

Christi Scott Bartman, *Lawfare. Use of the Definition of Aggressive War by the Soviet and Russian Federation Governments* (Cambridge Scholars Publishing, 2010), 200 pp., ISBN: 978-1-4438-2136-0

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The Convention for the Definition of Aggression of July 3, 1933 signed between Soviet Union and a number of its neighboring countries is a mandatory subject in any course of Romania's foreign policy where especially Romania's Foreign Minister Nicolae Titulescu's contribution is evoked in designing the treaty. According to Romanian historiography, Titulescu masterminded this international instrument in order to safeguard the disputed province of Bessarabia by obliging the Soviets to pledge that they would renounce acquiring it by using force or threat of force. This interpretation is based on Titulescu's recollections where he states that although he did not accept to be a member of the drafting committee, he took place in all its meetings where he benefitted from the support of the Greek and French experts Nikolaos Politis and Jules de Basdevant and from the harmony of views with the Soviet ambassador Valerian Dovgalevski. He attributes to himself the merits for the definition of territory which excluded, in his interpretation, any possibilities by the USSR to claim Bessarabia.¹ Thus, Titulescu saw this treaty as a defensive weapon that could be used on the international arena against Soviet pretensions were they to be expressed again.² While assuming paternity of the document, he was obviously unaware of the Soviet conception of international law.

Indeed, little is still known in Romania and elsewhere of the way the Soviet diplomats and international lawyers conceived this convention and other similar treaties, the role these instruments played in the socialization of Soviet diplomacy to international practice and of the long-term perspective of Soviet Union on the use of international law to its advantage as a translation of Agitprop propaganda on the international arena. In all these respects, the book bearing the signature of Christi Scott Bartman is enlightening and represents a landmark in our understanding of Soviet international conduct.

The book focuses on the Soviet international politics by introducing the concept of lawfare defined as "manipulation or exploitation of the international legal to supplement military and political objectives" (p. 4). Although the author admits that Soviet Union or its successor state of Russian Federation were not the sole

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¹ Nicolae Titulescu, *Politica externă a României (1937)* (București: Editura Enciclopedică, 1994), 108-114.

² One of the best assessments of Titulescu's foreign policy thinking, at Walter Bacon, *Nicolae Titulescu și politica externă a României. 1933-1934*, ed. Valeriu Florin Dobrinescu (Iași: Institutul european, 1999). He included himself in the category of accomplisher idealists (Realisierenden-Idealisten), "men who, aspiring to absolute as real thinkers, are at the same time called upon to bear the responsibility of political power."

manipulators of international law, what makes it a special case is the “use of lawfare earlier and with a greater degree of consistent strategic implementation than others” (p. 4). The author approaches her study from a mix of historical and international law methodology. The documentation encompasses archival documents (held in the Russian Federation and the US Archives), public proceedings, notes, minutes of the international bodies (especially the League of Nations and the UN) and press releases.

The highlight of the book is on the use of international law and of the United Nations system as lawfare tools without Moscow showing the slightest intention to obey to the very principles it was voicing so loudly on the international arena. The empirical material used in the book is rich and relevant. The use of lawfare by Soviet Union is analyzed from late 1920s and early 1930s to late 1980s during the intervention to Afghanistan. Chapters are dedicated to Soviet Union’s use of international law during the interwar period at the League of Nations, to the Ribbentrop-Molotov Pact, the aggressions against Poland, Finland and the Baltic states, the Nuremberg Trial, the Korean War, the Soviet interventions in Hungary, Czechoslovakia and Afghanistan and the 1974 General Assembly Resolution 3314. The break-up of Soviet Union did little to alter the practice of lawfare by Moscow. The author brings forth the Soviet conduct in Chechnya and its position towards Kosovo as instances of the double standard and propaganda practiced by the Russian Federation as a true heir of Soviet Union. Let’s remember also the use of the concept of “close proximity” in order to interfere in the internal affairs of neighboring countries or her manipulation of “Russians from aboard” rights (see the case of Russians of the Baltic states, Georgia, Republic of Moldova or Transnistria) as instruments towards achieving a similar goal.

On August 23, 1939 the Soviet Union was a signatory of the secret protocols of the Ribbentrop-Molotov Pact by which East-Central Europe was divided into spheres of influence, while on September 17 Poland and on November 30 Finland were subject to invasion by Soviet Union. Until summer 1940, the Baltic states and Bessarabia fell prey to the German-Soviet deal and were annexed to Soviet Union in total contradiction of the London Convention and other international agreements Moscow had signed or even pioneered. This, however, as the author confesses, did not prevent it participating in the Nuremberg trials against the Nazis, her taking lead of the use of the definition of aggression at the end of WWII or proposing the definition of aggression as included in the London Convention to international bodies in the 1950s. The USSR was also a backer of the UN General Assembly Resolution 3314 while at the same keeping to the letter and spirit of the Brezhnev Doctrine.

Bartman concludes that the use of lawfare as a “tried and true dual system of leading edge legitimacy and lawfare” is not going to acknowledge a change in near future in Russia’s policies and the Russians will “continue to place themselves in a position to benefit from its use politically, legally and militarily” (p. 172). By approaching the international law in a historical setting and exposing how efficient this weapon can be in advancing one’s own national interests concealed as high international principles of law, the book constitutes a novel approach on the subject and invites to the rethinking of our understanding of international diplomacy and international law.