

Russian Federation, Succession to International Humanitarian Law Treaties

[Source: Note from the Permanent Mission of the Russian Federation in Geneva transmitted to the ICRC on January 15, 1992]

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

Note of the Ministry for Foreign Affairs of the Russian Federation:

“... The Russian Federation continues to exercise the rights and carry out the obligations resulting from the international agreements signed by the Union of Soviet Socialist Republics.

Accordingly the Government of the Russian Federation will carry out, instead of the Government of the USSR, functions of depositary of the corresponding multilateral treaties.

In this connection the Ministry asks to consider the Russian Federation as the Party to all international agreements in force, instead of the USSR...”

Discussion

1. Was this note necessary? Does it change the legal status of the Russian Federation with regard to IHL treaties? Would the Russian Federation have been party to the IHL treaties without this note?
2. Are your answers to question 1 also valid for all other States of the former USSR? What would their legal status be if they had not made any such declaration?

