a moderate degree, quiet |
| 7. paradoxically | g) that can be put on other's place without affecting the way sth works |
| 8. inexplicably | h) often |

Exercise 6. War's violent nature and controversial social effects raise troubling moral questions for any thoughtful person. Answer and debate these questions.

1. Is war always wrong?
2. Might there be situations when it can be a justified, or even a smart, thing to do?
3. Will war always be part of human experience, or can we do something to make it disappear?
4. Is war an outcome of unchangeable human nature or, rather, of changeable social practice?
5. Is there a fair and sensible way to wage war, or is it all hopeless, barbaric slaughter?
6. When wars end, how should post-war reconstruction proceed, and who should be in charge?
7. What are our rights, and responsibilities, when our own society makes the move to go to war?

OVER TO YOU

There are three traditions of thought which dominate the ethics of war and peace:

Realism, Pacifism, and Just War Theory (and, through just war theory, International Law). What do you think are the basic conceptual differences between "the big three" perspective? Read the text about just war theory in the supplementary reading section and be ready to discuss it in group.

Exercise 7. **Read the text and answer these questions.**

1. What is an armed conflict?
2. What are the types of armed conflicts?

An armed conflict is defined as a political conflict in which armed combat involves the armed forces of at least one state (or one or more armed factions seeking to gain control of all or part of the state), and in which at least 1,000 people have been killed by the fighting during the course of the conflict.

The definition of "**political conflict**" becomes more difficult as the trend in current intrastate armed conflicts increasingly obscures the distinction between political and criminal violence. In a growing number of armed conflicts, armed bands or factions engage in criminal activity (e.g., theft, looting, extortion) in order to fund their political/military campaigns, but frequently also for the personal enrichment of the leadership and the general livelihood of the fighting forces. Thus, in some circumstances, while the disintegrating order reflects the social chaos borne of state failure, the resulting violence or armed combat is not necessarily guided by a political program or a set of politically motivated or defined military objectives. However, these trends are part of the changing character of war, and conflicts characterized more by social chaos than political/military competition are thus included in the tabulation of current armed conflicts.

In many contemporary armed conflicts the fighting is intermittent and involves a very wide range of levels of intensity. An armed conflict is deemed to have ended if there has been a formal ceasefire or peace agreement and, following which, there are no longer combat deaths (or at least fewer than 25 per year); or, in the absence of a formal ceasefire, a conflict is deemed to have ended after two years of dormancy (in which fewer than 25 combat deaths per year have occurred).

Modern armed conflicts are based on three overlapping types of intrastate war: state control, state formation and

state failure. Additional categories of international war would include border disputes, foreign invasion and other cross-border attacks, but currently, due in significant measure to a robust array of institutions and conventions for responding to international tensions and disputes, there are no such international wars to categorize.

In **civil armed conflict**, state control wars obviously centre on struggles for control of the governing apparatus of the state. The power struggles in the two Congos (Kinshasa and Brazzaville) are obviously cases in point where rival factions struggle for control. State control struggles have typically been driven by ideologically defined revolutionary movements, decolonization campaigns or, as appears to be the case in Congo (Kinshasa), one set of elites seeking power in place of another. In some instances, communal or ethnic interests are central to the fight to transfer power. In other instances, as in Algeria, religion becomes a defining feature of the conflict. Examples of state control wars in the current list include Angola, Burundi, Congo (Brazzaville), Uganda, Afghanistan and Colombia, to name but a few. About half of current conflicts can be identified as being essentially about state control.

State formation conflicts centre on the form or shape of the state itself and generally involve particular regions of a country fighting for a greater measure of autonomy or for outright secession or for the right to decide in a fair and binding referendum whether or not to secede. Fewer than 20 percent of contemporary armed conflicts are exclusively state formation wars (examples include India's three conflicts, both conflicts in Indonesia, Israel, Turkey). Ethnicity, communal identity and religion are prominent in state formation conflicts, including the Kashmir war in India, the Tamil war in Sri Lanka and regional conflicts in Indonesia and the Philippines. The wars in the former Yugoslavia were classic state formation struggles. Another 20 percent of conflicts are prominently, but not exclusively, about state formation. In the Phil-

ippines, Iran and Iraq, for example, state formation conflicts are present, but so are state control issues.

Some countries have the misfortune of hosting all three types of wars. Sudan's current struggles include state control conflict through fighting in the Northeast aimed at overthrowing the government in Khartoum; state formation conflict through the south's war aimed at autonomy if not separation from the north; and failed state conflict by virtue of internecine wars among Nuer clans in the south, for example, which are armed conflicts that are fundamentally born out of the persistent anarchy and the failure of state and traditional systems to mediate traditional conflicts over cattle, grazing rights and so on.

Exercise 8. Suggest the Russian equivalents. Make sentences of your own.

Conflict

Actual conflict, political conflict, long and bitter conflict, intentional conflict, contemporary conflicts, to be involved in armed conflict, widespread conflict, current conflict, conflicting interests, latent conflict, during the course of, conflict, to bring sb into conflict over sth, civil conflict, regional conflict, the conflict between one's duties and desires, state formation conflict, failed state conflict, conflicting views, intrastate armed conflict, to mediate conflicts over sth, to be in conflict with.

Exercise 9. Say whether these statements are true or false. Correct the wrong ones.

1. An armed conflict is defined as a political conflict in which armed combat involves the armed forces of at least one state.

2. In current intrastate armed conflicts it is rather easy to draw the distinction between political and criminal violence.

3. State control conflicts are typically driven by revolutionary movements, decolonization campaigns or one set of elites seeking power in place of another.

4. Religion never becomes a defining feature of the conflict.
5. State formation conflicts generally involve particular regions of a country fighting for a greater measure of autonomy or for outright secession.
6. Ethnicity, communal identity and religion are prominent in state formation conflicts
7. Countries never host all three types of wars.

Exercise 10. **Fill in the chart. Add more countries to the list.**

Country	Type of conflict
Congo	
Sudan	
Afghanistan	
Angola	
Uganda	
India	
Israel	

Exercise 11. **Debate the following questions.**

1. How wars start in the modern world?
2. Do you think that wars nowadays are more dangerous and devastating than they were before? Why or why not?
3. Under what circumstances can an armed conflict bring to a war?
4. What points of tension in the world nowadays can you name? What do you know about the nature of conflict there?

Exercise 12. **Read the text and answer these questions.**

1. When and how did the Israel/Palestine Conflict start?
2. What was the role of the UN in the conflict?
3. How did Israel conquer the territories?
4. What is core of this continuing conflict?
5. What role did the US play in this conflict?

A Synopsis of the Israel/Palestine Conflict

For centuries there was no such conflict. In the 19th century the land of Palestine was inhabited by a multicultural population – approximately 86 percent Muslim, 10 percent Christian, and 4 percent Jewish – living in peace.

Zionism

In the late 1800s a group in Europe decided to colonize this land. Known as Zionists, they represented an extremist minority of the Jewish population. Their goal was to create a Jewish homeland.

At first, this immigration created no problems. However, as more and more Zionists immigrated to Palestine – many with the express wish of taking over the land for a Jewish state – the indigenous population became increasingly alarmed. Eventually, fighting broke out, with escalating waves of violence. Hitler's rise to power, combined with Zionist activities to sabotage efforts to place Jewish refugees in western countries, led to increased Jewish immigration to Palestine, and conflict grew.

UN Partition Plan

Finally, in 1947 the United Nations decided to intervene. However, rather than adhering to the principle of “self-determination of peoples,” in which the people themselves create their own state and system of government, the UN chose to revert to the medieval strategy whereby an outside power divides up other people’s land.

Under considerable Zionist pressure, the UN recommended giving away 55 % of Palestine to a Jewish state – despite the fact that this group represented only about 30 % of the total population, and owned under 7 % of the land.

1947-1949 War

While it is widely reported that the resulting war eventually included five Arab armies, less well known is the fact that throughout this war Zionist forces outnumbered all

Arab and Palestinian combatants combined – often by a factor of two to three. Moreover, Arab armies did not invade Israel – virtually all battles were fought on land that was to have been the Palestinian state.

Finally, it is significant to note that Arab armies entered the conflict only after Zionist forces had committed 16 massacres, including the grisly massacre of over 100 men, women, and children at Deir Yassin.

By the end of the war, Israel had conquered 78 percent of Palestine; three-quarters of a million Palestinians had been made refugees; over 500 towns and villages had been obliterated; and a new map was drawn up, in which every city, river and hillock received a new, Hebrew name, as all vestiges of the Palestinian culture were to be erased

1967 War & USS Liberty

In 1967, Israel conquered still more land. Following the Six Day War, in which Israeli forces launched a highly successful surprise attack on Egypt, Israel occupied the final 22% of Palestine that had eluded it in 1948 – the West Bank and Gaza Strip. Since, according to international law it is inadmissible to acquire territory by war, these are occupied territories and do not belong to Israel. It also occupied parts of Egypt (since returned) and Syria (which remain under occupation).

Also during the Six Day War, Israel attacked a US Navy ship, the USS Liberty, killing and injuring over 200 American servicemen.

Current Conflict

There are two primary issues at the core of this continuing conflict. First, there is the inevitably destabilizing effect of trying to maintain an ethnically preferential state, particularly when it is largely of foreign origin. The original population of what is now Israel was 96 percent Muslim and Christian, yet, these refugees are prohibited from returning to their homes in the self-described Jewish state (and those within Israel are subjected to systematic discrimination).

Second, Israel's continued military occupation and confiscation of privately owned land in the West Bank, and control over Gaza, are extremely oppressive, with Palestinians having minimal control over their lives. Over 10,000 Palestinian men, women, and children are held in Israeli prisons. Physical abuse and torture are frequent. Palestinian borders (even internal ones) are controlled by Israeli forces. Periodically men, women, and children are strip searched; people are beaten; food and medicine are blocked from entering Gaza, producing an escalating humanitarian crisis. Israeli forces invade almost daily, injuring, kidnapping, and sometimes killing inhabitants.

After years of Israel continuing to confiscate land and conditions steadily worsening, the Palestinian population rebelled. This uprising, called the "Intifada" (Arabic for "shaking off") began at the end of September 2000.

U.S. Involvement

Largely due to special-interest lobbying, U.S. taxpayers give Israel an average of \$7 million per day, and since its creation have given more U.S. funds to Israel than to any other nation. As Americans learn about how Israel is using our tax dollars, many are calling for an end to this expenditure.

Exercise 13. Match the word combinations and their translation. Make up sentences with them.

- | | |
|---------------------|-----------------------------------|
| 1. sectarian strife | a) священная территория |
| 2. sacred turf | b) снести |
| 3. tear down | c) уступить место |
| 4. ensuing violence | d) набеги |
| 5. acrimony | e) борьба религиозных группировок |
| 6. cede the site | f) жить в противоречиях |
| 7. incursion | g) последующее насилие |
| 8. to live at odds | h) мирской |
| 9. secular | i) злоба |

Exercise 14. **Analyze the information below and compare the positions of the three parties of the peace talks. Do you think these negotiations can be fruitful? What is the way to solve this long-standing problem?**

Middle East talks: Core issues

Jerusalem	
Israel	The Israeli government is unwilling to divide Jerusalem, held to be the political and religious centre of the Jewish people. It stands by the 1980 basic Israeli law that "Jerusalem, complete and united, is the capital of Israel". In talks in 2000 and 2007, the then Israeli governments proposed exchanging some outlying annexed districts.
Palestinians	The Palestinians want East Jerusalem, which was controlled by Jordan before being captured by the Israelis in 1967, as the capital of a Palestinian state. The Old City contains the third holiest place in Islam, the al-Aqsa mosque.
United States	The US does not recognize the Israeli annexation of East Jerusalem and maintains its embassy in Tel Aviv. President Barack Obama has opposed the building of housing for Israelis in East Jerusalem though he said before becoming president that dividing the city would be "very difficult to execute".
Borders	
Israel	Prime Minister accepts that there should be a Palestinian state and that there will have to be an Israeli withdrawal from parts at least of the West Bank (captured by Israel in 1967). Israel has already withdrawn

	from Gaza. Israel would like the borders to include Jerusalem and the major Israeli settlements that have grown up on the West Bank.
Palestinians	They want the talks to start from the basic position that all the land occupied by Israel in 1967 belongs to a future Palestine. Any land given to the Israelis would have to be compensated for by a balanced land swap.
United States	The US agrees that the starting point but not the end point should be the 1967 lines and that a land swap will have to be the basis of any agreement. It will encourage this.
Settlements	
Israel	The Israeli government insists on keeping the major Israeli settlements in East Jerusalem and the West Bank. An immediate problem is that an Israeli moratorium on West Bank settlements ran out on 26 September.
Palestinians	The Palestinians would like all settlements to be abandoned as they were in Gaza. However, they appear to accept that some will have to stay but they will argue for a minimum number and a land swap for any that are left. They threatened to leave the talks if the Israeli moratorium was ended on 26 September. core of this continuing conflict
United States	As with the annexation of East Jerusalem, the US has not recognised the international legitimacy of the Israeli West Bank settlements. But it is trying to reach a compromise on the moratorium problem.

Security	
Israel	The Israeli government is afraid that a Palestinian state might one day fall into the hands of Hamas and will be used as a stepping-stone to turning Israel into Palestine. Therefore it is insisting that it keeps a large measure of security control, including in the Jordan Valley, and that a state of Palestine be largely demilitarized.
Palestinians	They argue that security will come from a stable two-state solution not the other way round. They want as many attributes of a normal state as possible. Palestinian Authority President fears that client-status would be untenable and open to a Hamas takeover.
United States	The US accepts the Israeli need for security but also the need for Palestinian statehood and reconciling these is the aim of its diplomacy. It is unlikely, however, to recognize a state of Palestine which has not emerged from negotiation.

OVER TO YOU

Study the information of the chart. What type of conflicts it? Why do such conflicts appear? What it the way to settle such conflicts? Are there any peaceful means to do it?

Exercise 15. **Give the Russian equivalents for the following word combination.**

Exchange fire across the border, a deliberate provocation, heavily fortified, demilitarized zone, state of alert, rivals, to host a meeting, deny the charges, torpedo warships, to reject talks, to ease tension.

Exercise 16. **How do you understand the idiom "to rule out a possibility"? Look it up in a dictionary, if necessary.**

Exercise 17. Read the article.**U.S. envoy: Nuke talks won't resume unless N. Korea is serious**

By Yoko Wakatsuki, CNN

Tokyo, Japan (CNN) – The United States needs evidence of a serious commitment from North Korea before resuming six-party talks aimed at resolving the North's nuclear arms standoff, the U.S. special envoy on North Korea policy said Wednesday in Tokyo.

"We are looking for evidence that North Korea now regards the possibility of negotiations seriously. We are not interested in negotiation just for the sake of talking," envoy Stephen Bosworth said. "We want talks to lead to specific and concrete results".

Bosworth made his comments before leaving Tokyo for Beijing, China, for the last leg of his trip in Asia. He visited South Korea and Japan to meet with his counterparts to discuss denuclearization and other policies related to North Korea.

The six-party talks will not resume in the next few weeks, because building a consensus among the nations will take time, he said.

The talks involve the United States, North Korea, China, South Korea, Japan and Russia. Dialogue halted last year after the U.N. Security Council condemned North Korea's launch of a long-range rocket, saying it violated a resolution banning ballistic missile testing. The North expelled U.S. nuclear experts and U.N. nuclear inspectors after the rebuke.

Signs point to improved relations between South and North Korea, Bosworth said.

The bilateral relationship had worsened with the sinking of a South Korean warship in March. Seoul blamed the North for the sinking. A South Korean report, whose findings have been endorsed by the United States, say a

North Korean submarine sank the Cheonan warship with a torpedo, killing 46 sailors. North Korea denies sinking the ship.

Pyongyang on Friday proposed to Seoul the resumption of cross-border reunions of families separated by the Korean War, according to the Yonhap news agency.

Exercise 18. Find in the text the English equivalents of the following word combinations.

Доказательство серьезности намерений, возобновить переговоры, шестисторонние переговоры, разрешить ядерное противостояние, специальный представитель, ради того, чтобы, последний этап поездки, достигнуть консенсуса, приостановить диалог, осудить запуск ракеты дальнего радиуса действия, нарушить резолюцию, потопить военный корабль, запретить испытания оружия, выслать экспертов, упрек, наладившиеся отношения, двусторонние отношения, винить за..., поддерживать/одобрять.

Exercise 19. Cover the article above and fill in the necessary prepositions.

1. The US needs evidence ____ a serious commitment ____ North Korea before resuming six-party talks aimed ____ resolving the North's nuclear arms standoff.

2. We are looking ____ evidence that North Korea now regards the possibility of negotiations seriously.

3. We are not interested ____ negotiation just ____ the sake of talking.

4. We want talks to lead ____ specific and concrete results.

5. He visited South Korea to discuss policies related ____ North Korea.

6. Pyongyang on Friday proposed ____ Seoul the resumption of cross-border reunions of families separated by the Korean War, according ____ the Yonhap news agency.

Exercise 20. Read another article on the topic and try to predict whether this conflict can lead to some serious armed conflict or even worse – a war?

29 October 2010 Last updated at 11:10 GMT

North Korea troops 'fire into South Korea'

North and South Korean troops have exchanged fire across the border, South Korean officials say.

North Korea fired two rounds towards a frontline unit and South Korean soldiers returned fire three times.

The shooting occurred in Hwacheon, some 90km (56 miles) north-east of the South's capital, Seoul, according to reports from South Korea's YTN TV.

Officials say it was not clear if North Korea's initial shots were a deliberate provocation.

The border between the two Koreas is one of the most heavily fortified in the world, with many thousands of troops stationed on either side of a demilitarised zone.

There have been frequent incidents at sea, but this is believed to be the first cross-border shooting on land since 2006.

South Korea's military is currently on its highest state of alert, as the capital prepares to host a meeting of world leaders from the G20 group of nations on 11 and 12 November.

A spokesperson for the Joint Chiefs of Staff in Seoul said that no South Koreans were hurt in the exchange of fire, AFP reports.

"There were no more shots afterwards. We are now closely watching their movements," the unnamed spokesperson said.

The BBC's John Sudworth, in Seoul, says that the exchange appears to have been a small incident which did not cause any damage.

South Korean officials are not ruling out the possibility that the initial shot from the northern side of the border was accidental rather than deliberate, our correspondent adds.

Tensions between the two rivals have been high since the South accused the North of torpedoing one of its warships in March, with the loss of 46 lives. Pyongyang denies the charge.

Earlier on Friday the North warned that relations with its neighbour would face a "catastrophic impact" if South Korea continued to reject talks aimed at easing tension.

The first round of discussions in two years ended without progress in September after Seoul demanded an apology from Pyongyang for the warship sinking.

* **Pyongyang** [ˌpjɒŋˈjæŋ] – Пхеньян (столица Корейской Народно-Демократической Республики)

Exercise 21. **What do you know about NATO? What is the role of this organization in the modern world and prevention of armed conflicts? Answer the following questions.**

1. What do the letters NATO stand for?
2. What was the purpose of Nato creation?
3. What aim is officially proclaimed by Nato?
4. What are the Nato members supposed to do in case of an armed attack against any Nato member?
5. What was the Nato's first non-european mission?
6. What alliance was opposing Nato in the Cold war period? When was it formed and what countries constituted it?
7. In which way did the structure of Nato change after the collapse of the USSR? Did the strategy of the alliance change?

Exercise 22. **Study the profile. Is there a place for Russia in the structure of this organization? Could we benefit from joining Nato? What are the relations between Nato and Russia?**

Profile: Nato

Founded: 1949

Applicant nations: Bosnia, FYR Macedonia, Montenegro, Serbia

Membership: 28 nations

Albania (from 2009)	Estonia (from 2004)
Latvia (from 2004)	Romania (from 2004)
Belgium (founder member)	France (founder member)
Lithuania (from 2004)	Slovakia (from 2004)
Bulgaria (from 2004)	Germany (from 1955)
Luxembourg (founder member)	Slovenia (from 2004)
Canada (founder member)	Greece (from 1952)
Netherlands (founder member)	Spain (from 1982)
Croatia (from 2009)	Hungary (from 1999)
Norway (founder member)	Turkey (from 1952)
Czech Republic (from 1999)	Iceland (founder member)
Poland (from 1999)	UK (founder member)
Denmark (founder member)	Italy (founder member)
Portugal (founder member)	USA (founder member)

Exercise 23. **Read the article and make a summary of it in English.**

NATO development

Nato was set up in the post-World War II atmosphere of anxiety, largely to block Soviet expansion into Europe. The collapse of the Soviet Union in 1991 and subsequent demise of the Warsaw Pact, therefore, left Nato with no obvious purpose.

Since then Nato has used its defensive role to justify a more proactive approach to "out of area" activities – arguing that instability in any part of Europe would constitute a threat to its members.

Thus, at the end of 1995, for the first time ever, it organised a multinational Implementation Force (Ifor), under a United Nations mandate, to implement the military aspects of the Bosnian peace agreement.

In 1999 the alliance launched an 11-week campaign of air strikes against Yugoslavia to push Serb forces out of Kosovo. The strikes were the largest military operation ever under-

taken by Nato, and the first time it had used force against a sovereign state without UN approval. A 16,000-strong Nato peacekeeping force remains in Kosovo.

In 2003 Nato took its operations outside Europe for the first time when it assumed strategic command of the UN-mandated peacekeeping force in and immediately around the Afghan capital, Kabul.

Changing relationships

Following the collapse of the Soviet Union in 1991, Nato embarked on a series of steps designed to build new relationships with former Warsaw Pact countries and particularly with Russia, which was profoundly suspicious of the alliance's plans to expand eastwards.

In 1994 Nato offered former Warsaw Pact members limited associations in the form of the Partnership for Peace programme, allowing them to participate in information sharing, joint exercises and peacekeeping operations.

But this simply appeared to confirm Russian fears that Nato posed a creeping threat to its security.

The Nato-Russia Permanent Joint Council was established in May 1997 to give Russia a consultative role in discussion of matters of mutual interest. While Moscow was given a voice, it rarely felt that it was really listened to.

Russia's fears intensified when in 1999 the Czech Republic, Hungary and Poland became the first former Soviet bloc states to join Nato, bringing the alliance's borders 400 miles closer to the Russian frontier.

Aftermath of 11 September

The 11 September 2001 attacks on targets in the US are widely seen as a pivotal moment for Nato. The US did not involve the alliance in the international military campaign which followed, even though Secretary-General George Robertson quickly invoked Article Five of the Nato constitution declaring an attack on one member to be an attack on all.

Russia's supportive reaction following the attacks proved to be the catalyst for a thaw in relations with Moscow. The establishment of the Nato-Russia Council was agreed in May 2002. This body gives Russia an equal role with the Nato countries in decision-making on policy to counter terrorism and other security threats.

However, the relationship with Russia continues to be problematical. Russia was unhappy that the Nato expansion of early 2004 – when seven new states were admitted – meant that the alliance had reached its borders.

Relations with Russia took a marked turn for the worse after the brief Russo-Georgian war of August 2008. Nato had deferred discussion of Georgian (and Ukrainian) membership until December, but announced that cooperation with Russia would be suspended until Moscow pulled all its troops out of Georgia.

The relations between the Russian and US leaderships became less confrontational after Barack Obama assumed the US presidency in January 2009, and Nato announced in March 2009 that it would be resuming high-level contacts with Russia.

Nato members are preparing to meet in Portugal for what is being billed as one of the most crucial summits in the alliance's 61-year history.

The 28 member states are hoping to reach a "New Strategic Concept" to shape the way Nato defends itself against threats over the next decade.

Russian President Dmitry Medvedev will also attend, in a sign of warming ties.

Afghanistan will be top of the agenda, with plans to bring Nato's combat operations to an end by 2014.

Afghan President, who is scheduled to address the summit on Saturday, has said he wants Nato to hand back control of the country by the end of 2014 – a deadline the US has described as realistic but not set in stone.

Pentagon press secretary Geoff Morrell said the deadline had existed for some time as "an aspirational goal"

but that this did not mean all coalition forces would have to leave by that date.

The Lisbon talks are expected to shape the future of Nato at a time of shrinking budget cuts and expanding challenges, says BBC defence correspondent Caroline Wyatt.

Nato Secretary General Anders Fogh Rasmussen told the BBC on Friday that a security handover to Afghan forces was realistic by the end of 2014.

Mr Medvedev will meet the leaders on Saturday, becoming the first Russian president to attend a Nato summit since his country's conflict with Georgia in 2008.

The alliance is keen to build bridges with Moscow, and a key issue at the summit will be agreeing plans for a joint study of missile defence.

The efforts have been aided by US President Barack Obama's insistence that the US will ratify a new nuclear arms treaty with Russia.

Moscow is also promising logistical help for Nato in Afghanistan by easing restrictions on transit routes into the country.

OVER TO YOU

1. What does Nato hope to achieve?
2. Is Nato losing the Afghan war?
3. What are the relations between Nato and UN?

Think these three questions over and write an essay to express your opinion.

Exercise 24. Read this interview with the armed conflicts researcher.

a.-Is armed conflict changing? If so, how?

– I am hesitant to answer “yes,” to this question. Certainly, there are evolving trends in the form and function of war – from things as obvious as the disappearance of the custom of declaring wars to things as subtle as fighting

wars with dollars not guns, and much in between – new weapons, new tactics (including those which would not traditionally count as “armed conflict”), etc. Still, saying that there is a “new” form of armed conflict/war risks permitting policy-makers to follow the example of G. W. Bush, coming up with a “new” (and more politically convenient) set of analytical tools and ethical guidelines.

b.- What conflicts in particular do you see as representative of new forms of armed conflict?

– The economic sanctions regime against Iraq, 1990-2003, the “war on terror,” 2001-present, the 1991 Gulf War, the 1994 Rwandan “civil war,” the Vietnam war

c.-How have these changes affected men and women and girls and boys differently?

– Sure. Warfare generally – be it an “old” World War I or a “new” war like the “war on terror” – affects men and women and girls and boys differently, because they are situated differently in the belligerent societies.

Economic warfare affects women differently, because women lose their jobs first in economic hard times, because gender-specific goods (like pre-natal vitamins) are often the first to leave markets, because women are most likely to suffer as a health system declines, because women are most likely to eat last when there is not enough food to go around, because sexual violence and domestic violence increase in times of conflict and deprivation, and suffering law enforcement systems do less to combat them...

The war on terror has gender-differential impacts as well. Women have been used as a *casus belli* (one of the justifications for the invasion of Afghanistan was protecting women from the Taliban) but are anything but safer in the aftermath of the war on terror. For example, women have been less safe in many respects in “post-war” Iraq. (New) participating private military corporations have a higher level of sexual abuse than traditional

militaries, without the same (harsh) punishments militaries inflict. Women are included in suicide terrorism throughout the Middle East.

Exercise 25. Answer and debate these questions.

1. What is a "new" form of armed conflict/war risks? Give examples.

2. How does warfare affect men and women? Who suffers more?

3. Does economic warfare affect women differently? In what ways?

4. What is *casus belli*? What kind of *casus belli* do we come across in wartime?

Exercise 26. Suggest the Russian equivalents for the following words and word combinations.

- | | |
|--------------------------------------|---------------------------------|
| 1. to hunt for | 9. holocaust survivors |
| 2. to approach the end of | 10. to carry on lives as normal |
| 3. to gather evidence | 11. to deny |
| 4. to secure a conviction | 12. refugees |
| 5. observers | 13. to persevere |
| 6. to trace and prosecute the guilty | 14. human rights abusers |
| 7. to be worthwhile | 15. to tolerate |

Exercise 27. Debate these issues.

1. What crimes do you think are committed in warfare? What crimes did Nazis made on the territory of Russia during the Great Patriotic War? What about other countries?

2. Is the search for Nazi war criminals still going on? What international organizations conduct this hunt?

3. Are war criminals brought to justice?

Exercise 28. **Read the following article. There are two different opinions. Which do you share and why?**

BBC NEWS

Should the hunt for Nazis continue?

As the last remaining Nazis from World War II approach the end of their lives, it is debatable whether it is still worthwhile to pursue them.

Their crimes took place more than 60 years ago, it is often hard to gather evidence that will secure a conviction, and the defendants could die before the legal process is complete.

Here, two observers put the case for and against continuing efforts to trace and prosecute the guilty.

BERNARD JOSEPHS, FREELANCE JOURNALIST

While I understand the desire to bring these people to book, the fact is that it's for diminishing returns. It costs a lot of money, it involves a lot of resources for something which I wouldn't say was not worthwhile, but at least is questionable.

There are a lot of Holocaust survivors and families who have suffered trauma, and these people do need help. They need counselling, support financially and otherwise.

We have today a situation where people do question the Holocaust and whether it really happened. I think Holocaust education is another direction where the money should be spent.

We have a burgeoning far right in Europe, and in the UK, and that needs to be addressed.

I just feel that would be a better use of the money than putting on trial people who, in any case, are going to answer for their crimes in a much higher court than we have on earth.

I think hunting these men down now is pointless, but I am absolutely furious that these people, at relatively early ages, were able to carry on lives as normal after the war. We should have hunted them down years ago.

It's pointless to hunt them down now they're in their 80s and 90s. I would rather look after the survivors, and get their stories on record, so that no-one can deny what happened.

BERND KOSCHLAND, MEMBER OF ASSOCIATION OF JEWISH REFUGEES

We still have to persevere in pursuing the Nazi war criminal for a number of reasons.

They have committed crimes, so they need to be found and it needs to be logged, because otherwise it passes out of human knowledge.

If someone is found guilty then the sentence is really immaterial. What matters is that justice has to be done.

Even though it happened 60-odd years ago, the effects of it on individuals are still there – psychologically and physically.

I came to the UK in 1939, but my parents and several other family members died at the hands of Nazis in camps in Izbica, Poland, and Riga in Latvia.

Tracking Nazis down is an important lesson to demonstrate to potential modern-day human rights abusers that their crimes will never be tolerated.

I don't think you can forgive these people their crimes. What you can do is build a bridge of understanding.

We can live alongside each other as long as we both remember I cannot forgive, you should not be able to forget, but let's build a kind of bridge between each other to make a better future.

Exercise 29. Debate the following question.

Do you consider reviving fascism to be one of the challenges of the modern world?

Exercise 30. Study the readers' commentaries to the article above. Which of them surprised you? Which of them do you consider unacceptable? Why?

They both present valid arguments. I would more toward reallocating the funds to educating people about the Holocaust. Those who are currently being pursued are more than likely subordinates and lower level guards, who would have been thrown into the gas chambers themselves if they had refused to carry out the orders that they were given. They should offer an amnesty to these people as an incentive to have them come forward, and allow the public scorn to suffice for their punishment. Using public funds to prosecute geriatrics is irresponsible. If we were talking about the Nazi policy makers, and higher level commanders, that would be one thing, but in the current economic situation, other, more pressing matters such as criminal justice funding, take precedence. **Ben, New York**

What justice? They're 90 y.o.! They lived full life, grew very old and probably reading this article with a smirk right now. Its pointless, as sad as it sounds – they've escaped justice in many ways. God will judge them. Why don't all those Nazi-hunters stop living in the past and invest these efforts and finances into fighting skin-heads and other "na-zi clubs" that are spreading around Europe like a plague. If you're fighting the past – you're ignoring the future. And if we learned anything from history – it tends to repeat itself. **Vlad, Toronto. Canada.**

If Hitler himself had escaped and was still around somewhere today, would we allow him to have a peaceful life and put his feet up to enjoy "retirement." Would we excuse him just because it was so long ago? Why should other Nazi criminals have that luxury just because their names are not as known to us as those who stood trial in Nuremberg? Who are we to tell the victims of the Holocaust to forget and forgive? If we had been through what they have, how well would we be sleeping at night? True, the punishment will not fit the crime. True, no money will bring back what has been lost. But how do you put a price tag on the peace of mind of millions who suffer to this very day?

Darren, London

Regardless of age, health, family, these murderers killed innocent men, women and children. They should be hounded to death. I have nothing but praise for the efforts of those organizations who continue to pursue these evil people. ***David Ewing, Paris, France.***

These people are the last surviving people to have participated in one of the worlds most horrific chapters. Life imprisonment is not the answer though. These people should be made to tour the world telling everyone what they have done until their dying day. Hiding them in four walls (certainly not execution) does no good at all. Listening to these people re-tell their terrible crimes may ring louder down through history than anything else. ***Graham, Coventry.***

It is to our everlasting shame that we did not hunt these people down long ago – but we should carry on until the very last in memory of those that suffered. ***MG, London.***

Did they ever refrain from murdering someone because they were too old, too sick, too frail, or even too young? Could you forgive someone who had butchered your own mother or father, brother or sister; if you knew that they still lived? The crimes that these men committed are so wicked, that we must never let them sleep even one night in their beds, without them having that fear of being caught and punished. ***David, Riga, Latvia.***

Is it time to draw a conclusion on this (chasing Nazi's) and say that enough is enough. Whilst in an ideal world all these monsters should have been brought to justice, in reality, some have escaped and some have died. Is it really worth the great time and expense chasing 80 and 90 year old men? Wouldn't that money be better spent on places such as Rwanda and Sudan to name a few, were similar atrocities have occurred in more recent times? ***Ray, Liverpool.***

This might upset some and, if so, I apologize in advance but forgiveness is the most powerful way of dealing with this issue.

One can talk of justice but in the case of these aging Nazi's this is pointless. They have got away with their

crimes and are so close to death now they surely care not about their physical future.

Let those who have committed these unspeakable acts come forward and apologize. Let those who have been in these camps find it in their hearts to forgive.

There should be no question of forgetting the holocaust but if our world is driven by nothing more than a need for retribution and the acrid bitterness of long ago events then we can never move forward. **Bill Geddes, Macclesfield.**

Stop hunting phantoms and stop being obsessed about a historic event that happened more than 60 years ago. Germany today is probably one of the few countries around the globe that has learned from history...

The English however are still obsessed with the Nazis more than any other country, but they actually know very little. They need to keep the phantom enemy alive to distract the world from their own bleak history. What about looking at the countless war crimes and the millions killed during British colonial rule. Not one serious effort has ever been made by England and the English to de-glorify their recent history. Wherever Britons put their feet there has been death and war: Zimbabwe, Gaza/Israel, Pakistan, Sri Lanka, Sudan, Iraq just to name a few... **Mike, London.**

OVER TO YOU

1. Choose one of the opinions above and write an essay to agree or disagree with it.

2. Study the quotations below and write an essay to express your opinion about the idea presented in it.

"War is a simple continuation of politics with other means".

"War is an act of violence intended to compel our opponent to fulfill our will".

*Carl Philipp Gottlieb von Clausewitz (1780–1831),
a Prussian soldier and German military theorist*

LESSON 15

NUCLEAR THREAT AND DISARMAMENT

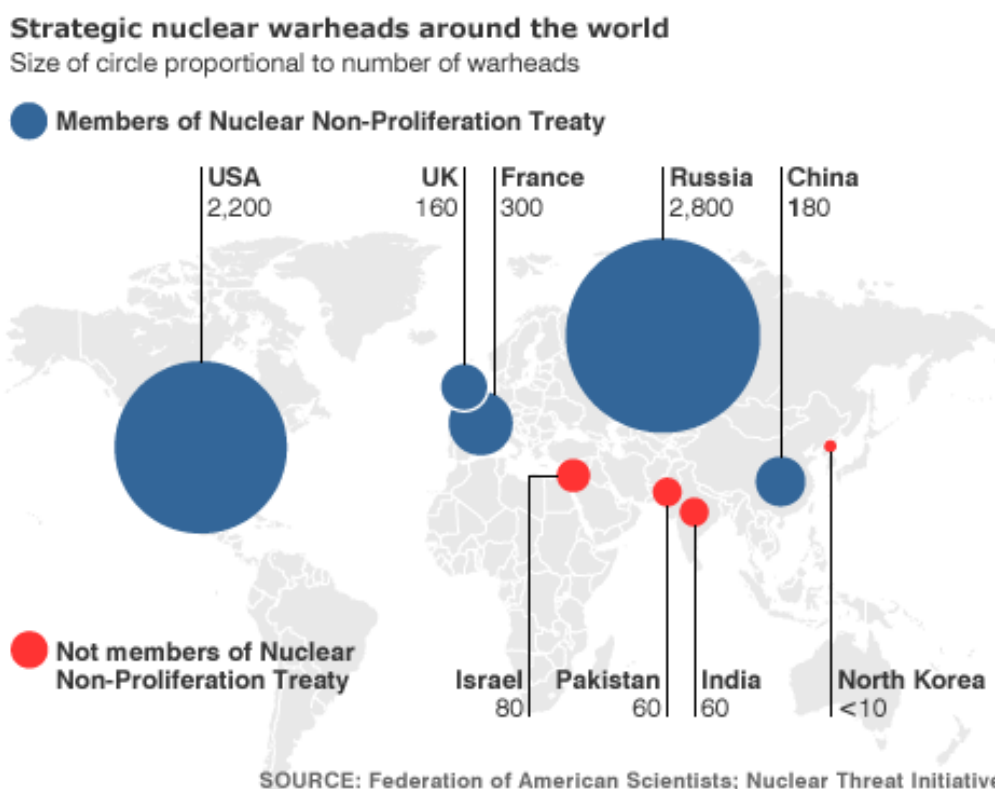
Stating up

Analyze the quotation. What does the author mean?

"We face the dangerous prospect of a world where the spread of nuclear knowledge to an increasing number of states risks creating 30 or 40 nuclear weapon states by the middle of this century".

Prof. Nikolas j. Wheeler

Exercise 1. Study the information about global nuclear arsenals and comment on it.



- All numbers are estimates because exact numbers are top secret.
- Strategic nuclear warheads are designed to target cities, missile locations and military headquarters as part of a strategic plan.

ISRAEL

Israeli authorities have never confirmed or denied the country has nuclear weapons.

NORTH KOREA

The highly secretive state claims it has nuclear weapons, but there is no information in the public domain that proves this.

IRAN

The International Atomic Energy Agency reported in 2003 there had been covert nuclear activity to make fissile material and continues to monitor Tehran's nuclear program.

SYRIA

US officials have claimed it is covertly seeking nuclear weapons.

NUCLEAR WARHEAD CUTS

United States:

70,000 produced since 1945
10,000 in current stockpile
(5,735 operational)

Russia:

55,000 produced since 1949
16,000 in current stockpile
(5,830 operational)

Britain:

1,200 produced since 1953
Fewer than 200 Trident missiles remain

France

1,260 produced since 1964
350 in current stockpile

China

600 produced since 1964
Approx 200 in current stockpile (approx 130 deployed)

Source: All figs are estimates from Bulletin of Atomic Scientists (July 2006)

Exercise 2. Read the following text. Find the answers to the following questions.

1. What is the definition of nuclear proliferation?
2. Why is it considered to be an extremely important issue in the national security policies of many countries?

3. What is the difference between "vertical" proliferation and "horizontal" proliferation? Why does this difference exist?

4. What are the methods used by the leading countries in their combating nuclear proliferation?

Nuclear disarmament

The proliferation of nuclear weapons (nuclear proliferation), which is defined as an increasing number of non-nuclear states and, possibly in the future, non-state organizations, gaining access to nuclear weapons, is in the focus of the international security agenda. It is a top priority issue in the official national security policies of the United States, Russia and many other leading countries in the world. Efforts to check nuclear proliferation involve the intensive work of secret services, the use of force against individual states and even large-scale military operations. The efficiency of these efforts is crucial for the world's prospects and for global security in the foreseeable future.

The buildup of nuclear armaments by the largest states, concomitant with the desire of an increasing number of non-nuclear countries to obtain them, have remained closely interconnected phenomena. This is why any nuclear arms race is often described as nuclear proliferation: there exists 'vertical' proliferation (a nuclear buildup by the leading nuclear states) and 'horizontal' proliferation (an increase in the number of countries having nuclear armaments in their armies).

Exercise 3. Explain the meaning of the following word combinations in English. Give their Russian equivalents.

nuclear proliferation, an increasing number of non-nuclear states, non-state organizations, gain access to nuclear weapons, the international security agenda, a top priority issue, the efficiency of the efforts, global security in the foreseeable future, the buildup of nuclear armaments, concomitant with, nuclear arms race.

Exercise 4. **Read the following article. Pay attention to the connecting words in bold. Before you read, match these word combinations to their Russian translation.**

- | | |
|--|--|
| a) rivalry | 1. в конце концов, в конечном счете |
| b) major achievements | 2. подписавшиеся стороны |
| c) eventually | 3. возобновление ядерных испытаний |
| d) delivery vehicles | 4. слияние с международным терроризмом |
| e) measures | 5. средство доставки |
| f) signatories | 6. вывести |
| g) a resumption of nuclear tests | 7. испытывать недостаток в координации |
| h) to plunge the world into | 8. соперничество |
| j) merger with international terrorism | 9. меры |
| k) to withdraw | 10. непоследовательный, противоречивый |
| l) inconsistent | 11. главные достижения |
| m) to lack coordination | 12. погрузить мир в ... |
| n) to stem from | 13. возникать из |

New phase in proliferation

The world is entering a fundamentally new stage in the proliferation of nuclear weapons – the most destructive and dangerous of WMD.

Following the end of the Cold War, when the two superpowers ceased to be enemies and their ideological and geopolitical rivalry gave way to broad cooperation, the campaign against proliferation enjoyed several major achievements. Those years were marked by an unprecedented growth of the United Nations' authority and the role of its Security Council,

as well as by a huge expansion of UN peacekeeping and humanitarian operations. In the early 1990s, about 40 new member countries joined the Treaty on the Nonproliferation of Nuclear Weapons (NPT), among them France and China. In 1995, the Treaty was extended for an indefinite time, and only five countries have remained outside it – India, Pakistan, Israel, Cuba and the Cook Islands. Seven countries gave up their military nuclear programs and the nuclear armaments they had previously possessed, while others had them removed by force (Brazil, Argentina, Ukraine, Belarus, Kazakhstan, South Africa, and Iraq).

The end of the Cold War made the United States and eventually the other nuclear powers, including Russia, change their priorities. In the mid-1990s, the international security agenda focused on the nonproliferation of nuclear weapons and their delivery vehicles, the strengthening of the NPT regime, its institutions (IAEA) and additional agencies and mechanisms, the Missile Technology Control Regime, and export control measures. Despite great difficulties, the NPT signatories agreed in 1995 to extend the Treaty for an indefinite time. In 1996, the Comprehensive Nuclear Test Ban Treaty was signed, which was viewed not only as a measure of 'vertical' nuclear disarmament among the great powers but also as a parallel mechanism for strengthening the NPT regime, which would deny non-nuclear countries access, direct or indirect (for example, following India's nuclear test in 1974), into the nuclear club. In 1997, the Additional Protocol to the NPT was signed, which has extended the IAEA's right to inspect suspicious facilities in non-nuclear countries.

The horrible tragedies in New York and Washington on the morning of September 11, 2001, showed to the whole world a glimpse of the worst-possible proliferation scenario, in which nuclear weapons would fall into the hands of international terrorists who would use them to plunge the entire civilized world into shock and chaos. It seems unquestionable that further WMD proliferation and the danger of its merger with international terrorism (so called super

terrorism or catastrophic terrorism) will continue to be a priority issue in Russian-U.S. relations, as well as in the cooperative efforts of the nuclear powers and nuclear suppliers, in UN activities, and in the practice of using force in international policies.

However, so far the policies of the great powers in these fields have been creating more problems than solutions, in other words, they are subscribing a 'remedy' that is worse than the disease itself. As has been mentioned above, the nuclear states' policy was inconsistent and lacking coordination in their nuclear supplies and general political line toward 'illegitimate' nuclear and threshold countries. Equally problematic are Moscow's and Washington's positions on military nuclear programs and negotiations on the limitation and reduction of these weapons.

However, the point is not that the great powers do not formally fulfill their obligations stemming from Article VI of the NPT, which is devoted to nuclear disarmament. Contrary to popular belief, during the 1990s the U.S., Russia, Britain and France cut the number of nuclear warheads in their strategic nuclear forces by more than 50 percent, and considering reductions in their tactical nuclear forces, the nuclear arsenals of the four countries decreased by five times. The problem is that, **although** the great powers have been withdrawing outdated nuclear armaments from service en masse, they continue modernizing their nuclear weapons and have assigned a greater role to these weapons in their military doctrines, placing emphasis on weapon systems that are intended for real combat employment.

Despite Washington's repeated official declarations that Russia and the United States are no longer enemies, its effective operational plans and targets on the Russian territory for nuclear attacks have actually remained unchanged, and it continues to add an increasing number of facilities to its list of targets in China and other countries. This factor sets clear boundaries on the prospects for the elimination of nuclear weapons. This is why Washington has declined

to reduce its strategic nuclear forces further than 2,000 warheads (plus 1,500 warheads kept in storage). **Moreover**, the U.S. is developing new low-yield nuclear munitions, allegedly for destroying underground targets, storage facilities and bunkers of terrorists and 'rogue nations.' To this end, Washington is making preparations for a possible resumption of nuclear tests in Nevada.

Alexei Arbatov, a Corresponding Member of the Russian Academy of Sciences and Director of the Center of International Security, Institute of the World Economy and International Relations, Russian Academy of Sciences.

Exercise 5. Render the following text, using the Russian word combinations below to help you and the connectors *however, moreover, although, despite*.

Прекратили быть врагами ... идеологическое и геополитическое соперничество ... годы, отмеченные беспрецедентным ростом влияния ООН ... грандиозное расширение миротворческих и гуманитарных операций ООН ... договор был продлен... отказались от разработки военных ядерных программ ... сменить приоритеты... международная программа безопасности ...несмотря на трудности... договор рассматривался не только как мера... закрыть доступ ...инспектировать подозрительные объекты... попасть в руки международных террористов... кажется несомненным... совместные усилия... переговоры по сокращению ядерного оружия... (не) выполнять обязательства... отводить важную роль ядерному оружию в своих военных доктринах... устанавливать четкие границы.

Exercise 6. Translate the following noun groups into Russian.

1. nuclear arms control
2. nuclear security issues agreement
3. the nuclear stockpiles
4. verification regime
5. Strategic Arms Reduction Treaty
6. nuclear terrorism

- | | |
|----------------------------|---------------------------------|
| 7. nuclear weapons | 8. nuclear warheads |
| 9. Cold War adversaries | 10. arms control experts |
| 11. nuclear weapons policy | 12. the nuclear security summit |

Exercise 7. **Read the article and render in Russian.**

Prague, Czech Republic (CNN) – President Obama and Russian President Dmitry Medvedev on Thursday signed a major nuclear arms control agreement that reduces the nuclear stockpiles of both nations.

The new Strategic Arms Reduction Treaty (START) builds on a previous agreement that expired in December.

The agreement cuts the number of nuclear weapons held by the United States and Russia by about a third.

"This day demonstrates the determination of the United States and Russia – the two nations that hold over 90 percent of the world's nuclear weapons – to pursue responsible global leadership", Obama said after the signing.

Medvedev called START a "win-win situation" for the two countries.

The new treaty ... is another step in nuclear arms relations between the former Cold War adversaries. Its signing comes two days after the Obama administration announced a new U.S. nuclear weapons policy and four days before Obama convenes a summit of 47 nations on nuclear security issues.

"It significantly reduces missiles and launchers," Obama said of the new treaty, which lasts for 10 years. "It puts in place a strong and effective verification regime. And it maintains the flexibility that we need to protect and advance our national security, and to guarantee our unwavering commitment to the security of our allies".

Obama has made nuclear nonproliferation a major priority of his presidency, prompting criticism from conservatives who fear the president will weaken the U.S. nuclear deterrent against possible attack.

According to information released by the White House, the new treaty limits both nations to "significantly fewer strategic arms within seven years" of its signing. One of the limits: 1,550 warheads.

"Warheads on deployed ICBMs [Intercontinental ballistic missiles] and deployed SLBMs [submarine-launched ballistic missiles] count toward this limit and each deployed heavy bomber equipped for nuclear armaments counts as one warhead toward this limit", the White House said.

There also are limits on launchers.

The treaty also lays out a "verification regime" that includes on-site inspections, data exchanges and notifications, the White House said.

"The treaty does not contain any constraints on testing, development or deployment of current or planned U.S. missile defense programs or current or planned United States long-range conventional strike capabilities", according to the White House.

Obama said the agreement is part of an effort to "reset" the U.S. relationship with Russia.

"With this agreement, the United States and Russia – the two largest nuclear powers in the world – also send a clear signal that we intend to lead," the president said. "By upholding our own commitments under the Nuclear Non-Proliferation Treaty, we strengthen our global efforts to stop the spread of these weapons, and to ensure that other nations meet their own responsibilities."

Negotiators have been working since April 2009 to wrap up the "follow-on" to the 1991 START agreement. Talks were difficult, with disagreements over verification, including on-site inspection of missiles that carry nuclear warheads.

Verification will be a top issue politically because the U.S. Senate and the Russian parliament will each have to ratify any agreement.

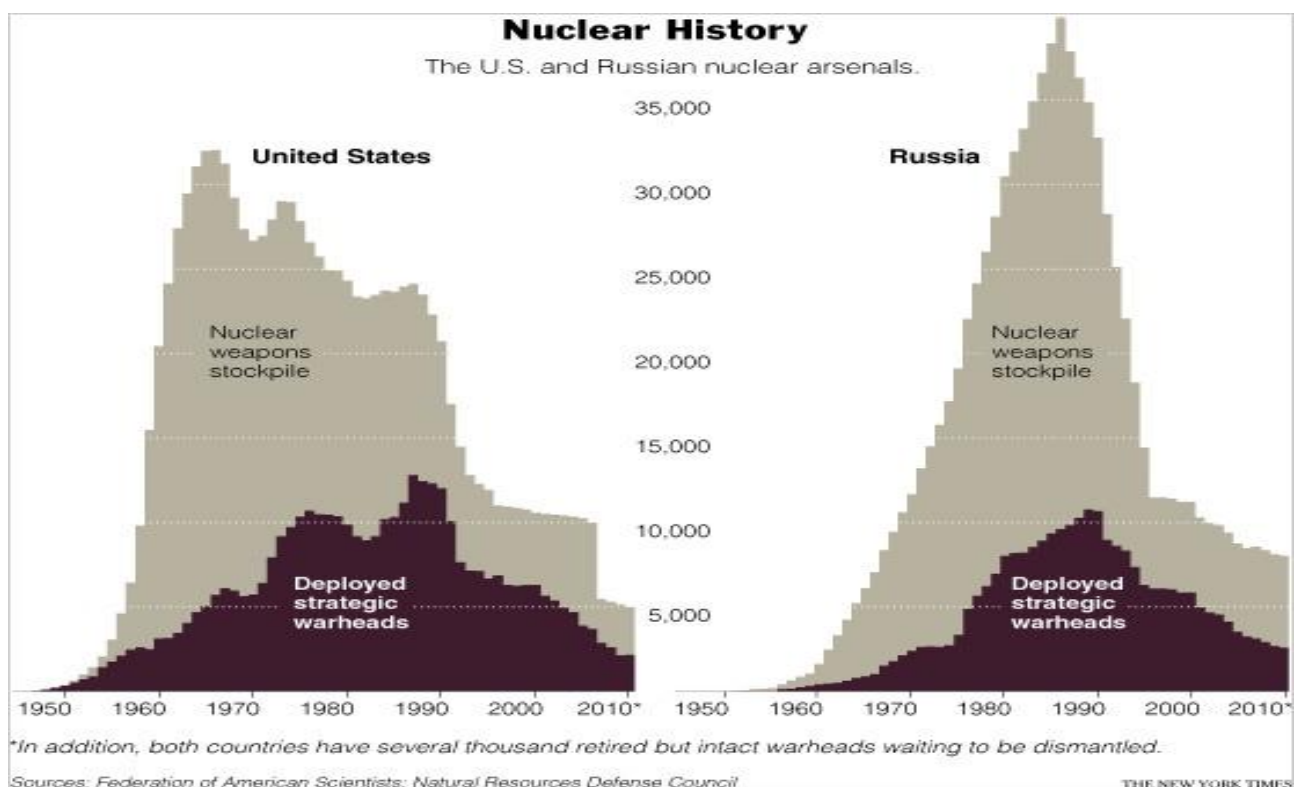
Russian officials at one point objected to the Obama administration's plans to build a missile-defense system in Eastern Europe.

The issue, according to arms control experts, was resolved by including nonbinding language in the START treaty's preamble stating that there is a relationship between offensive and defensive weapons; however, the treaty itself deals only with limits on offensive weapons systems.

This resolution could help placate U.S. critics who want no link in the treaty between offensive and defensive weapons, arguing that it might be used to try to limit a U.S. missile-defense plan.

The new treaty would be the first pact related to arms control since the end of the Cold War, experts have said, setting the stage for further arms reductions that will tackle thorny issues such as what to do with nondeployed warheads that are kept in storage, tactical nuclear weapons and further cuts in missiles and launch vehicles.

Exercise 8. Analyze the data of the chart and compare nuclear arsenals of both countries. Study the progress of the arms race. What were the basic reasons for it?



Exercise 9. **Analyse the headline of the article below. What do you think is the article about?**

US and Russian leaders hail nuclear arms treaty

US President Barack Obama and his Russian counterpart, Dmitry Medvedev, have signed a landmark nuclear arms treaty in the Czech capital, Prague.

The treaty commits the former Cold War enemies to each reduce the number of deployed strategic warheads to 1,550 – 30% lower than the previous ceiling.

Mr Obama said it was an important milestone, but "just one step on a longer journey" of nuclear disarmament.

Mr Medvedev said the deal would create safer conditions throughout the world.

If ratified by lawmakers in both countries, the treaty will replace the Strategic Arms Reduction Treaty (Start) of 1991, which has expired.

Missile defence

The US and Russian leaders signed the New Start treaty at a ceremony attended by hundreds of officials in the lavishly decorated Spanish Hall of Prague Castle, the Czech president's residence.

Under the pact, each side is allowed a maximum of 1,550 warheads, about 30 % lower than the 2002 Moscow Treaty.

It also limits the number of deployed delivery vehicles – ballistic missiles and heavy bombers – to no more than 700. However, each bomber counts as one warhead irrespective of the fact that it might carry multiple bombs or missiles.

Speaking after the signing ceremony, President Obama said the treaty demonstrated that both countries had halted the deterioration of their relations, which had prevented agreement on mutually important issues in the past.

He said the talks – beginning this summer – would cover missile defence, threat assessments, and the completion of a joint assessment of emerging ballistic missiles.

For his part, President Medvedev said the negotiating process had not been simple, but the treaty represented a "win-win situation" that would enhance strategic stability and bilateral relations.

But Mr Medvedev said disagreements remained between Moscow and Washington over US plans for a missile defence shield, which have been modified by Mr Obama.

It was Moscow's concerns over Washington's plans to base interceptor missiles in Poland and a radar station in the Czech Republic that helped delay the new treaty. President Obama shelved the idea in September, although new plans include ground-based interceptor missiles in Romania.

The White House has said it hopes and expects the US Senate to ratify the New Start treaty this year. Senate ratification requires 67 votes, which means it must include Republicans.

The Russian lower house of parliament must also approve the treaty, but as long as the Kremlin supports it, ratification there is expected to be a formality.

During private talks before the signing ceremony, Mr Obama and Mr Medvedev also discussed Iran's nuclear programme.

The US wants the UN Security Council to approve tougher sanctions against Tehran, over its refusal to halt uranium enrichment.

"Unfortunately Tehran is not reacting to an array of constructive compromise proposals. We cannot close our eyes to this," Mr Medvedev said afterwards.

Exercise 10. Give the Russian equivalents for the following word combinations.

counterpart, to reduce the number of deployed strategic warheads, to limit the number of deployed delivery vehicles, ballistic missiles, heavy bombers, to halt the deterioration of their relations, to prevent agreement on mutually important issues, the benefits of co-operation, to pursue discussions, a joint assessment of emerging ballistic missiles, to enhance strategic stability and bilateral relations, ground-based interceptor missiles, to approve tougher sanctions against, in compliance with their nuclear non-proliferation obligations.

Exercise 11. **Look at the data and study the chart. Discuss the following questions in group.**

1. What are the estimated figures?
2. What do you think of the efficiency and necessity of the new START?
3. Is START important for keeping the nuclear balance in the world?
4. What consequences could it have? Will it influence the situation in the world?

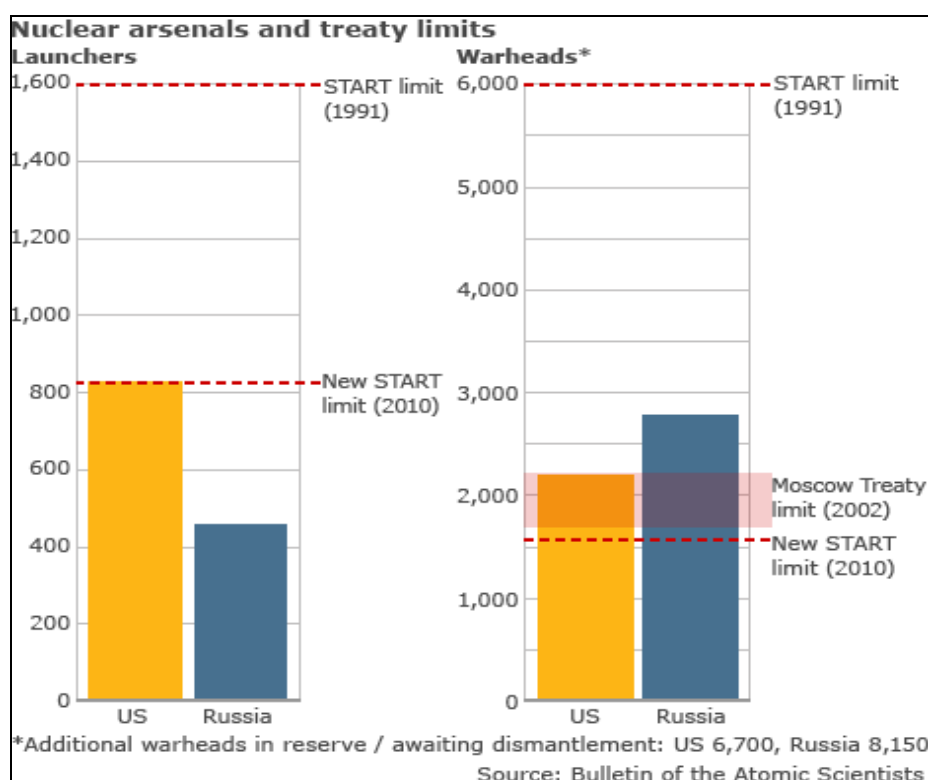
TREATY LIMITS

Warheads: 1,550 (74 % lower than the 1991 Start Treaty and 30 % lower than the figure of 2,200 that each side was meant to reach by 2012 under the 2002 Strategic Offensive Reductions Treaty (Sort)).

Launchers: 700 deployed intercontinental and submarine-launched ballistic missiles, and deployed heavy bombers equipped for nuclear armaments.

New limit on delivery systems less than half current ceiling of 1,600.

US AND RUSSIA NUCLEAR WEAPONS



Exercise 12. Translate the following noun phrases and make up sentences with them.

five-yearly review conference, a nuclear-weapons free world, test ban treaty, disarmament obligations, the key passage, the 2000 NPT review conference statement, long-range nuclear missile force nuclear weapons technology.

Exercise 13. Debate the following questions.

1. Is a nuclear-weapons free world possible? Why? Why not?
2. Are not the nuclear states supposed to be disarming under the NPT?
- 3 What exactly does the NPT say?
4. Is the NPT legally binding?
5. What weapons have the nuclear states given up?
6. Do the nuclear-weapon states have any intention of giving up nuclear weapons?
7. Are nuclear-weapon states building new nuclear weapons and delivery systems?
8. Are double standards operating against some countries?

Exercise 14. Read the article and check whether you were right in your suggestions.

In 2010, the next five-yearly review conference of the Nuclear Non-Proliferation Treaty will be held. President Obama has spoken of his hopes for a nuclear-weapons free world.

On 24 September 2009, the UN Security Council, adopted a resolution (1887) calling for the creation of "conditions for a world without nuclear weapons... "

Is a nuclear-weapons free world possible?

It is possible but unlikely for the foreseeable future. Even President Obama said that he did not expect to see it in his lifetime and also said that as long as such weapons existed, the US would keep its own nuclear arsenal.

In the meantime, he is reported to be wanting far fewer US nuclear warheads (in the hundreds rather than thousands) and he wants the US Senate to ratify the comprehensive test ban treaty.

There is no suggestion that nuclear-weapon states are ready to disarm completely.

Russia and China have both announced upgrades to their nuclear arsenals and so has the UK, with a plan to build four new submarines with Trident missiles.

However British Prime Minister has proposed that, as part of an overall agreed package, Britain might build three submarines not four.

Are not the nuclear states supposed to be disarming under the NPT?

Yes but by how much is a subject for debate. The main issue is the interpretation of the Nuclear Non-Proliferation Treaty Article VI. The treaty was basically a bargain agreed in 1968 between nuclear-armed and non-nuclear-armed states.

India and Pakistan have both tested nuclear weapons

The nuclear-weapon states – the US, Russia (then the Soviet Union), China, Britain and France – were allowed to keep their weapons but not to give them to anyone else. The non-nuclear-weapon states were allowed to develop nuclear technology but only for peaceful purposes.

The treaty also laid disarmament obligations on the nuclear states. These states say they are in compliance with the treaty, but critics say the treaty requires further, indeed complete, nuclear disarmament.

What exactly does the NPT say?

The key passage on the issue, Article VI, says: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control".

What does it mean?

Interpretations of it vary, and this is the problem.

What do critics of the nuclear-weapon states argue?

They say the article clearly implies that nuclear-weapon states should start with an early end to the arms race, move onto negotiations leading to nuclear disarmament and then, with all other states, agree on a treaty on general disarmament.

What do nuclear-weapon states say?

They say they are committed by treaty only to "negotiations in good faith on effective measures" relating to the nuclear arms race and to nuclear disarmament and that they have fulfilled this by reducing their nuclear arsenals.

They are not committed in the treaty, they say, to total nuclear disarmament. They also argue that there is no time-frame, other than to end the arms race "at an early date".

Is the NPT legally binding?

The treaty is binding on all states that are parties to it. The problem is that not all member states agree on what the disarmament obligations mean. And states not signed up are under no obligations.

What weapons have the nuclear states given up?

The United States and Russia have substantially reduced their nuclear weapons from the tens of thousands they held during the Cold War. After a series of strategic arms treaties, they agreed the Moscow Treaty in 2002 under which they will both cut their strategic nuclear arsenals to 1,700-2,200 operationally deployed warheads by 2012.

The UK has withdrawn nuclear bombs carried by aircraft and has cut the warheads deployed on its four submarines to 48 at any one time and to fewer than 200 in total. France withdrew its nuclear bombers and cut its submarines from five to four.

China appears to be the exception. The Pentagon said in 2006 that China was "quantitatively and qualitatively" improving its long-range nuclear missile force.

Do the nuclear-weapon states have any intention of giving up nuclear weapons?

Not as things stand.

Are nuclear-weapon states building new nuclear weapons and delivery systems?

Yes. The UK government has decided to replace its Trident submarines, though is offering to build three not four. President Putin said in March 2006 that "Russia must be sure that its nuclear arsenal is up to the demands of the modern world".

The United States and France also intend to keep their weapons up to date and China is believed to be developing new missiles and warheads.

The Pentagon did propose a programme to develop new versions of existing smaller nuclear weapons – one of which is designed as a "bunker buster" – but Congress withdrew funding in 2005.

What about other nuclear-armed states?

India and Pakistan both have nuclear weapons but they are not parties to the NPT and therefore are not restricted. Israel, which is also not in the NPT, is reckoned to be nuclear-armed but it has not confirmed or denied this. North Korea has carried out a nuclear test but has withdrawn from the NPT, as any party to it can.

What pressure is being put on these states?

The Security Council has imposed restrictions on trade in arms and luxury goods with North Korea. Even though North Korea has left the NPT, and therefore in theory has the right to do what it wants, the Council has a right to act because it regards North Korea as a threat to international security.

No UN sanctions have been imposed on India and Pakistan following their 1998 nuclear tests partly because they are not in the NPT and are therefore under no obligations. But they also have had and have powerful friends

in Russia and the United States who would have vetoed Security Council sanctions.

The US is supportive of Pakistan, whose help it needs in its war on terror. Even when the Pakistani scientist A Q Khan was found in 2004 to have secretly provided nuclear weapons technology to Iran, Libya and North Korea, Pakistan was not punished by the US.

During the Cold War, the Soviet Union was an ally of India but more recently the US has come closer to India, seeing it as a stable, democratic and increasingly important regional power.

It has signalled its acceptance that India is now a nuclear-armed state. The two countries reached an agreement under which the US lifted a ban on trade in civilian nuclear technology and India agreed to accept IAEA inspection of its civilian nuclear sites.

What about Israel?

Israel is believed to have several hundred warheads and refuses to allow IAEA inspection of its nuclear facilities. In September 2009, the IAEA passed a resolution that "expresses concern about the Israeli nuclear capabilities, and calls upon Israel to accede to the NPT and place all its nuclear facilities under comprehensive IAEA safeguards..."

Israel is criticized for maintaining nuclear weapons and for not agreeing to a nuclear-free Middle East zone. While formally not confirming or denying that they have nuclear weapons, Israeli leaders argue that they need a deterrent. Israel is supported by the United States, which would stop any moves in the UN to impose sanctions.

Are double standards operating against some countries?

It is sometimes argued that certain countries – Pakistan, India and Israel – have been allowed to develop nuclear weapons without too much outside pressure because they are friends of the United States. But others – North Korea, Iran and Libya – are declared threats to international secu-

rity and face heavy pressure or UN sanctions. In the case of Iran, it has not developed nuclear weapons and says it will not do so but it is developing enrichment technology which can be used both to make nuclear power and a nuclear bomb.

The US response is that there is a difference between the threats posed by some countries and not others. North Korea is seen as an unpredictable and potentially dangerous dictatorship and Iran as a country that cannot be trusted because it hid a uranium enrichment programme for 18 years despite its commitment not to do so under the Nuclear Non-Proliferation Treaty.

Libya is put forward as an example of a country which admitted to a secret nuclear programme and was rewarded with the lifting of trade restrictions.

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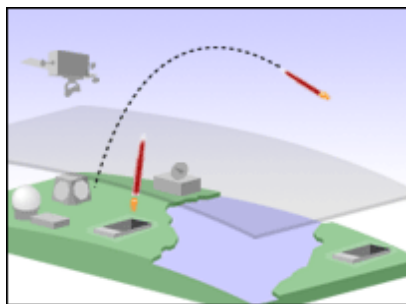
OVER TO YOU

There is widespread belief that the United States has expanded its so-called security interests to almost every corner of the world. Do you agree with this statement?

Exercise 15. **Read the following article of BBC Europe editor Mark Mardell about the US plan to bring missile defence to Europe.**

STAR WARS SEQUEL

For while Ronald Reagan's Evil Empire was consigned to hell years ago, the sequel to his Star Wars scheme is very much alive.



How defence system works

How defence system works

The Americans are keen to bring their Missile Defence System to Eastern Europe. It is a complex and ever evolving web of interlinked weapons and radar based on land, sea, air and in space. I am enough of a die-hard science fiction fan to understand the thrill produced by talk of energy beams that can melt the metal casing of an enemy missile hundreds of miles away. But I am not enough of a military expert to understand why the principle of "knock'em out before they hit you" is considered quite so revolutionary. As I remarked to one expert, "It's hardly rocket science," before he pointed out that is exactly what it is.

NON-STATE ACTORS

But you can gather some of the complexity of the system when you consider that the Missile Defence Agency, which spends around £5bn a year, has on its website a list of acronyms for the systems involved that runs to 327 pages.

It is intended to protect the "United States, our troops abroad, our allies, and our friends" from the danger of nuclear or biological weapons being fired by states like North Korea or Iran or what the Americans call "non-state actors". There's quite a lot doubt which friends and allies will be allowed under this sheltering umbrella, and particularly how much of Europe will be included. But the main opponent of the plan is very much a traditional state actor.

An actor, in fact, fed up with being again cast as the villain of the piece. Russia has just fired a new rocket from just outside Moscow to a target around 3,000 miles away. In case anyone hasn't got the message, defence chiefs issued a statement saying this missile, capable of being packed with 10 warheads, would break through any missile defence scheme. If anyone was left scratching their head at what the hidden message was, President Putin helpfully added that "stuffing Europe with weapons" would turn it into a "powder keg".

GOVERNMENTS V PEOPLE

The Polish government is not so much daunted as enthused by the Russians' ire. In fact it's keen on getting not only the new missiles but even more than the Americans are willing to provide. Perhaps not surprisingly, in view of their history, the Poles are more worried about Russia than Iran, which they've made clear they don't see as much of a threat. In return for housing 10 "delivery systems" on its soil, Poland wants some old-fashioned Patriot missiles, which are rather good at dealing with incoming fire from places much near home, like, say, Russia.

Some Polish politicians, including senior members of the ruling coalition, say there should be a referendum before anything like this happens. But there won't be, not least because the Polish people are nowhere near so keen on the idea as their government.

In the Czech Republic there is similar enthusiasm from the government and similar demands for a referendum, this time from the social democratic opposition. With about 68% against in opinion polls, the Czech people aren't likely to get much of a say either. More problematic is the opposition of the Greens, who are part of the government coalition. At the moment it's difficult to see how the Czech Parliament would vote for the American plan.

VILLAGE VOICES

The United States wants to move and upgrade a microwave radar system from its current home on the Ronald Reagan Ballistic Missile Defense Test Site on a Pacific Island to a new home about 40 miles outside Prague. Preparations are already underway at a military area, which was once a Nazi base, then a concentration camp, before becoming home to Soviet troops. Locals aren't keen on any more foreign military personnel in their neck of the woods, although many stress they are not anti-American.

Several villages have held referendums. In Trokavec it was 71 against, one for. In nearby Skorice it was 164 to

one. These votes have no legal power but considerable political clout. The villagers say they are worried about the effects of X-band radiation as well as Russian retaliation. The Americans reply that X-band is just a fancy name for the sort of thing used in airport security systems and the ones on the Pacific atolls have been operating near two schools with no ill effect. When the snows come to Europe, I will feel duty bound to travel to the Pacific to investigate.

STICKING OUT

Perhaps oddly, it's not the environmental or safety factors that alarm the Czech Green Party. Their vice-chairman and foreign affairs expert, Ondrej Lisko, told me that it was the USA's failure to consult the people or involve Nato or the European Union that alarmed him. "The public diplomacy has been a complete fiasco. It's just playing with security, because in the 21st Century security has to be anchored in structures and alliances. The US should know by now that unilateralism has proved counter-productive".

The leader of the Czech Social Democrats in the European Parliament, Libor Roucek, agrees. "Look at the risks and the dangers and it's clear we should do it together. There's a danger if we do this bilaterally, just the Czech Republic and the USA. We can't have two standards of protection in Europe".

President Bush may not find it too difficult to give Nato a greater role, although he might not like getting the European Union involved. But there are many in Poland and the Czech Republic who don't want their countries to risk the retaliation of Russia by sticking out alone. If it was missiles they were worried about, then it's hard to see how they could have any better or bigger friend than the States. But when it comes to a war of words they seem to want to know the rest of Europe is right behind them.

Exercise 16. Read the article. Do you remember what these acronyms mean: IAEA; NPT?

Washington (CNN) – Turkey's prime minister declined to support President Barack Obama's push for tough new sanctions against Iran but said his country was willing to act as a mediator in the diplomatic standoff over Tehran's nuclear ambitions.

Prime Minister Recep Tayyip Erdogan said Turkey has had a strategic alliance with Iran since the 17th century and wants a diplomatic solution to end the deadlock. Erdogan spoke to CNN's Christiane Amanpour while in Washington to attend the Obama administration's summit on nuclear security, saying, "I believe that we can find a way out."

"I am here for a diplomatic solution," he said. Countries that are members of the International Atomic Energy Agency and the 1968 Non-Proliferation Treaty (NPT) "must all work together on this, and as (for) Turkey, we could act as a very important intermediary."

Turkey is a rotating member of the United Nations Security Council, which has demanded that Iran halt its nuclear fuel program. Iran has refused the demand and continued to produce enriched uranium, which in high concentrations can be used to produce a nuclear bomb.

Iran insists its nuclear program is for peaceful purposes, but the United States has accused it of trying to develop a nuclear bomb.

The IAEA – the U.N. nuclear watchdog agency – reported in February that Iran has begun enriching uranium to higher levels without necessary safeguards, and the agency has said it has been unable to rule out the existence of an Iranian nuclear weapons program without further cooperation from Tehran.

While declining to endorse the idea of new sanctions against Tehran, Erdogan also said Ankara does not want to see any nuclear weapons in the Middle East. He noted that Israel, which does not recognize the NPT and is believed to have nuclear weapons, remains a member of the IAEA.

Exercise 17. **Match the expressions as they occur in the text.**

- | | |
|-----------------|----------------------|
| 1. push | a) the deadlock |
| 2. to act | b) enriched uranium |
| 3. diplomatic | c) member |
| 4. nuclear | d) the demand |
| 5. a diplomatic | e) solution |
| 6. to end | f) purposes |
| 7. a rotating | g) ambitions |
| 8. refused | h) stand |
| 9. to produce | i) watchdog agency |
| 10. peaceful | j) as a mediator |
| 11. nuclear | k) for new sanctions |

Exercise 18. **Use these expressions above to summarize the information of the article.**

OVER TO YOU

Compare the words of two famous political figures. Make your conclusions in the form of an essay.

"It is not just for a few states to sit and veto global approvals". Mahmoud Ahmadinejad, President of Iran.

"Every nation has to be either with us, or against us". Hillary Clinton, US Secretary of State.

Exercise 19. **Debate the following questions. Use the chart below to help you.**

1. Is it a duty of any country to take part in the nuclear proliferation?
2. Can a country be made to reduce its nuclear heads?
3. What do you know about the so-called "rogue countries", as, e.g., Iran? Do all countries have right to have nuclear weapons? Why? Why not?
4. Do you think Iran should be made to close its nuclear program?

5. Study the chart below and discuss the following questions.

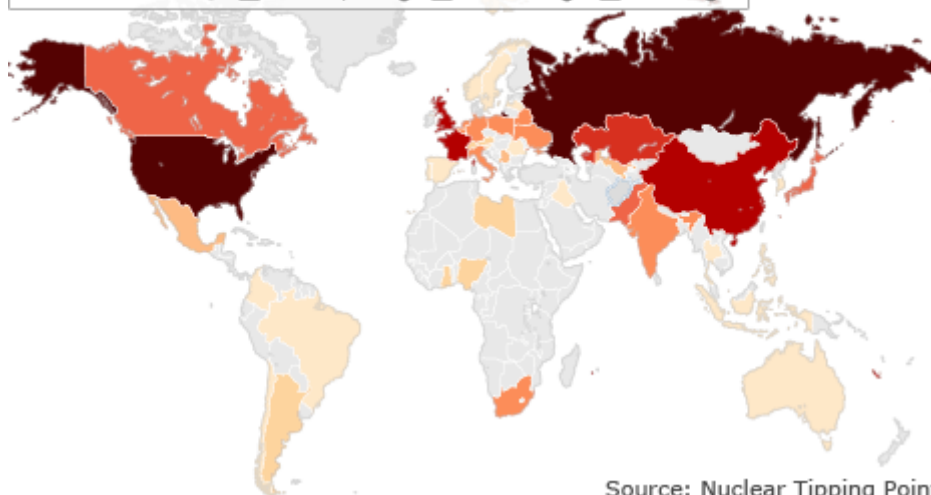
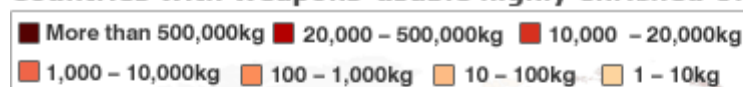
6. What is enriched uranium used for?

7. What countries have enriched uranium production?

8. Do all these countries have nuclear weapons?

9. What is the basis for the decision not to let any other countries into the "nuclear club"?

Countries with weapons-usable highly enriched Uranium



Source: Nuclear Tipping Point

Exercise 20. **Look at the first sentence of the article (in bold) which has been turned into the headline of the article. Compare the structure of both pieces: what changes have been made?**

Now read the article. What was the agenda of the summit? What issues came up?

Nuclear security summit hears of terror risk

World leaders at a summit on nuclear security in Washington have heard dire warnings of the danger of nuclear material falling into the wrong hands.

US President Barack Obama, opening the biggest international meeting hosted by the US since 1945, greeted leaders from nearly 50 countries.

Officials said more should be done to prevent theft or smuggling.

Meanwhile, France's leader stressed his country could not give up its own nuclear weapons.

The US welcomed a Ukrainian pledge to eliminate its stockpile of highly enriched uranium by 2012.

The two-day summit is taking place without representatives of Iran and North Korea, neither of whom were invited by the US because of the disputes over their nuclear programmes.

Israeli Prime Minister Benjamin Netanyahu dropped plans to attend the summit, reportedly because of concern that Muslim states planned to press for Israel to open its own nuclear facilities to international inspection.

'Proliferators not welcome'

The head of the International Atomic Energy Agency, Ikiya Amano, said that nuclear powers needed to do more to protect nuclear materials. "The problem is that nuclear material and radioactive material are not well protected and member states need to better protect these materials against the theft or smuggling," he told the BBC.

Exercise 21. Read the article below and translate it into Russian. Express your opinion on the information of the article.

Washington (CNN) – Ukraine announced Monday that it will get rid of all its highly enriched uranium, which can be used in nuclear weapons, within the next two years.

The announcement by Ukrainian President Viktor Yanukovich followed his meeting with President Obama before the start of a 47-nation summit on nuclear security.

In an exclusive interview with CNN on Monday, Yanukovich said that most of his nation's highly enriched uranium would be gone by the end of 2010.

"The Ukraine has quite a number of power plants and various universities and research institutes where we are

trying to understand to best utilize nuclear in a peaceful means," Yanukovich told CNN foreign affairs correspondent Jill Dougherty. "We are working on it. However, we are already taking the necessary step to remove highly enriched uranium from the country. By the end of this year, Ukraine is going to have the larger part of this uranium taken out of the country".

A White House statement said Obama "praised Ukraine's decision as a historic step and a reaffirmation of Ukraine's leadership in nuclear security and nonproliferation".

"Ukraine joins the United States in the international effort to convert civil nuclear research facilities to operate with low enriched uranium fuel, which is becoming the global standard in the 21st century", the statement said.

Exercise 22. Study the text of the treaty and be ready to answer the following questions.

1. What countries were the original parties to the treaty?
2. When and where was the treaty signed?
3. What is the date of its entry into force?
4. What are the depository governments?
5. What is proclaimed as a principal aim of the treaty?

Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water

Signed by the Original Parties, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America at Moscow: 5 August 1963.

Opened for signature at London (L), Moscow (M) and Washington (W): 8 August 1963.

Entered into force: 10 October 1963.

Depository Governments: Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America.

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "Original Parties",

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows:

Article I

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a Treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

Article II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

Article III

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties – the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics – which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article IV

This Treaty shall be of unlimited duration. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

Article V

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate at the city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

Exercise 23. **Summarize the information of the treaty articles.**

Exercise 24. **Cover the text of the treaty above and fill in the necessary preposition.**

Signed ____ the Original Parties, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America ____ Moscow: 5 August 1963.

Opened ____ signature at London (L), Moscow (M) and Washington (W): 8 August 1963.

Entered ____ force: 10 October 1963.

... The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred ____ ____ the "Original Parties",

Proclaiming ____ their principal aim the speediest possible achievement ____ an agreement ____ general and complete disarmament ____ strict international control ____ accordance ____ the objectives of the United Nations which would put an end ____ the armaments race and eliminate the incentive ____ the production and testing of all kinds of weapons, including nuclear weapons,

Seeking ____ achieve the discontinuance of all test explosions of nuclear weapons ____ all time, determined to continue negotiations to this end, and desiring to put an end ____ the contamination of man's environment by radioactive substances,...

OVER TO YOU

What role is played by nuclear weapons in the world and global politics? Does it help to deter possible aggression and maintain peace and security in the world? What do you think of the future of nuclear proliferation and global disarmament? Do you consider it is possible for all countries to destroy their nuclear arsenals? Why? Why not? Give your reasons and write an essay to express your opinion.

SUPPLEMENTARY READING SECTION

Convention on Cybercrime

Budapest, 23.XI.2001

Preamble

The member States of the Council of Europe and the other States signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Recognising the value of fostering co-operation with the other States parties to this Convention;

Convinced of the need to pursue, as a matter of priority, a common criminal policy aimed at the protection of society against cybercrime, *inter alia*, by adopting appropriate legislation and fostering international co-operation;

Conscious of the profound changes brought about by the digitalisation, convergence and continuing globalisation of computer networks;

Concerned by the risk that computer networks and electronic information may also be used for committing criminal offences and that evidence relating to such offences may be stored and transferred by these networks;

Recognising the need for co-operation between States and private industry in combating cybercrime and the need to protect legitimate interests in the use and development of information technologies;

Believing that an effective fight against cybercrime requires increased, rapid and well-functioning international co-operation in criminal matters;

Convinced that the present Convention is necessary to deter action directed against the confidentiality, integrity and availability of computer systems, networks and computer data as well as the misuse of such systems, networks and data by providing for the criminalisation of such conduct, as described in this Convention, and the adoption of

powers sufficient for effectively combating such criminal offences, by facilitating their detection, investigation and prosecution at both the domestic and international levels and by providing arrangements for fast and reliable international co-operation;

Mindful of the need to ensure a proper balance between the interests of law enforcement and respect for fundamental human rights as enshrined in the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights and other applicable international human rights treaties, which reaffirm the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, and the rights concerning the respect for privacy;

Mindful also of the right to the protection of personal data, as conferred, for example, by the 1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data;

Considering the 1989 United Nations Convention on the Rights of the Child and the 1999 International Labour Organization Worst Forms of Child Labour Convention;

Taking into account the existing Council of Europe conventions on co-operation in the penal field, as well as similar treaties which exist between Council of Europe member States and other States, and stressing that the present Convention is intended to supplement those conventions in order to make criminal investigations and proceedings concerning criminal offences related to computer systems and data more effective and to enable the collection of evidence in electronic form of a criminal offence;

Welcoming recent developments which further advance international understanding and co-operation in combating cybercrime, including action taken by the United Nations, the OECD, the European Union and the G8;.....

Have agreed as follows:

Chapter I – Use of terms.

Article 1 – Definitions.

For the purposes of this Convention:

a. "computer system" means any device or a group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data;

b. "computer data" means any representation of facts, information or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function;

c. "service provider" means:

i. any public or private entity that provides to users of its service the ability to communicate by means of a computer system, and

ii. any other entity that processes or stores computer data on behalf of such communication service or users of such service.

d. "traffic data" means any computer data relating to a communication by means of a computer system, generated by a computer system that formed a part in the chain of communication, indicating the communication's origin, destination, route, time, date, size, duration, or type of underlying service.

Chapter II – Measures to be taken at the national level.

Section 1 – Substantive criminal law.

Title 1 – Offences against the confidentiality, integrity and availability of computer data and systems.

Article 2 – Illegal access.

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intention-

ally, the access to the whole or any part of a computer system without right. A Party may require that the offence be committed by infringing security measures, with the intent of obtaining computer data or other dishonest intent, or in relation to a computer system that is connected to another computer system.

Article 3 – Illegal interception.

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the interception without right, made by technical means, of non-public transmissions of computer data to, from or within a computer system, including electromagnetic emissions from a computer system carrying such computer data. A Party may require that the offence be committed with dishonest intent, or in relation to a computer system that is connected to another computer system.

Article 4 – Data interference.

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the damaging, deletion, deterioration, alteration or suppression of computer data without right.

2. A Party may reserve the right to require that the conduct described in paragraph 1 result in serious harm.

Article 5 – System interference.

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the serious hindering without right of the functioning of a computer system by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data.

Article 6 – Misuse of devices.

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal of-

fences under its domestic law, when committed intentionally and without right:

a. the production, sale, procurement for use, import, distribution or otherwise making available of:

i a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offences established in accordance with Articles 2 through 5;

ii. a computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed,

with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5; and

b. the possession of an item referred to in paragraphs a.i or ii above, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5. A Party may require by law that a number of such items be possessed before criminal liability attaches.

2. This article shall not be interpreted as imposing criminal liability where the production, sale, procurement for use, import, distribution or otherwise making available or possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with Articles 2 through 5 of this Convention, such as for the authorised testing or protection of a computer system.

3. Each Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 a.ii of this article.

Title 2 – Computer-related offences.

Article 7 – Computer-related forgery.

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intention-

ally and without right, the input, alteration, deletion, or suppression of computer data, resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.

Article 8 – Computer-related fraud.

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by:

a. any input, alteration, deletion or suppression of computer data,

b. any interference with the functioning of a computer system,

with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person.

Title 3 – Content-related offences.

Article 9 – Offences related to child pornography.

1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct:

a. producing child pornography for the purpose of its distribution through a computer system;

b. offering or making available child pornography through a computer system;

c. distributing or transmitting child pornography through a computer system;

d. procuring child pornography through a computer system for oneself or for another person;

e. possessing child pornography in a computer system or on a computer-data storage medium.

2. For the purpose of paragraph 1 above, the term "child pornography" shall include pornographic material that visually depicts:

- a. a minor engaged in sexually explicit conduct;
- b. a person appearing to be a minor engaged in sexually explicit conduct;
- c. realistic images representing a minor engaged in sexually explicit conduct.

3. For the purpose of paragraph 2 above, the term "minor" shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years....

Title 4 – Offences related to infringements of copyright and related rights.

Article 10 – Offences related to infringements of copyright and related rights.

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of copyright, as defined under the law of that Party, pursuant to the obligations it has undertaken under the Paris Act of 24 July 1971 revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed willfully, on a commercial scale and by means of a computer system.

2. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of related rights, as defined under the law of that Party, pursuant to the obligations it has undertaken under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention), the Agreement on Trade-Related Aspects of Intel-

lectual Property Rights and the WIPO Performances and Phonograms Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed willfully, on a commercial scale and by means of a computer system....

Title 5 – Ancillary liability and sanctions.

Article 11 – Attempt and aiding or abetting.

Article 12 – Corporate liability.

Article 13 – Sanctions and measures.

1. Each Party shall adopt such legislative and other measures as may be necessary to ensure that the criminal offences established in accordance with Articles 2 through 11 are punishable by effective, proportionate and dissuasive sanctions, which include deprivation of liberty.

2. Each Party shall ensure that legal persons held liable in accordance with Article 12 shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions or measures, including monetary sanctions.

Section 2 – Procedural law.

Title 1 – Common provisions.

Article 14 – Scope of procedural provisions.

Article 15 – Conditions and safeguards

Title 3 – Production order.

Article 18 – Production order.

1. Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order:

a. a person in its territory to submit specified computer data in that person's possession or control, which is stored in a computer system or a computer-data storage medium; and

b. a service provider offering its services in the territory of the Party to submit subscriber information relating to such services in that service provider's possession or control.

2. The powers and procedures referred to in this article shall be subject to Articles 14 and 15.

3. For the purpose of this article, the term “subscriber information” means any information contained in the form of computer data or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which can be established:

a. the type of communication service used, the technical provisions taken thereto and the period of service;

b. the subscriber’s identity, postal or geographic address, telephone and other access number, billing and payment information, available on the basis of the service agreement or arrangement;

c. any other information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement.

Title 4 – Search and seizure of stored computer data.

Article 19 – Search and seizure of stored computer data.

1. Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to search or similarly access:

a. a computer system or part of it and computer data stored therein; and

b. a computer-data storage medium in which computer data may be stored in its territory.

2. Each Party shall adopt such legislative and other measures as may be necessary to ensure that where its authorities search or similarly access a specific computer system or part of it, pursuant to paragraph 1.a, and have grounds to believe that the data sought is stored in another computer system or part of it in its territory, and such data is lawfully accessible from or available to the initial

system, the authorities shall be able to expeditiously extend the search or similar accessing to the other system.

3. Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to seize or similarly secure computer data accessed according to paragraphs 1 or 2. These measures shall include the power to:

- a. seize or similarly secure a computer system or part of it or a computer-data storage medium;
- b. make and retain a copy of those computer data;
- c. maintain the integrity of the relevant stored computer data;
- d. render inaccessible or remove those computer data in the accessed computer system.

4. Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order any person who has knowledge about the functioning of the computer system or measures applied to protect the computer data therein to provide, as is reasonable, the necessary information, to enable the undertaking of the measures referred to in paragraphs 1 and 2.

5. The powers and procedures referred to in this article shall be subject to Articles 14 and 15.

Title 5 – Real-time collection of computer data.

Article 20 – Real-time collection of traffic data.

1. Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to:

- a. collect or record through the application of technical means on the territory of that Party, and
- b. compel a service provider, within its existing technical capability:
 - i. to collect or record through the application of technical means on the territory of that Party; or
 - ii. to co-operate and assist the competent authorities in the collection or recording of,

traffic data, in real-time, associated with specified communications in its territory transmitted by means of a computer system....

Article 21 – Interception of content data.

1. Each Party shall adopt such legislative and other measures as may be necessary, in relation to a range of serious offences to be determined by domestic law, to empower its competent authorities to:

a. collect or record through the application of technical means on the territory of that Party, and

b. compel a service provider, within its existing technical capability:

i. to collect or record through the application of technical means on the territory of that Party, or

ii. to co-operate and assist the competent authorities in the collection or recording of,

content data, in real-time, of specified communications in its territory transmitted by means of a computer system...

Section 3 – Jurisdiction.

Article 22 – Jurisdiction.

1. Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with Articles 2 through 11 of this Convention, when the offence is committed:

a. in its territory; or

b. on board a ship flying the flag of that Party; or

c. on board an aircraft registered under the laws of that Party; or

d. by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State.

2. Each Party may reserve the right not to apply or to apply only in specific cases or conditions the jurisdiction

rules laid down in paragraphs 1.b through 1.d of this article or any part thereof.

3. Each Party shall adopt such measures as may be necessary to establish jurisdiction over the offences referred to in Article 24, paragraph 1, of this Convention, in cases where an alleged offender is present in its territory and it does not extradite him or her to another Party, solely on the basis of his or her nationality, after a request for extradition.

4. This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its domestic law.

5. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.

Chapter III – International co-operation.

Section 1 – General principles.

Title 1 – General principles relating to international co-operation.

Article 23 – General principles relating to international co-operation.

The Parties shall co-operate with each other, in accordance with the provisions of this chapter, and through the application of relevant international instruments on international co-operation in criminal matters, arrangements agreed on the basis of uniform or reciprocal legislation, and domestic laws, to the widest extent possible for the purposes of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence.

Title 2 – Principles relating to extradition.

Article 24 – Extradition.

1. a. This article applies to extradition between Parties for the criminal offences established in accordance with Ar-

articles 2 through 11 of this Convention, provided that they are punishable under the laws of both Parties concerned by deprivation of liberty for a maximum period of at least one year, or by a more severe penalty.

b. Where a different minimum penalty is to be applied under an arrangement agreed on the basis of uniform or reciprocal legislation or an extradition treaty, including the European Convention on Extradition (ETS No. 24), applicable between two or more parties, the minimum penalty provided for under such arrangement or treaty shall apply.

2. The criminal offences described in paragraph 1 of this article shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences as extraditable offences in any extradition treaty to be concluded between or among them.

3. If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any criminal offence referred to in paragraph 1 of this article.

4. Parties that do not make extradition conditional on the existence of a treaty shall recognize the criminal offences referred to in paragraph 1 of this article as extraditable offences between themselves.

5. Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition.

6. If extradition for a criminal offence referred to in paragraph 1 of this article is refused solely on the basis of the nationality of the person sought, or because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case at the request of the requesting Party to its competent authorities for the pur-

pose of prosecution and shall report the final outcome to the requesting Party in due course. Those authorities shall take their decision and conduct their investigations and proceedings in the same manner as for any other offence of a comparable nature under the law of that Party.

7. a. Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the name and address of each authority responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty.

b. The Secretary General of the Council of Europe shall set up and keep updated a register of authorities so designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times.

Title 3 – General principles relating to mutual assistance.

Article 25 – General principles relating to mutual assistance.

1. The Parties shall afford one another mutual assistance to the widest extent possible for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence.

2. Each Party shall also adopt such legislative and other measures as may be necessary to carry out the obligations set forth in Articles 27 through 35.

3. Each Party may, in urgent circumstances, make requests for mutual assistance or communications related thereto by expedited means of communication, including fax or e-mail, to the extent that such means provide appropriate levels of security and authentication (including the use of encryption, where necessary), with formal confirmation to follow, where required by the requested Party. The requested Party shall accept and respond to the request by any such expedited means of communication.

4. Except as otherwise specifically provided in articles in this chapter, mutual assistance shall be subject to the conditions provided for by the law of the requested Party or by applicable mutual assistance treaties, including the grounds on which the requested Party may refuse co-operation. The requested Party shall not exercise the right to refuse mutual assistance in relation to the offences referred to in Articles 2 through 11 solely on the ground that the request concerns an offence which it considers a fiscal offence.

5. Where, in accordance with the provisions of this chapter, the requested Party is permitted to make mutual assistance conditional upon the existence of dual criminality, that condition shall be deemed fulfilled, irrespective of whether its laws place the offence within the same category of offence or denominate the offence by the same terminology as the requesting Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under its laws.

Article 26 – Spontaneous information.

1. A Party may, within the limits of its domestic law and without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for co-operation by that Party under this chapter.

2. Prior to providing such information, the providing Party may request that it be kept confidential or only used subject to conditions. If the receiving Party cannot comply with such request, it shall notify the providing Party, which shall then determine whether the information should nevertheless be provided. If the receiving Party accepts the information subject to the conditions, it shall be bound by them.

Title 4 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements.

Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements.

1. Where there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and requested Parties, the provisions of paragraphs 2 through 9 of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.

2. a. Each Party shall designate a central authority or authorities responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution.

b. The central authorities shall communicate directly with each other;

c. Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of this paragraph;

d. The Secretary General of the Council of Europe shall set up and keep updated a register of central authorities designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times.

3. Mutual assistance requests under this article shall be executed in accordance with the procedures specified by the requesting Party, except where incompatible with the law of the requested Party.

4. The requested Party may, in addition to the grounds for refusal established in Article 25, paragraph 4, refuse assistance if:

a. the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or

b. it considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests.

5. The requested Party may postpone action on a request if such action would prejudice criminal investigations or proceedings conducted by its authorities.

6. Before refusing or postponing assistance, the requested Party shall, where appropriate after having consulted with the requesting Party, consider whether the request may be granted partially or subject to such conditions as it deems necessary.

7. The requested Party shall promptly inform the requesting Party of the outcome of the execution of a request for assistance. Reasons shall be given for any refusal or postponement of the request. The requested Party shall also inform the requesting Party of any reasons that render impossible the execution of the request or are likely to delay it significantly.

8. The requesting Party may request that the requested Party keep confidential the fact of any request made under this chapter as well as its subject, except to the extent necessary for its execution. If the requested Party cannot comply with the request for confidentiality, it shall promptly inform the requesting Party, which shall then determine whether the request should nevertheless be executed.

9. a. In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by judicial authorities of the requesting Party to such authorities of the requested Party. In any such cases, a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party.

b. Any request or communication under this paragraph may be made through the International Criminal Police Organisation (Interpol).

c. Where a request is made pursuant to sub-paragraph a. of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so.

d. Requests or communications made under this paragraph that do not involve coercive action may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party.

e. Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary General of the Council of Europe that, for reasons of efficiency, requests made under this paragraph are to be addressed to its central authority.

Article 28 – Confidentiality and limitation on use.

1. When there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and the requested Parties, the provisions of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.

2. The requested Party may make the supply of information or material in response to a request dependent on the condition that it is:

a. kept confidential where the request for mutual legal assistance could not be complied with in the absence of such condition, or

b. not used for investigations or proceedings other than those stated in the request.

3. If the requesting Party cannot comply with a condition referred to in paragraph 2, it shall promptly inform the other

Party, which shall then determine whether the information should nevertheless be provided. When the requesting Party accepts the condition, it shall be bound by it...

Section 2 – Specific provisions.

Title 1 – Mutual assistance regarding provisional measures.

Article 29 – Expedited preservation of stored computer data.

1. A Party may request another Party to order or otherwise obtain the expeditious preservation of data stored by means of a computer system, located within the territory of that other Party and in respect of which the requesting Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the data.

2. A request for preservation made under paragraph 1 shall specify:

- a. the authority seeking the preservation;
- b. the offence that is the subject of a criminal investigation or proceedings and a brief summary of the related facts;
- c. the stored computer data to be preserved and its relationship to the offence;
- d. any available information identifying the custodian of the stored computer data or the location of the computer system;
- e. the necessity of the preservation; and
- f. that the Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the stored computer data.

3. Upon receiving the request from another Party, the requested Party shall take all appropriate measures to preserve expeditiously the specified data in accordance with its domestic law. For the purposes of responding to a request, dual criminality shall not be required as a condition to providing such preservation.

4. A Party that requires dual criminality as a condition for responding to a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of stored data may, in respect of offences other than those established in accordance with Articles 2 through 11 of this Convention, reserve the right to refuse the request for preservation under this article in cases where it has reasons to believe that at the time of disclosure the condition of dual criminality cannot be fulfilled.

5. In addition, a request for preservation may only be refused if:

a. the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or

b. the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests.

6. Where the requested Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise prejudice the requesting Party's investigation, it shall promptly so inform the requesting Party, which shall then determine whether the request should nevertheless be executed.

7. Any preservation effected in response to the request referred to in paragraph 1 shall be for a period not less than sixty days, in order to enable the requesting Party to submit a request for the search or similar access, seizure or similar securing, or disclosure of the data. Following the receipt of such a request, the data shall continue to be preserved pending a decision on that request.

Article 30 – Expedited disclosure of preserved traffic data.

1. Where, in the course of the execution of a request made pursuant to Article 29 to preserve traffic data concerning a specific communication, the requested Party discovers that a service provider in another State was involved in the transmission of the communication, the re-

requested Party shall expeditiously disclose to the requesting Party a sufficient amount of traffic data to identify that service provider and the path through which the communication was transmitted....

Title 2 – Mutual assistance regarding investigative powers.

Article 31 – Mutual assistance regarding accessing of stored computer data.

1. A Party may request another Party to search or similarly access, seize or similarly secure, and disclose data stored by means of a computer system located within the territory of the requested Party, including data that has been preserved pursuant to Article 29.

2. The requested Party shall respond to the request through the application of international instruments, arrangements and laws referred to in Article 23, and in accordance with other relevant provisions of this chapter.

3. The request shall be responded to on an expedited basis where:

a. there are grounds to believe that relevant data is particularly vulnerable to loss or modification; or

b. the instruments, arrangements and laws referred to in paragraph 2 otherwise provide for expedited cooperation.

Article 32 – Trans-border access to stored computer data with consent or where publicly available.

A Party may, without the authorization of another Party:

a. access publicly available (open source) stored computer data, regardless of where the data is located geographically; or

b. access or receive, through a computer system in its territory, stored computer data located in another Party, if the Party obtains the lawful and voluntary consent of the person who has the lawful authority to disclose the data to the Party through that computer system.

Article 33 – Mutual assistance regarding the real-time collection of traffic data.

The Parties shall provide mutual assistance to each other in the real-time collection of traffic data associated with specified communications in their territory transmitted by means of a computer system. Subject to the provisions of paragraph 2, this assistance shall be governed by the conditions and procedures provided for under domestic law.

Article 34 – Mutual assistance regarding the interception of content data.

The Parties shall provide mutual assistance to each other in the real-time collection or recording of content data of specified communications transmitted by means of a computer system to the extent permitted under their applicable treaties and domestic laws.

Chapter IV – Final provisions.**Article 36 – Signature and entry into force.**

1. This Convention shall be open for signature by the member States of the Council of Europe and by non-member States which have participated in its elaboration.

2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five States, including at least three member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraphs 1 and 2.

4. In respect of any signatory State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the expression of its consent to be bound by the Convention in accordance with the provisions of paragraphs 1 and 2.

Article 37 – Accession to the Convention.

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Contracting States to the Convention, may invite any State which is not a member of the Council and which has not participated in its elaboration to accede to this Convention. The decision shall be taken by the majority provided for in Article 20.d. of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.....

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Budapest, this 23rd day of November 2001, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, and to any State invited to accede to it.

II

OPTIONAL PROTOCOL

to the International Covenant on Civil and Political Rights

The States Parties to the Present Protocol,

Considering that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, **as provided** in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant.

Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a party to the present Protocol.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the rights of submission of such communications or to be **incompatible** with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications **submitted** to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provisions of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, **if any**, that may have been taken by that State.

Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written

information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

1) The same matter is not being examined under another procedure of international investigation or settlement;

2) The individual has **exhausted all available domestic remedies**. This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514 (XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 10

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Par-

ties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

III

Just War Theory

Just war theory is probably the most influential perspective on the ethics of war and peace. The just war tradition has enjoyed a long and distinguished pedigree, including such notables as Aristotle, Cicero and Augustine. Many of the rules developed by the just war tradition have since been codified into contemporary international laws governing armed conflict, such as The United Nations Charter and The Hague and Geneva Conventions. The tradition has thus been doubly influential, dominating both moral and legal discourse surrounding war. It sets the tone, and the parameters, for the great debate.

Just war theory can be meaningfully divided into three parts, which in the literature are referred to, for the sake of convenience, in Latin. These parts are: 1) *jus ad bellum*, which concerns the justice of resorting to war in the first place; 2) *jus in bello*, which concerns the justice of conduct

within war, after it has begun; and 3) *jus post bellum*, which concerns the justice of peace agreements and the termination phase of war.

2.1. *Jus ad bellum*

The rules of *jus ad bellum* are addressed, first and foremost, to heads of state. Since political leaders are the ones who inaugurate wars, setting their armed forces in motion, they are to be held accountable to *jus ad bellum* principles. If they fail in that responsibility, then they commit war crimes. In the language of the Nuremberg prosecutors, aggressive leaders who launch unjust wars commit “crimes against peace.” What constitutes a just or unjust resort to armed force is disclosed to us by the rules of *jus ad bellum*. Just war theory contends that, for any resort to war to be justified, a political community, or state, must fulfil each and every one of the following six requirements:

1. Just cause. This is clearly the most important rule; it sets the tone for everything which follows. A state may launch a war only for the right reason. The just causes most frequently mentioned include: self-defence from external attack; the defence of others from such; the protection of innocents from brutal, aggressive regimes; and punishment for a grievous wrongdoing which remains uncorrected. Vitoria suggested that all the just causes be subsumed under the one category of “a wrong received.” Walzer, and most modern just war theorists, speak of the one just cause for resorting to war being the resistance of aggression. Aggression is the use of armed force in violation of someone else's basic rights.

The basic rights of two kinds of entity are involved here: those of states; and those of their individual citizens. International law affirms that states have many rights, notably those to political sovereignty and territorial integrity. It thus affirms that aggression involves the use of armed forces – armies, navies, air forces, marines, missiles – in violation of these rights. Classic cases would be Nazi Ger-

many into Poland in 1939, and Iraq into Kuwait in 1990, wherein the aggressor used its armed forces to invade the territory of the victim, overthrow its government and establish a new regime in its place. Crucially, the commission of aggression causes the aggressor to forfeit its own state rights, thereby permitting violent resistance. *An aggressor has no right not to be warred against in defence*; indeed, it has the duty to stop its rights-violating aggression.

But why do states have rights? The only respectable answer seems to be that they need these rights to protect their people and to help provide them with the objects of their human rights. As John Locke, and the U.S. Founding Fathers, declared: governments are instituted among people to realize the basic rights of those people. If governments do so, they are legitimate; if not, they have neither right nor reason to exist. This is vital: from the moral point of view, *only legitimate governments have rights*, including those to go to war. We need a theory of legitimate governance to ground just war theory, and Aquinas perhaps saw this more clearly than any classical member of the tradition. This connection to legitimacy is consistent with the perspective on war offered so far: war, at its heart, is a violent clash over how a territory and its people are to be governed.

Based on international law (see Roth), it seems like there are three basic criteria for a legitimate government. If these conditions are met, the state in question has rights to govern and to be left in peace. They are as follows. First, the state is recognized as legitimate by its own people and by the international community. There is an uncoerced general peace and order within that society, and the state is not shunned as a pariah by the rest of the world. Second, the state avoids violating the rights of other legitimate states. In particular, legitimate governments don't commit aggression against other societies. Finally, legitimate states make every reasonable effort to satisfy the human rights of their own citizens, notably those to life,

liberty and subsistence. States failing any of these criteria have no right to govern or to go to war. We can speak of states satisfying these criteria as legitimate, or “minimally just”, political communities.

Why do we need to talk about these rights? First, to give state rights moral legitimacy and to avoid fetishizing state rights for their own sake. Second, to describe what is wrong about aggression and why it justifies war in response. Aggression is so serious because it involves the infliction of physical force in violation of the most elemental entitlements people and their communities have: to survive; to be physically secure; to have enough resources to subsist at all; to live in peace; and to choose for themselves their own lives and societies. *Aggression thus attacks the very spine of human civilization itself.* This is what makes it permissible to resist with means as severe as war, provided the other *jus ad bellum* criteria are also met. Third, talk of legitimacy is essential for explaining justice in a civil war, wherein there isn't classical, cross-border aggression between competing countries but, rather, a vicious fight over the one state between rival communities within a formerly united society. The key to discerning morality in such cases revolves around the idea of legitimacy: which, if any, side has minimal justice? Which side is defending—or is seeking to establish—a legitimate political structure in our three-fold sense? That's the side which it is permissible to: a) be part of; or b) if you're an outsider, to support.

How does this conception of just cause impact on the issue of armed humanitarian intervention? This is when a state does not commit cross-border aggression but, for whatever reason, turns savagely against its own people, deploying armed force in a series of massacres against large numbers of its own citizens. Such events happened in Cambodia and Uganda in the 1970s, Rwanda in 1994, Serbia/Kosovo in 1998-9 and in Sudan/Darfur from 2004 to the present. Our definitions allow us to say it's permissible

to intervene on behalf of the victims, and to attack with defensive force the rogue regime meting out such death and destruction. Why? There's no logical requirement that aggression can *only* be committed across borders. Aggression is the use of armed force in violation of someone else's basic rights. That "someone else" might be: a) another person (violent crime); b) another state (international or "external" aggression); or c) many other people within one's own community (domestic or "internal" aggression). The commission of aggression, in any of these forms, causes the aggressor to forfeit its rights. The aggressor has no right not to be resisted with defensive force; indeed, the aggressor has the duty to stop and submit itself to punishment. If the aggressor doesn't stop, it is entirely permissible for its victims to resort to force to protect themselves – and for anyone else to do likewise in aid of the victims. Usually, in humanitarian intervention, armed aid from the international community is essential for an effective resistance against the aggression, since domestic populations are at a huge disadvantage, and are massively vulnerable, to the violence of their own state.

Terrorists can commit aggression too. There's nothing to the concept which excludes this: they, too, can deploy armed force in violation of someone else's basic rights. When they do so, they forfeit any right not to suffer the consequences of receiving defensive force in response. Indeed, terrorists almost always commit aggression when they act, since terrorism is precisely the use of random violence—especially killing force—against civilians, with the intent of spreading fear throughout a population, hoping this fear will advance a political objective. On 9/11, the al-Qaeda terrorist group clearly used armed force, both to gain control of the planes and then again when using the planes as missiles against the targets in The Pentagon and The World Trade Center. This use of armed force was in violation of America's state rights to political sovereignty and territorial integrity, and to all those people's human rights

to life and liberty. The terrorist strikes on 9/11 were aggression – defiantly so, deliberately modelled after Pearl Harbor. As such, they justified the responding attack on the Taliban regime in Afghanistan. The Taliban had sponsored and enabled al-Qaeda's attack, by providing resources, personnel and a safe haven to the terrorist group.

An important issue in just cause is whether, to be justified in going to war, one must wait for the aggression *actually to happen*, or whether in some instances it is permissible to launch a pre-emptive strike against *anticipated* aggression. The tradition is severely split on this issue. Victoria said you must wait, since it would be absurd to “punish someone for an offense they have yet to commit.” Others, like Walzer, strive to define the exceptional criteria, stressing: the seriousness of the anticipated aggression; the kind and quality of evidence required; the speed with which one must decide; and the issue of fairness and the duty to protect one's people. If one knows a terrible attack is coming soon, one owes it to one's people to shift from defense to offense. The best defense, as they say, is a good offense. Why let the aggressor have the upper hand of the first strike? But *that's the very issue*: can you attack first and not, thereby, yourself become the aggressor? Can *striking first* still be considered an act of *defence* from aggression? International law, for its part, sweepingly forbids pre-emptive strikes unless they are clearly authorized in advance by the UN Security Council. These issues, of course, were highlighted in the run-up to the 2003 U.S.-led pre-emptive strike on Iraq. The U.S. still maintains, in its National Security Strategy, the right to strike first as part of its war on terror. Many other countries find this extremely controversial.

2. Right intention. A state must intend to fight the war only for the sake of its just cause. Having the right reason for launching a war is not enough: the actual motivation behind the resort to war must also be morally appropriate. Ulterior motives, such as a power or land grab, or irrational

motives, such as revenge or ethnic hatred, are ruled out. The only right intention allowed is to see the just cause for resorting to war secured and consolidated. If another intention crowds in, moral corruption sets in. International law does not include this rule, probably because of the evidentiary difficulties involved in determining a state's intent.

3. Proper authority and public declaration. A state may go to war only if the decision has been made by the appropriate authorities, according to the proper process, and made public, notably to its own citizens and to the enemy state(s). The "appropriate authority" is usually specified in that country's constitution. States failing the requirements of minimal justice lack the legitimacy to go to war.

4. Last Resort. A state may resort to war only if it has exhausted all plausible, peaceful alternatives to resolving the conflict in question, in particular diplomatic negotiation. One wants to make sure something as momentous and serious as war is declared only when it seems the last practical and reasonable shot at effectively resisting aggression.

5. Probability of Success. A state may not resort to war if it can foresee that doing so will have no measurable impact on the situation. The aim here is to block mass violence which is going to be futile. International law does not include this requirement, as it is seen as biased against small, weaker states.

6. Proportionality. A state must, prior to initiating a war, weigh the *universal* goods expected to result from it, such as securing the just cause, against the *universal* evils expected to result, notably casualties. Only if the benefits are proportional to, or "worth", the costs may the war action proceed. (The universal must be stressed, since often in war states only tally *their own* expected benefits and costs, radically discounting those accruing to the enemy and to any innocent third parties.)

Just war theory insists *all six* criteria must each be fulfilled for a particular declaration of war to be justified: it's all or no justification, so to speak. Just war theory is thus

quite demanding, as of course it should be, given the gravity of its subject matter. It is important to note that the first three of these six rules are what we might call deontological requirements, otherwise known as duty-based requirements or first-principle requirements. For a war to be just, some core duty must be violated: in this case, the duty not to commit aggression. A war in punishment of this violated duty must itself respect further duties: it must be appropriately motivated, and must be publicly declared by (only) the proper authority for doing so. The next three requirements are consequentialist: given that these first principle requirements have been met, we must also consider the expected consequences of launching a war. Thus, just war theory attempts to provide a common sensical combination of both deontology and consequentialism as applied to the issue of war.

2.2. *Jus in bello*

Jus in bello refers to justice in war, to right conduct in the midst of battle. Responsibility for state adherence to *jus in bello* norms falls primarily on the shoulders of those military commanders, officers and soldiers who formulate and execute the war policy of a particular state. They are to be held responsible for any breach of the principles which follow below. Such accountability may involve being put on trial for war crimes, whether by one's own national military justice system or perhaps by the newly-formed International Criminal Court (created by the 1998 Treaty of Rome).

We need to distinguish between external and internal *jus in bello*. External, or traditional, *jus in bello* concerns the rules a state should observe regarding the enemy and its armed forces. Internal *jus in bello* concerns the rules a state must follow in connection with its own people as it fights war against an external enemy.

There are several rules of external *jus in bello*:

1. Obey all international laws on weapons prohibition. Chemical and biological weapons, in particular, are

forbidden by many treaties. Nuclear weapons aren't so clearly prohibited but it seems fair to say a huge taboo attaches to such weapons and any use of them would be greeted with incredible hostility by the international community.

2. Discrimination and Non-Combatant Immunity. Soldiers are only entitled to use their (non-prohibited) weapons to target those who are, in Walzer's words, "engaged in harm." Thus, when they take aim, soldiers must discriminate between the civilian population, which is morally immune from direct and intentional attack, and those legitimate military, political and industrial targets involved in rights-violating harm. While some *collateral* civilian casualties are excusable, it is wrong to take deliberate aim at civilian targets. An example would be saturation bombing of residential areas. (It is worth noting that almost all wars since 1900 have featured larger civilian, than military, casualties. Perhaps this is one reason why this rule is the most frequently and stridently codified rule in all the laws of armed conflict, as international law seeks to protect unarmed civilians as best it can.)

3. Proportionality. Soldiers may only use force proportional to the end they seek. They must restrain their force to that amount appropriate to achieving their aim or target. Weapons of mass destruction, for example, are usually seen as being out of proportion to legitimate military ends.

4. Benevolent quarantine for prisoners of war (POWs). If enemy soldiers surrender and become captives, they cease being lethal threats to basic rights. They are no longer "engaged in harm." Thus it is wrong to target them with death, starvation, rape, torture, medical experimentation, and so on. They are to be provided, as The Geneva Conventions spell out, with benevolent—not malevolent—quarantine away from battle zones and until the war ends, when they should be exchanged for one's own POWs. Do terrorists deserve such protection, too? Great controversy surrounds the detainment and aggressive

questioning of terrorist suspects held by the U.S. at jails in Cuba, Iraq and Pakistan in the name of the war on terror.

5. No Means *Mala in Se*. Soldiers may not use weapons or methods which are “evil in themselves.” These include: mass rape campaigns; genocide or ethnic cleansing; using poison or treachery (like disguising soldiers to look like the Red Cross); forcing captured soldiers to fight against their own side; and using weapons whose effects cannot be controlled, like biological agents.

6. No reprisals. A reprisal is when country A violates *jus in bello* in war with country B. Country B then retaliates with its own violation of *jus in bello*, seeking to chasten A into obeying the rules. There are strong moral and evidentiary reasons to believe that reprisals don't work, and they instead serve to escalate death and make the destruction of war increasingly indiscriminate. Winning well is the best revenge.

Internal *jus in bello* essentially boils down to the need for a state, even though it's involved in a war, nevertheless *to still respect the human rights of its own citizens as best it can during the crisis*. The following issues arise: is it just to impose conscription, or press censorship? Can one curtail traditional civil liberties, and due process protections, for perceived gains in national security? Should elections be cancelled or post-poned? May soldiers disobey orders, e.g. refuse to fight in wars they believe unjust? A comprehensive theory of wartime justice must include consideration of them, and not merely focus on what one may do to the enemy. For some of the worst atrocities in wartime have occurred *within, and not between*, national borders. Some states, historically, have used the cloak of war with foreign powers to engage in massive internal human rights violations, usually against some disfavoured group. Other states, which are otherwise decent, panic amidst the wartime situation and impose emergency legislation which turns out to have been complete overkill, and which they later regret and view as the product of fear rather than reason.

2.3. *Jus post bellum*

Jus post bellum refers to justice during the third and final stage of war: that of war termination. It seeks to regulate the ending of wars, and to ease the transition from war back to peace. There is little international law here – save occupation law and perhaps the human rights treaties – and so we must turn to the moral resources of just war theory. But even here the theory has not dealt with *jus post bellum* to the degree it should. There is a newness, unsettledness and controversy attaching to this important topic. To focus our thoughts, consider the following proposed principles for *jus post bellum*:

1. Proportionality and Publicity. The peace settlement should be measured and reasonable, as well as publicly proclaimed. To make a settlement serve as an instrument of revenge is to make a volatile bed one may be forced to sleep in later. In general, this rules out insistence on unconditional surrender.

2. Rights Vindication. The settlement should secure those basic rights whose violation triggered the justified war. The relevant rights include human rights to life and liberty and community entitlements to territory and sovereignty. This is the main substantive goal of any decent settlement, ensuring that the war will actually have an improving affect. Respect for rights, after all, is a foundation of civilization, whether national or international. Vindicating rights, not vindictive revenge, is the order of the day.

3. Discrimination. Distinction needs to be made between the leaders, the soldiers, and the civilians in the defeated country one is negotiating with. Civilians are entitled to reasonable immunity from punitive post-war measures. This rules out sweeping socio-economic sanctions as part of post-war punishment.

4. Punishment #1. When the defeated country has been a blatant, rights-violating aggressor, proportionate punishment must be meted out. The leaders of the regime, in particular, should face fair and public international trials for war crimes.

5. Punishment #2. Soldiers also commit war crimes. Justice after war requires that such soldiers, *from all sides to the conflict*, likewise be held accountable to investigation and possible trial.

6. Compensation. Financial restitution may be mandated, subject to both proportionality and discrimination. A post-war poll tax on civilians is generally impermissible, and there needs to be enough resources left so that the defeated country can begin its own reconstruction. To beggar thy neighbor is to pick future fights.

7. Rehabilitation. The post-war environment provides a promising opportunity to reform decrepit institutions in an aggressor regime. Such reforms are permissible but they must be proportional to the degree of depravity in the regime. They may involve: demilitarization and disarmament; police and judicial re-training; human rights education; and even deep structural transformation towards a minimally just society governed by a legitimate regime. This is, obviously, the most controversial aspect of *jus post bellum*.

The terms of a just peace should satisfy all these requirements. There needs, in short, to be an *ethical* “exit strategy” from war, and it deserves at least as much thought and effort as the purely military exit strategy so much on the minds of policy planners and commanding officers.

Any serious defection, by any participant, from these principles of just war settlement should be seen as a violation of the rules of just war termination, and so should be punished. At the least, violation of such principles mandates a new round of diplomatic negotiations – even binding international arbitration – between the relevant parties to the dispute. At the very most, such violation may give the aggrieved party a just cause – *but no more than a just cause* – for resuming hostilities. Full recourse to the resumption of hostilities may be made *only if* all the other traditional criteria of *jus ad bellum* – proportionality, last resort, etc. – are satisfied in addition to just cause.

Perhaps a few additional thoughts on coercive regime change should here be added, in light of controversial re-

cent events, especially in Afghanistan and Iraq. Can coercive regime change ever be justified, or is it essentially an act of imperialism? In my view, forcible post-war regime change *can be permissible provided*: 1) the war itself was just and conducted properly; 2) the target regime was illegitimate, thus forfeiting its state rights; 3) the goal of the reconstruction is a minimally just regime; and 4) respect for *jus in bello* and human rights is integral to the transformation process itself. The permission is then granted because the transformation: 1) violates neither state nor human rights; 2) its expected consequences are very desirable, namely, satisfied human rights for the local population and increased international peace and security for everyone; and 3) the post-war moment is especially promising regarding the possibilities for reform. And the transformation will be successful when there's: 1) a stable new regime; 2) run entirely by locals; which is 3) minimally just. There is extensive historical evidence that this kind of success probably takes from 8 to 12 years to achieve (essentially, a decade). Note that successful, rights-respecting coercive regime change *can* be done, contrary to some pessimistic views; it was actually done in Germany and Japan from 1945-55, and so it is neither conceptually nor empirically impossible. It's very difficult, to be sure – and, in some cases, it's not a wise thing to do – but it's not literally impossible.

A review of the literature suggests something of a 10-point recipe for transforming a defeated aggressive regime into one which is minimally just:

- Adhere diligently to the laws of war during the regime take-down and occupation.
- Purge much of the old regime, and prosecute its war criminals.
- Disarm and demilitarize the society.
- Provide effective military and police security for the whole country.
- Work with a cross-section of locals on a new, rights-respecting constitution which features checks and balances.

- Allow other, non-state associations, or “civil society”, to flourish.
- Forego compensation and sanctions in favour of investing in and re-building the economy.
- If necessary, re-vamp educational curricula to purge past poisonous propaganda and cement new and better values.
- Ensure, in a timely fashion, that the benefits of the new order will be: 1) concrete; and 2) widely, and not narrowly, distributed. The bulk of the population must feel their lives after the regime change are clearly better than their former lives for the change to be sustainable.
- Follow an orderly, not-too-hasty exit strategy when the new regime can stand on its own two feet. Again, this will probably take a decade of intensive effort.

To summarize this whole section, just war theory offers rules to guide decision-makers on the appropriateness of their conduct during the resort to war, conduct during war and the termination phase of the conflict. Its over-all aim is to try and ensure that wars are begun only for a very narrow set of truly defensible reasons, that when wars break out they are fought in a responsibly controlled and targeted manner, and that the parties to the dispute bring their war to an end in a speedy and responsible fashion that respects the requirements of justice.

IV

Holy places. Unholy rows.

Holy places should unite humanity. Too often, they have the opposite effect

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ACROSS northern India, householders who were braced for a bout of violent sectarian strife are sighing with relief. The people most affected by one of the world’s biggest arguments over sacred turf, in the town of Ayodhya, seemed to accept the verdict, even if it was not quite what they wanted. On September 30th judges in the state of Uttar

Pradesh ruled that the contested site should be split between Hindus and Muslims, with the latter getting a third.

"We must abide by the court's decision and move on," declared Mohammed Hashim Ansari, a 90-year-old Muslim who has been involved in litigation over the site since 1961. Such stoicism is impressive. As a boy, he had prayed in a fine sandstone mosque, the Babri Masjid, which had stood on the site since the 16th century. In 1992 Hindus tore it down. They believe their god-king Ram was born there. About 2,000 people died in the ensuing violence. In the run-up to the latest verdict, many feared more bloodshed. But India's prime minister and other public figures hailed the compromise ruling and the calm reaction as a sign of maturing attitudes.

The news is less encouraging in the holy land, where amid floundering peace talks between Israelis and Palestinians, acrimony over sacred turf is surging to new extremes. ...

...Take the site in Nablus that many Jews revere as the grave of Joseph, the biblical patriarch. Muslims associate the place with an Islamic holy man who died 200 years ago. In the 19th century, it was amicably frequented by Muslims, Jews and Christians. Recently it has become a battleground. From the 1980s a zealous Jewish group developed a study centre and synagogue, even though the surrounding area was run by the Palestinians. In October 2000, after much bitter fighting, the Israelis ceded the site to Palestinian control; the Jewish synagogue was immediately trashed.

In recent months, as a goodwill gesture, the Palestinians agreed to restore the place and give renewed access to Jews. But they may be ruining their decision. Within hours of the restoration's completion, about 1,000 Israeli pilgrims arrived in armoured vehicles and bulletproof buses. Israeli military jeeps closed the roads and imposed a curfew on local Palestinians. In the alleys next to the Balata refugee camp, Jewish worshippers danced the night away to a raucous beat. Such night-time incursions are planned at least once a month.

The renovation was meant to mark a new era of co-operation over holy places. A few weeks ago Israel's chief rabbis went to Nablus to rededicate the shrine. The tomb's dome is again whitewashed, despite requests by Muslims to paint it green, the colour of Islam.

Religious conflict, not rapprochement, seems to be the aim of some hotheads. The rabbinic circle of Israel's main settler council, Yesha, has denounced the hiring of an Arab to restore the shrine. Tzipi Hotobelli, a parliamentary ally of Binyamin Netanyahu, Israel's prime minister, added her voice to calls for a full Jewish takeover. "The tomb should be under Jewish sovereignty," she said. Students who had once studied the Torah in the tomb have ambitious ideas for another kind of two-state solution: a Torah-compliant state in Judea, as they call the main bit of the West Bank, and a sinful secular state of Israel nearby.

In more liberal circles, dedicated to interfaith harmony, the point is often made that the figure of Abraham or Ibrahim unites all three monotheistic faiths. But the burial-place in Hebron of Abraham and his wife Sarah is perhaps the region's most contested place after Jerusalem. After Israel's takeover in 1967, access to the place was at first divided carefully between Jews and Muslims. But especially since 1994, when a Jewish extremist killed 29 Muslims, the mood has grown ever-darker. The need to control the tomb is one of the reasons Israelis give for holding on to Hebron, where 160,000 Palestinians live at odds with 500 hardline settlers. A little to the north, the tomb of the biblical matriarch, Rachel, is now surrounded by an Israeli garrison with an eight-metre-high wall jutting into Bethlehem. This prevents nearby Christians and Muslims from visiting the place, as they used to.

Muslims complain of being kept from other places as well. In the heart of Yitzhar settlement, in the hills above Nablus, the dome-topped shrine of Sheikh Salman al-Farisi is now barred to Muslims. A spokesman for Yitzhar says

that, for security reasons, "Arabs are not allowed in Jewish settlements." Many of Yitzhar's residents are raised on the teachings of Yitzchak Ginsburgh, an American rabbi, who ran a Torah school at Joseph's tomb before Palestinians chased it out. Israel jailed him after he praised the Hebron massacre. But his disciples are undeterred. This year Jewish radicals have vandalised or assaulted four mosques. One is in Silwan in East Jerusalem, a poor Arab area that settlers covet.

For all the rhetoric of ancient hatred, religious rows have grown worse in modern times. Across the Ottoman empire, from the Balkans to Anatolia to Palestine, Christians and Muslims mingled peaceably at shared sacred places. That survives in some locations: on the island of Buyukada near Istanbul, where Muslim pilgrims climb a steep hill to a Greek monastery; in the Christian convent of Seidnaya near Damascus, popular with Muslim women who long to conceive; and at the ancient monastery on Mount Sinai, where Muslim Bedouins revere St Catherine.

Scholars of religion argue intensely about this. Glenn Bowman of the University of Kent sees the sharing of holy places as a natural state of affairs which can be undermined only by political or religious elites. His research demonstrates the roles of Israeli officials, Islamists and Greek bishops in marring the harmony between Christians and Muslims who frequented a monastic site near Bethlehem.

Robert Hayden of the University of Pittsburgh is more pessimistic. He sees site-sharing as a temporary truce between a dominant and subordinate faith, or else an arrangement imposed by an imperial power, say Ottoman or British, for the sake of social peace. Among the best-known sharing regimes is the one for the six Christian communities that vie for control of Jerusalem's Holy Sepulchre. With precise allocations for every side-chapel and every lamp, the system was devised by the Ottomans, inherited by the British, and is now run by the Israelis.

Indians sometimes claim that Hindus and Muslims mingled happily in the era before British rule. Mr Hayden points to cases where the British just held the ring, until independence allowed a local group, usually Hindu, to gain the upper hand.

A contrasting and more optimistic historical perspective comes from Acharya Satyendra Das, the chief Hindu priest at a makeshift temple to Ram built where the mosque once stood. Until the site was politicised by Hindu hardliners, both faiths had rubbed along, he insists. Hindus and Muslims prayed inside the complex for many years, and he hopes that they will do so again. "Local people wouldn't have any problem with a mosque and a temple being built on the site now the verdict has come," declares the priest. Perhaps he should visit Israel.

GLOSSARY

A

Accession The procedure by which a nation becomes a party to an agreement already in force between other nations.

Accords International agreements originally thought to be for lesser subjects than covered by treaties , but now really treaties by a different name.

Ad Referendum An agreement reached ad referendum means an agreement reached by negotiators at the table, subject to the subsequent concurrence of their governments.

Agrément Diplomatic courtesy requires that before a state appoints a new chief of diplomatic mission to represent it in another state, it must be first ascertained whether the proposed appointee is acceptable to the receiving state. The acquiescence of the receiving state is signified by its granting its agrément to the appointment. It is unusual for an agrément to be refused, but it occasionally happens.

Aide Mémoire A written summary of the key points made by a diplomat in an official conversation. Literally, a document left with the other party to the conversation, either at the time of the conversation or subsequently, as an aid to memory.

Alternat When an agreement is signed between two states, or among several states, each signatory keeps an official copy for itself. Alternat refers to the principle which provides that a state's own name will be listed ahead of the other signatory, or signatories, in its own official copy. It is a practice devised centuries ago to handle sensitivities over precedence.

Ambassador Extraordinary and Plenipotentiary The chief of a diplomatic mission; the ranking official diplomatic representative of his country to the country to which he is accredited, and the personal representative of his own head of state to the head of state of the host country. The term

"extraordinary" has no real meaning. Years ago it was given only to nonresident ambassadors on temporary missions and was used to distinguish them from regular resident ambassadors. The latter resented others having this appellation, as it seemed to imply a lesser position for themselves. Eventually therefore, it was accorded to them as well. "Plenipotentiary" also comes down through the years. Today it simply means possessed of full power to do an ambassador's normal job. Ambassador is capitalized when referring to a specific person (i.e. Ambassador Smith).

Ambassador-Designate An official who has been named to be an ambassador, but who has not yet taken his oath of office.

Ambadress A term often used to denote the wife of an ambassador, and misused to denote a woman chief of mission. The latter is an ambassador, not an ambadress.

Asylum Used in diplomacy to mean the giving of refuge in two senses: first, within the extraterritorial grounds of an embassy (not generally done in American embassies); and second, when one state allows someone to live within its borders, out of reach of the authority of a second state from which the person seeks protection.

Attaché Civilian attachés are either junior officers in an embassy or, if more senior, officers who have a professional specialization such as "labor attaché", "commercial attaché", "cultural attaché", etc. On the military side, an embassy will generally have either an army attaché, naval attaché, or air attaché – and often all three. In American embassies, the senior of the three is called the defense attaché and is in charge of all military attaché activities. These consist largely of liaison work with local military authorities and of keeping informed on host country order of battle.

B

Bag, The See "Pouch". Bag is the British term. "Bag Day" is the day the pouch is sealed and sent to the home office. Hence, bag day is the day when all non-telegraphic reporting must be finalized and dispatched.

Belligerency A state of belligerency is a state of armed conflict. Belligerents are direct participants in the conflict.

Bilateral Bilateral discussions or negotiations are between a state and one other. A bilateral treaty is between one state and one other. "Multilateral" is used when more than two states are involved.

Bout de Papier A very informal means of conveying written information; more informal than an aide mémoire or a memorandum.

Breaking Relations The formal act of severing diplomatic relations with another state to underscore disapproval of its actions or policies. It is generally an unwise step, because when relations between states are most strained is when the maintaining of diplomatic relations is most important. It makes little sense to keep diplomats on the scene when things are going relatively well and then take them away when they are most needed. An intermediate step which indicates serious displeasure but stops short of an actual diplomatic break is for a government to recall its ambassador indefinitely. This is preferable to a break in relations as his embassy will continue to function; but again this comes under the heading of cutting one's nose to spite one's face. If a dramatic gesture of this kind is needed, it is far better promptly and publicly to recall an ambassador for consultations, and then just as promptly return him to his post.

C

Calls and Calling Cards "Calling" has largely disappeared from private life, but it is a practice which is still useful in a diplomatic community where the early establishment of extensive contacts is a must. Soon after a diplomat's arrival at a new post, therefore, he will embark on a program of call on those with whom he will be dealing – and whom he must lose no time in getting to know. In modern, less formal times, calling cards do not have nearly the same role in diplomatic life they once did. But with the

traditional initials, p.p. (pour présenter); p.f. (pour féliciter); p.c. (pour condoléance); p.r. (pour remercier); or p.p.c. (pour prendre congé) inscribed at their bottom left-hand corner, they remain a still useful and accepted way to convey simple messages of presentation, congratulation, condolence, thanks, and farewell.

Casus Belli An action by one state regarded as so contrary to the interests of another state as to be considered by that second state as a cause for war.

Chancelleries As in "chancelleries of Europe," i.e. foreign offices.

Chancery The office where the chief of mission and his staff work. This office is often called the embassy but this is a misnomer. Technically, the embassy is where the ambassador lives, not where he works, although in earlier times when diplomatic missions were smaller, this was usually the same building. Today, for clarity's sake, many diplomats now distinguish between the two by using the terms "embassy residence" and "embassy office".

Chancery, Head of An important position in British embassies not found in American diplomatic establishments. An officer, usually head of the political section, charged with coordinating the substantive and administrative performance of the embassy. In an American embassy, the ambassador looks to the deputy chief of mission to do this.

Chargé d'Affaires, a.i. Formerly, a chargé d'affaires was the title of a chief of mission, inferior in rank to an ambassador or a minister. Today with the a.i. (ad interim) added, it designates the senior officer taking charge for the interval when a chief of mission is absent from his post.

Chief of Mission The ranking officer in an embassy, permanent mission, legation, consulate general or consulate (i.e. an ambassador always, and a minister, consul general, or consul when no more senior officer is assigned to the post). A "chief of mission" can also be the head of a

special and temporary diplomatic mission, but the term is usually reserved for the earlier listed examples.

Clearances A message or other document conveying a policy or an instruction is "cleared" in a foreign office, or large embassy, when all officials who have responsibility for any of its specific aspects have signified their approval by initialing it. Some officers gain a reputation for insisting on changing, even if only in minor ways, everything that is placed before them – and it is occasionally alleged they would do so even if it were in the Ten Commandments being presented to them. Conversely, others are occasionally so casual that their clearance seems to mean only that the document in question does not appear to take away any of their jurisdiction. A clearance procedure in some form is essential for adequate coordination, but when overdone (as it often is), it can be a stifling, time-consuming process, and a bane of diplomatic life.

Communiqué A brief public summary statement issued following important bilateral or multilateral meetings. These tend to be bland and full of stock phrases such as "full and frank discussions", and the like. Occasionally, getting an agreement on the communiqué turns out to be the most difficult part of the meeting.

Conciliation An effort to achieve agreement and, hopefully, increased goodwill between two opposed parties.

Concordat A treaty to which the Pope is a party.

Conference or Congress International meetings. In the diplomatic sense, a congress has the same meaning as a conference.

Consular Agent An official doing consular work for a nation in a locality where it does not maintain a regular consulate. This official is usually a national of his host state, and his work is usually part-time.

Consulate An office established by one state in an important city of another state for the purpose of supporting and protecting its citizens traveling or residing there. In ad-

dition, these offices are charged with performing other important administrative duties such as issuing visas (where this is required) to host country nationals wishing to travel to the country the consulate represents. All consulates, whether located in the capital city or in other communities, are administratively under the ambassador and the embassy. In addition to carrying out their consular duties, they often serve as branch offices for the embassy, supporting, for example, the latter's political and economic responsibilities. Consulates are expected to play a particularly significant role in connection with the promotion of their own country's exports and other commercial activities. Officers performing consular duties are known as consuls or, if more junior, vice consuls. The chief of the consulate is known as the consul.

Consulate General A bigger and more important consulate, presided over by a consul-general.

Consul, Honorary A host-country national appointed by a foreign state to perform limited consular functions in a locality where the appointing state has no other consular representation.

Convention An agreement between two or more states, often more, concerning matters of common interest. While supposedly used for lesser matters than embraced in a treaty, it often deals with important subjects indeed – international postal and copyright laws, for example, of the law of the sea.

Counselor of Embassy A senior diplomatic title ranking just behind an ambassador and a minister. In many embassies there is no minister, and the counselor is the number two man, i.e., the deputy chief of mission. (In a very small embassy, the second may not have this rank). In a large embassy, the second ranking officer may be a minister, or minister-counselor, in which case the heads of the more important sections have counselor rank. Thus, for example, the embassy's political counselor, economic counselor, an administrative counselor are well-known and much-respected positions in diplomatic life.

Country Desk State departments and foreign offices generally have an office for each country with which they have active dealings. These offices are often called country desks, and if a large country is involved and there is a large embassy to support there, the desk is likely to be staffed by a large number of officers. A smaller country may require a one-officer desk only.

Country Team An American diplomatic term meaning the ambassador's cabinet. It consists of his deputy chief of mission, heads of all important embassy sections, and the chiefs of all other elements (military, agricultural, aid, information, and cultural, etc.) working under him in the "embassy community".

Credentials The name for letters given to an ambassador by his chief of state, and addressed to the chief of state of his host country. They are delivered to the latter by ambassadors in a formal credentials ceremony, which generally takes place shortly after his arrival at a new post. Until this ceremony has taken place he is not formally recognized by the host country, and he cannot officially act as an ambassador. The letters are termed "letters of credence" because they request the receiving chief of state to give "full credence" to what the ambassador will say on behalf of his government.

D

D.C.M. Embassy shorthand for the deputy chief of mission.

Declaration This can have two quite distinct meanings in diplomacy. It can first, of course, mean a unilateral statement by one state, ranging from an expression of opinion or policy to a declaration of war. It can also mean a joint statement by two or more states having the same binding effect as a treaty. In this latter connection declarations can be put forward either in their own right or appended to a treaty as an added understanding or interpretation.

Delegation Again used in two senses in diplomacy. "Delegation" can be the term used to refer to the specific powers delegates by his government to a diplomat acting in certain specific circumstances. It also refers to an official party sent to an international conference or on some other special diplomatic mission.

Demarché An approach, a making of representations. Still very common term used by diplomats to indicate the official raising of a matter with host country officials, often accompanied by a specific request for some type of action or decision in connection with it.

Détente An easing of tension between states.

Diplomatic Agent A generic term denoting a person who carries out regular diplomatic relations of the nation he/she represents in the nation to which he/she has been accredited.

Diplomatic Corps The body of foreign diplomats assembled at a nation's capital. In cities where consuls and consul general are resident, they are collectively known as the consular corps. The dean of both corps is usually that official who had been at his post the longest. There are exceptions to this latter rule, however. For example, in some Catholic countries, the papal nuncio is always the dean. The dean represents the corps in collective dealings with host country officials on matters of a ceremonial or administrative character affecting the corps as a whole.

Diplomatic Illness The practice of feigning illness to avoid participation in a diplomatic event of one kind or another and at the same time to avoid giving formal offense. "Diplomatic deafness" is a somewhat related concept whereby older diplomats allegedly turn this infirmity to advantage by not hearing what they prefer not to hear.

Diplomatic Immunity Exemption of foreign diplomatic agents or representatives from local jurisdiction. Also see Diplomatic Immunity.

Diplomatic Note A formal written means of communication among embassies.

Diplomatic Privileges and Immunities Historically accorded in recognition that the diplomat represents (and is responsible to) a different sovereignty; also in order that the legitimate pursuit of his official duties will not be impeded in any unnecessary way. They include inviolability of person and premises and exemption from taxation and the civil and criminal jurisdiction of local courts. Also see Diplomatic Immunity.

Diplomatic Ranks Listed in order of precedence:

Ambassador Extraordinary and Plenipotentiary

Ministers Plenipotentiary

Ministers

Chargé d'Affaires ad hoc or pro tempore

Chargé d'Affaires ad interim

Minister-Counselors

Counselors (or Senior Secretaries in the absence of Counselors)

Army, Naval and Air Attachés

Civilian Attachés

First Secretaries

Second Secretaries

Assistant Army, Naval and Air Attachés Civilian Assistant Attachés

Third Secretaries and Assistant Attachés

Diplomatist It has the same meaning as "diplomat". An outdated word rarely used now in spoken diplomacy but occasionally still appearing in the literature of diplomacy.

Dispatch A written, as opposed to a telegraphic, message from an embassy to its home office or vice versa.

Dual Accreditation Having two or more responsibilities, such as an ambassador who is simultaneously accredited to two nations.

E

Economic Officer A career diplomat who specialized in economics rather than political, administrative, or other matters.

Embassy The residence of an ambassador. In recent years, also inaccurately used to denote the building which contains the offices of the ambassador and other key members of his staff. The proper term for the latter, as noted above, is the "chancery". As also noted above, confusion is nowadays avoided through the practice of using the two terms "embassy residence" and "embassy office".

Entente Denotes a close understanding between certain nations. It suggests mutual and complementary efforts, and a sense of compatible objectives. It can be agreed on orally or in writing, but as a concept is generally less binding than a treaty relationship.

Envoy Nowadays used to refer to any senior diplomat. Earlier it had a specific hierarchical connotation, being used to designate diplomatic agents of less than the highest rank.

Excellency An archaic but still much-used title for addressing an ambassador. Theoretically, an American ambassador is not supposed to be addressed this way, but he generally is – along with all his other ambassadorial colleagues. "Mr. Ambassador" is more accurate and less silly. That he is; he may or may not be "excellent."

Exchange of Notes A common way of recording an agreement. The contents of the notes are, of course, agreed upon in advance by the two nations participating in the exchange.

Exequatur A document issued to a consul by the host country government authorizing him to carry out his consular duties.

Ex Gracia Something which is done as a gesture of good will and not on the basis of an accepted legal obligation.

Extradition The term for the process, governed by formally concluded agreements, by which fugitives fleeing justice from one country are returned from the country where they have sought refuge. It does not apply to political offenses.

Extraterritoriality The exercise by one nation, as a result of formally concluded agreements, of certain sovereign functions within the territory of another state. A curtailment of the jurisdiction of the latter state in certain specified areas and/or in certain specified respects.

F

Final Act (Acte Final) A formal summary statement, drawn up at the conclusion of a conference.

Foggy Bottom The name given to a once marsh like area near Washington's Potomac River, and now somewhat irreverently bequeathed to the U.S. Department of State, one of that area's best-known modern occupants.

Foreign Affairs Community An American government term used to denote the State Department and other government departments and agencies (Defense, Commerce, Agriculture, Treasury, U.S. Information Agency, the Central Intelligence Agency, the Agency for International Development, etc.) which have special interests and responsibilities in the foreign affairs field.

F.S.O. Shorthand for a career American diplomat, i.e., an American Foreign Service officer.

Full Powers A document which authorizes a diplomat to conduct and consummate special business on behalf of his government, such as the settlement of a dispute or the negotiation and signing of a treaty. Before signing a treaty, a diplomat is obligated to show his full-powers document to the other parties involved.

G

Good Offices An effort by a third state, or by an individual or an international body, designed to stimulate the processes of settlement in a dispute between two other states.

Guarantee, Treaty of A treaty which requires signatories to guarantee that situations agreed upon will be maintained. The honoring of such commitments can precipitate armed conflicts.

H

High Commission A diplomatic mission of one Commonwealth country in another. For example, Canada has a High Commission in Canberra, Australia.

High Commissioner The chief of a high commission. Similar to what an ambassador is to an embassy.

L

Legation These are rare now, but they were once very common. A legation is a diplomatic mission similar for most practical purposes to an embassy, but lower in rank, and presided over by a minister rather than an ambassador. For most of the last century, American diplomatic representation abroad was limited to legations, and for much of this century, the U.S. was represented in more countries by legations than it was by embassies.

Letters of Credence See Credentials.

Letters of Recall Also presented by a new ambassador, along with his letter of credence, to the chief of state of his host country during his credentials-presentation ceremony. It is the official document which formally recalls his predecessor.

M

Minister, Minister-Counselor Apart from its cabinet-officer connotation (i.e. "foreign minister"), a minister has traditionally been a chief of diplomatic mission who headed a legation rather than an embassy. As so few legations are left, the title is now borrowed more and more to designate the second-ranking officer of a large embassy. It has, therefore, come increasingly to mean the senior counselor under the ambassador. To avoid confusion with the old connotation, the United States and a number of governments designate these senior deputy chiefs of mission by the hyphenated title "minister-counselor".

Mission A generic term for embassy. Mission also describes the entirety of official representation in a given foreign country which functions under the supervision of the Ambassador, including civilian and military personnel.

Modus Vivendi A temporary agreement, in writing, of an interim character, pending the negotiation of more definitive arrangements.

P

Passport The official document issued to a person by his/her government certifying citizenship and requesting foreign governments to grant the individual safe passage, lawful aid and protection while under that government's jurisdiction.

P.C. Used in written social correspondence, "pour condoler" (to express sympathy).

P.F. Used in written social correspondence, "pour féliciter" (to extend congratulations).

P.M. Used in written social correspondence, "pour memoire" (to remind).

P.P. Used in written social correspondence, "pour présenter" (to introduce).

P.P.C. Used in written social correspondence, "pour prendre congé" (to say goodbye).

P.R. Used in written social correspondence, "pour remercier" (to express thanks).

Persona Non Grata An individual who is unacceptable to or unwelcome by the host government.

Precedence Priority; the right to superior honor on a ceremonial or formal occasion; for ambassadors in a country, precedence is determined by the order in which they presented their credentials to the host government.

Protocol Refers to the ceremonial side of diplomacy, including matters of diplomatic courtesy and precedence. Also see Diplomatic Protocol.

Protocol Another name for an agreement. Originally a protocol was considered a somewhat less formal document than a treaty, but that is a distinction no longer valid. A protocol may be an agreement in its own right. It also may constitute added sections which clarify or alter an agreement, or it may be used to add new subjects of agreement to the original document.

R

Rapporteur The official of a committee or subcommittee whose job is to prepare a summary report of its discussions and conclusions.

Rapprochement The establishment of improved relations.

Ratification The act, subsequent to a treaty's having been negotiated, by which a government commits itself to adhere to that treaty. In the United States, it is inaccurate to speak of the Senate's ratifying a treaty. The executive does this, but only after the Senate has given its consent.

Recognition Commonly used in connection with the recognition by one state of 1) the existence of another state (for example when a new one is formed), or 2) the existence of a government which is in effective control of a state. The term "de facto recognition" means recognition that a state, or a government of a state, in fact exists – but it also means the withholding of full official recognition of this. When the latter is extended, it is termed "de jure recognition". It is a distinction based more on diplomatic convenience than on logic.

S

Seventh Floor Shorthand for the most senior leadership of the U.S. State Department. It is where the offices of the Secretary of State and his most senior aides are located.

Short-Timer A diplomat whose assignment at a foreign post is nearing its close. A phrase borrowed from the military.

Sixth Floor Where many of the U.S. State Department's regional and other assistant secretaries have their offices. Shorthand for the assistant secretary level of the department's leadership.

T

T.D.Y. Shorthand for a temporary duty assignment.

Tour D'Horizon A diplomatic discussion covering most (or at least a number of) subjects of current and common concern.

Treaty A formal mutually binding agreement between countries. The term comes from traitor, to negotiate.

U

Ultimatum A last statement indicating a final position. On occasion a prelude to the initiation of military action.

Unfriendly Act A term used when one government wishes to tell another that an action the latter has taken is regarded as so serious that it might lead to a military action against it. An action which risks war.

V

Vice Consul A junior ranking consular officer.

Visa Written authority to enter a country for either temporary or permanent residence, depending on its wording.

Некоторые полезные латинские термины

a posteriori – задним числом.

a priori – заранее.

ab initio – с самого начала.

ad hoc – только для этого случая.

ad interim – на данное время, временный.

ad notam – к сведению.

ad referendum – отложить для дальнейшего рассмотрения.

alias – иначе, известный также под именем.

alternatum – взаимозаменяемо.

altum mare – открытое море.

authentikos – подлинный, действительный, верный, основанный на первоисточнике.

bonae fidei – добросовестно.

casus – дело, событие, случай.

casus belli – повод для объявления войны.

casus foederis – случай, подпадающий под положение договора.

causa – причина, дело, основание, соображение.

causa credenti – намерение принять на себя обязательство в обмен на встречное обязательство другой стороны.

commune bonum – общее благо.

conditio sine qua non – необходимое условие.

consensus – общее согласие.

consuetudine – обычай.

corpus juris – свод законов.

cui prodest? – кому это выгодно?.

curia – суд.

de facto – на деле, в действительности.

de jure – по праву, юридически действительный.

de lege ferenda – с точки зрения закона, издание которого желательно.

de lege lata – с точки зрения существующего закона.

de rigore juris – по букве закона.

delictum – неправомерное действие.

dominium – господство, контроль, собственность.

error juris – юридическая ошибка, незнание закона.

error lapsus – ошибка из-за невнимания.

ex lege – в соответствии с правом, по закону.

ex officio – в силу занимаемой должности.

extra jus – за пределами права.

extra territorium – экстерриториально, вне территориальных границ.

fabula – соглашение, договор, контракт.

facto – фактически.

fatum – непреодолимая сила.

fidem – доверенность, доверие.

forum – суд.

- fuori lege** – вне закона.
- gratis** – бесплатно, безвозмездно.
- imperium** – правление, власть, авторитет.
- in absentia** – в отсутствие.
- in casu consimili** – в подобном деле.
- in corpore** – в полном составе, в существе, лично.
- in dubio** – в сомнительном случае.
- in jure** – по праву, по закону.
- in nuce** – кратко, в двух словах.
- in pari passu** – на равном основании.
- in posterum** – в будущем.
- in suspenso** – приостановленный в действии.
- inter alia** – среди других вещей или дел.
- inter partes** – между сторонами.
- ipso facto, ipso jure** – в силу факта, по закону.
- jus belli** – право войны.
- jus civitatis** – право гражданства.
- jus cogens** – императивная норма.
- jus gentium** – право народов.
- jus inter gentes** – международное право.
- jus navigandi** – право судоходства.
- jus scriptum** – писанное право.
- lex communis** – общее право.
- lex contractus** – договорное право.
- lex fori** – закон места судебного разбирательства.
- lex loci actus** – закон места действия.
- lex loci contractus** – закон места заключения договора.
- lex mercatoria** – торговое право.
- lex rei sitae** – закон места нахождения предмета.
- mala fides** – недобросовестность.

modus operandi – способ действия.

modus vivendi – образ жизни.

opini juris gentium – международные правовые воззрения.

pacta sunt servanda – договоры должны соблюдаться.

pacta tertiis nec nocent nec prosunt – договоры не приносят выгоды и обязанностей для третьего государства.

par in parem non habet imperium – равный над равным власти не имеет.

pari passu – в равной мере.

persona non grata – нежелательное лицо.

post-factum – последующий акт.

post-hoc – после этого.

prima facie – на первый взгляд.

pro bono publico – для общего блага.

quasi – как если бы, так сказать.

quid pro quo – удовлетворение по договору.

res communes – общая собственность.

sic – так, итак, таким образом.

sine qua non – необходимое условие.

status quo – устоявшееся положение.

supra dictus – как сказано выше.

ultima ratio – последний довод.

uti possidetis – «как ты владеешь», стороны могут сохранить за собой то, что они захватили.

hominum causa omne jus gentium constitutum est – все международное право создано для блага человека.

Keys

Lesson 2. Exercise 17

1. the process of integration 2. convergence of the economies 3. humanist inheritance 4. inviolable and inalienable rights 5. attachment to principles 6. to implement a policy 7. to promote peace, security 8. to designate as plenipotentiaries.

Lesson 5. OVER TO YOU

Article 48

Error

1. A State may invoke an error in a treaty as invalidating its consent to be bound by the treaty if the error relates to a fact or situation which was assumed by that State to exist at the time when the treaty was concluded and formed an essential basis of its consent to be bound by the treaty.

2. Paragraph 1 shall not apply if the State in question contributed by its own conduct to the error or if the circumstances were such as to put that State on notice of a possible error.

3. An error relating only to the wording of the text of a treaty does not affect its validity; article 79 then applies.

Article 49

Fraud

If a State has been induced to conclude a treaty by the fraudulent conduct of another negotiating State, the State may invoke the fraud as invalidating its consent to be bound by the treaty.

Article 50

Corruption of a representative of a State.

If the expression of a State's consent to be bound by a treaty has been procured through the corruption of its representative directly or indirectly by another negotiating State, the State may invoke such corruption as invalidating its consent to be bound by the treaty.

Article 51

Coercion of a representative of a State.

The expression of a State's consent to be bound by a treaty which has been procured by the coercion of its representative through acts or threats directed against him shall be without any legal effect.

Article 52

Coercion of a State by the threat or use of force.

A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.

Article 53

Treaties conflicting with a peremptory norm of general international law (*jus cogens*).

A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

Lesson 6. Exercise 12

1) Have all other EU members ratified the treaty?

No. The Czech Republic has yet to do so. The Czech lower house approved the treaty on 18 February and the upper house (Senate) did so on 6 May. But Czech President Vaclav Klaus, a Eurosceptic, has said he wanted his country to have an exemption from the Charter of Fundamental Rights before he would sign the treaty.

2) Was Ireland the only country to hold a referendum?

Yes. Ireland was obliged to hold a referendum because of an Irish Supreme Court ruling in 1987, saying that any major amendment to an EU treaty entails an amendment to the Irish constitution.

3) How similar is Lisbon to the draft constitution? It contains many of the changes the constitution attempted to introduce, for example:

- a politician chosen to be president of the European Council for two-and-a-half years, replacing the current system where countries take turns at being president for six months;
- a new post combining the jobs of the existing foreign affairs supremo, Javier Solana, and the external affairs commissioner, Benita Ferrero-Waldner, to give the EU more clout on the world stage;
- a smaller European Commission, with fewer commissioners than there are member states, from 2014;
- a redistribution of voting weights between the member states, phased in between 2014 and 2017 – qualified majority voting based on a "double majority" of 55 % of member states, accounting for 65 % of the EU's population;
- new powers for the European Commission, European Parliament and European Court of Justice, for example in the field of justice and home affairs;
- removal of national vetoes in a number of areas.

4) If it contains the same substance, why is the Lisbon Treaty not a constitution?

The constitution attempted to replace all earlier EU treaties and start afresh, whereas the new treaty amends the Treaty on the European Union (Maastricht) and the Treaty Establishing the European Community (Rome).

It also drops all reference to the symbols of the EU – the flag, the anthem and the motto – though these will continue to exist.

5) How long did it take to agree the treaty?

A declaration issued at the EU's Laeken summit in 2001, called for a Convention on the future of Europe to look into the simplification and reorganisation of the EU treaties, and raised the question whether the end result should be a constitution.

The Convention began work in February 2002 and a constitution was signed in Rome two-and-a-half years later, in October 2004. But that text became obsolete when it was rejected by French and Dutch voters in 2005.

Work began in earnest on a replacement treaty during the German EU presidency, in the first half of 2007, and agreement on the main points of the new treaty was reached at a summit in June that year.

Negotiations continued behind the scenes over the following months, until a final draft was agreed by the leaders of the 27 member states in October 2007.

6) Why was the constitution dropped?

France and the Netherlands said they would be unable to adopt the constitutional treaty without significant changes, following the 2005 referendums.

The UK also pressed hard for a modest "amending treaty", which could be ratified by means of a parliamentary vote, like earlier EU treaties.

7) Does the Charter of Fundamental Rights feature in the new treaty?

No. There is a reference to it, making it legally binding, but the full text does not appear, even in an annex. The UK has secured a written guarantee that the charter cannot be used by the European Court to alter British labour law, or other laws that deal with social rights. However, experts are divided on how effective this will be.

8) Are any countries seeking opt-outs?

Ireland and the UK currently have an opt-out from European policies concerning asylum, visas and immigration. Under the new treaty they will have the right to opt in or out of any policies in the entire field of justice and home affairs.

Denmark will continue with its existing opt-out from justice and home affairs, but will gain the right under the new treaty to opt for the pick-and-choose system. Czech President Vaclav Klaus wants an opt-out guaranteeing his country would not be exposed to property claims by Germans expelled from the then Czechoslovakia after World War II.

9) When did the new treaty kick in?

Originally, the treaty was supposed to come into force in January 2009.

- The new European Parliament was elected in June 2009 under the existing Nice Treaty. So there are 736 MEPs – down from the previous 785. Under the Lisbon plan, the number will be fixed at 751.

- Although a new 27 member European Commission takes office in January 2010, its size will not be slimmed down until 2014.

- Some extensions of qualified majority voting in the European Council are already in place, such as the appointment of the new commission president and the High Representative for Common Foreign and Security Policy – but plans to redistribute voting weights have been delayed until after 2014. It could be at least 10 years before the process is complete.

Lesson 6. Exercise 13

strengthening relations of friendship, solidarity and mutual aid, deepen all-round cooperation, mutual respect for state sovereignty, non-interference into each other's internal affairs, join efforts, promote ties, in every way possible, with a view to, taking appropriate measures to ensure peace, the eradication of racism in all its forms and manifestations, the High Contracting Parties, with a view to, take appropriate measures to ensure peace.

Lesson 6. Exercise 22

State Party to, propose amendments to, shall be submitted to the Depositary, of unlimited duration, the entry into force, be open to all States for signature, be subject to ratification, Instruments of ratification, are equally authentic, duly certified copies, IN WITNESS WHEREOF, being duly authorized, have signed this Convention ,For the Government of, For the Government of.

Lesson 9. Exercise 15

desiring to promote better understanding between the peoples of both countries; believing that further expansion of contacts, exchanges, and beneficial fruitful cooperation, facilitate the achievement of these aims; taking into account the positive experiences; in the scientific, technical, educational, cultural and other fields; encourage and develop contacts, exchange and cooperation in the fields; mutual interest; facilitate the expansion of contacts, exchange and cooperation in various fields of education; provide for the exchange; facilitate the exchange; mutual acquaintance with the cultural achievements; encourage the development of exchange; facilitate the exchange; promote mutual visits; especially when such visits are undertaken for participation; encourage visits and exchanges; enter into force on signature; written notice

Lesson 10. Exercise 13

- Article 5. Thirteen functions of a consul are listed, including protecting in the receiving state the interests of the sending state and its nationals, as well as developing the commercial, economic, cultural, and scientific relations between the two countries.

- Article 23. The host nation may at any time and for any reason declare a particular member of the consular staff to be *persona non grata*. The sending state must recall this person within a reasonable period of time, or otherwise this person may lose their consular immunity.

- Article 31. The host nation may not enter the consular premises, and must protect the premises from intrusion or damage.

- Article 35. Freedom of communication between the consul and their home country must be preserved. A consular bag must never be opened. A consular courier must never be detained.

- Article 36. Foreign nationals who are arrested or detained should be given notice "without delay" of their right to have their embassy or consulate notified of that arrest.

Lesson 14. Exercise 23

1) Nato was formed in 1949 to counter the threat of post-war communist expansion as the Soviet Union sought to extend its influence in Europe

2) Nato – the North Atlantic Treaty Organisation – is the world's most powerful regional defence alliance.

3) It has traditionally stated its general aim as being to "safeguard the freedom, common heritage and civilisation" of its members by promoting "stability and well-being in the North Atlantic area".

4) Members agree that an armed attack against one shall be considered an attack against them all, and that they will come to the aid of each other. Originally consisting of 12 countries, the organisation expanded to include Greece and Turkey in 1952 and West Germany in 1955. However, then, as now, the alliance was militarily dominated by the United States.

5) Afghan mission was Nato's first non-European operation.

6) In 1955 the Soviet Union created a counter-alliance called the Warsaw Pact, which dissolved after the break-up of the USSR in 1991.

7) The Czech Republic, Hungary and Poland became the first former Warsaw Pact countries to gain Nato membership in 1999.

The next historic step came in 2004 when Estonia, Latvia and Lithuania, republics of the USSR until its collapse in 1991, along with Slovenia, Slovakia, Bulgaria and Romania were welcomed as Nato members at a ceremony in Washington.

Bosnia, Montenegro and Serbia have joined Nato's Partnership for Peace programme – a first step towards membership. At a summit in Bucharest in early April 2008, NATO countries invited Albania and Croatia to join on schedule. Greece vetoed Macedonia's application, but the alliance agreed that the country would be invited when it settles its dispute with Greece over its name. Decisions on Georgia and Ukraine were deferred.

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