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Official reactions in Latin America

Latin America and the Caribbean

Sources: Rebellion

A few hours after the beginning of the massive Russian military aggression on Ukrainian soil that occurred in the early hours of February 23-24, 2022, the States of Latin America have officially condemned Russia's actions, carried out in open violation of several basic principles of public international law: they have done so individually reiterating, each in their own way, the importance of the fundamental rules of the international legal order established since 1945 in the Charter of the United Nations.



Photo: Ukrainian troops trying to counter Russia's advance on a bridge in the same capital of Kiev. Photo taken from Guardian [press release](#), edition of 25/02/2022

It is noteworthy that, at the time when the Russian troop movements began, the United Nations Security Council was precisely in session on the crisis in Ukraine (see United Nations [communiqué](#)).

From the strict perspective of public international law, Russia's violation of international legal obligations is flagrant. These obligations are not only found in the United Nations Charter itself, but also in existing treaties between Ukraine and Russia, such as the Budapest Protocol of 1994, in particular that contained in point 2 of that protocol (see [full text](#)).

It should be recalled that in the framework of the consultative procedure before the International Court of Justice (ICJ) on the conformity of Kosovo's 2008 unilateral declaration of independence with international law (see [official link](#)), Russia had sent a legal opinion which is of great interest to review in recent days (see [text in English and French](#)) in particular its conclusions (pp. 27-28 and pp. 39-40 respectively).

On February 26, Ukraine filed a new formal complaint against Russia (see [text](#) of the lawsuit and ICJ [press release](#)) on the basis of the Convention on the Prevention and Punishment of the Crime of Genocide to which both States are States Parties. This demand, reinforced by a request for provisional measures (see [text](#)) is in addition to another lawsuit filed by Ukraine against Russia in 2017 pending resolution, as the ICJ was declared competent in 2019 (see [judgment](#) on preliminary objections of 8/11/2019).

It should be pointed out that in view of Russia's sudden change from the obligations arising from public international law for any State in its relationship with another State, on 26 February the Council of Europe, an international organization based in Strasbourg (France) and comprising 47 European States, decided to suspend Russia's rights of representation within it (see [official communiqué](#)).

Finally, it is noteworthy that in the face of the images of civilians fleeing Russian bombings and civilian deaths reported by Ukraine, on February 28, 2022, the Office of the Prosecutor of the International Criminal Court (ICC) announced the start of a preliminary investigation (see [press release](#)).

The prohibition of the use of force shortly

As is well known, the prohibition of the use of force as well as the threat of use of force by one State against another State has been an international legal obligation, and this has been the case since 1945.

As is often the case in legal science, a general principle or a general prohibition may entail some exceptions. The only two exceptions provided for in the text of the same [Charter](#) of United Nations are:

- the exercise of self-defence by one State against another State (Article 51), or;
- collective military actions previously authorized by the United Nations Security Council against a State, within the framework of Chapter VII of the same Charter.

In the present case, Russia has justified what it officially calls a "*special militar operation*" (Vladimir Putin) by referring to the need to "*neutralize*" Ukraine's military capability, to "*demilitarize*" it, as well as to "*denazify*" it (as heard in the [speech](#) of its President Vladimir Putin of February 23, 2022): quite novel and original arguments. The need to avoid at all costs a "*genocide*" against the populations of Russian origin living on Ukrainian territory was also mentioned, without further details about this assertion made by the highest Russian authority. Finally, a brief mention of Article 51 of the Charter and of treaties of friendship signed 48 hours earlier with two pro-Russian separatist territories of Ukraine that Russia recognizes as independent states do not allow to dispel most of the doubts. Usually Russia, like many other states, always looks for a way to give it an aspect of legality when its actions violate an existing international norm: it is possibly the first time, in a long time, that its leaders improvise such unconvincing legal justifications.

It is worth noting that the same Charter of 1945 of the United Nations establishes a list of different mechanisms called "*mechanisms for the peaceful settlement of disputes*" (Article 33) to which two States can resort when they have a dispute with each other: be it political mechanisms, or legal mechanisms (arbitration or judicial settlement). In this regard, the intense efforts deployed personally in Moscow and Kiev by the heads of the Executive of France and Germany with their Russian and Ukrainian counterparts sought precisely to give diplomacy a chance in pursuit of a negotiated solution acceptable to Ukraine and Russia, taking up as a basis for this, the content of the Minsk Agreements signed in February 2015 (see official version in [Russian](#) and French located in the pages 41-43 of this [report](#) of the French Senate) and not implemented since then neither by Ukraine nor by Russia.

Finally, it should be noted that the asymmetry between the Russian and Ukrainian armies is such that Germany has decided to break with its traditional reserve that consists of not sending lethal weapons in armed conflicts, approving a first shipment on February 26 of some 400 grenade launchers to support Ukraine (see [press release](#) from *SudOuest* in France).

Official reactions in Latin America

In the following lines, our estimable readers will be referred to the official communiqués issued on February 24, 2022 by several States of the American continent. Note that in the case of Colombia, Cuba, El Salvador, Guatemala, Honduras, Ecuador, Nicaragua and Mexico, for some reason their respective diplomatic apparatuses have not considered it appropriate to prepare and circulate an official communiqué from their respective Ministry or Ministry of Foreign Affairs.

The detailed reading of each official communiqué (reproduced in the notes at the end in an integral way, title included) allows to know the way chosen by each State to externalize its position: either using forceful terms and expressions nominally designating Russia, or on the contrary, using much more weighted words and expressions, without excluding other forms of expression that allow the diversity and richness of language. The reader will find everything from a forceful repudiation to a timid disapproval, passing through

communiqués that conveniently omit to refer to "Russia": the range of possibilities is extremely wide for the officials in charge of writing a text of this nature.

In an extensive and measured press release, **Argentina** stated that it "*reiterates the need for full adherence to all the principles enshrined in the Charter of the United Nations, without ambiguities or giving preeminence to one over the other, with full respect for international law, to the sovereignty of states and their territorial integrity, the peaceful settlement of disputes and full and deep respect for human rights*" (**Note 1**).

In the case of **Bolivia**, its extremely thoughtful communiqué states that: "*Bolivia calls for peace and urges the parties to seek political-diplomatic solutions within the framework of International Law and the Charter of the United Nations and calls on all parties to the conflict to commit themselves to actions of détente and avoid the use of force, prioritizing the diplomatic mechanisms of the international system to achieve a peaceful solution on the basis of a constructive dialogue and in good faith, in order to address the legitimate security issues of the parties*" (**Note 2**).

Por su parte **Brasil** expresó con un lenguaje sumamente balanceado que «*Como membro do Conselho de Segurança das Nações Unidas, o Brasil permanece engajado nas discussões multilaterais com vistas a uma solução pacífica, em linha com a tradição diplomática brasileira e na defesa de soluções orientadas pela Carta das Nações Unidas e pelo direito internacional, sobretudo os princípios da não intervenção, da soberania e integridade territorial dos Estados e da solução pacífica das controvérsias*» (**Nota 3**).

En el caso de **Chile**, su fuerte comunicado señala que «*Chile condena la agresión a Ucrania por parte de Rusia, pese a los reiterados llamados de la comunidad internacional al diálogo con miras a encontrar una solución pacífica al conflicto, como establece el artículo 2 de la Carta de Naciones Unidas*» (**Nota 4**).

En el caso de **Costa Rica**, su aparato diplomático ha señalado en un (también extenso) comunicado que «*Costa Rica condena el uso de la fuerza y la violación de la soberanía y la integridad territorial de Ucrania*» indicando además (de manera bastante original con relación a otros comunicados), que «*En el contexto de circunstancias excepcionales de*

recuperación económica, resulta inconcebible que los países se vean afectados además por las consecuencias de este conflicto» (Nota 5).

En el caso de **Panamá**, recurriendo a un vocabulario más ponderado que el de su vecino, leemos que *«El Gobierno de la República de Panamá, fiel a su vocación pacifista, multilateralista, y de apoyo al diálogo, lamenta profundamente los acontecimientos recientes en Ucrania, que contravienen los principios fundamentales de la Carta de las Naciones Unidas.» (Nota 6).*

En el caso de **Paraguay**, su comunicado oficial (véase [enlace oficial](#)) – bastante corto si se compara con los demás – señala de manera contundente, lo siguiente (reproducción integral): *«Paraguay condena los ataques al pueblo ucraniano. La República del Paraguay condena los ataques al pueblo ucraniano, en violación de principios de soberanía y del derecho internacional, insta a Rusia al cese de las hostilidades, y reitera a las partes involucradas su solicitud de retomar el diálogo y la negociación para lograr una solución pacífica, mutuamente aceptable y duradera. La República del Paraguay hace un firme llamado a las partes a dirimir sus diferencias en el ámbito del sistema multilateral, y exhorta al Consejo de Seguridad, en especial a los Miembros Permanentes, a asumir su misión de mantener la paz y seguridad internacionales».* Con respecto a **Perú**, se lee en un texto menos enfático que los demás, que la diplomacia peruana *«Reitera la necesidad imperativa que se retomen las negociaciones para bajar la tensión, distender la situación y emprender las consultas y negociaciones que con carácter de extrema urgencia deben realizarse para encontrar una solución diplomática, negociada y pacífica» (Nota 7).*

Por su parte, el aparato diplomático de **Uruguay** ha externado que: *«Uruguay reitera su apego a la aplicación estricta de las normas de derecho internacional y renueva su llamado a las partes a retomar el camino de las negociaciones, al pleno cumplimiento de los acuerdos de Minsk, endosados por el Consejo de Seguridad de las Naciones Unidas, y a resolver por la vía diplomática el actual conflicto de intereses» (Nota 8).*

La diplomacia de **Venezuela** difundió un comunicado oficial sensiblemente diferente a los anteriores, algo extenso, en el cual *«Venezuela hace un llamado a retomar el camino del entendimiento diplomático mediante el diálogo efectivo entre las Partes involucradas en*

el conflicto para evitar un escalamiento, reafirmando los mecanismos de negociación contemplados en la Carta de las Naciones Unidas, en aras de preservar la vida, la paz de los habitantes de estos países y la estabilidad de la Región» (Nota 9). El 24 de febrero, no circuló ningún comunicado elaborado por el aparato diplomático de **Cuba** ni tampoco del de **Nicaragua**, dos Estados que coinciden usualmente con Venezuela en temas de agenda internacional.

Como se puede apreciar, la diversidad de estas manifestaciones oficiales evidencia formas muy distintas de expresarse con relación a lo que ocurre en Ucrania desde el pasado 24 de febrero. Cada Estado lo hace en función de criterios propios y de los intereses de política exterior que persigue de manera individual.

Si bien puede existir un consenso sobre la necesidad de reafirmar el respeto a ciertos principios generales, ello no implica un consenso sobre la forma de manifestarse cuando se violan estos principios: así por ejemplo, en el marco del Consejo Permanente de la Organización de Estados Americanos (OEA), un proyecto de declaración titulado «*La situación en Ucrania*»- y que no cuenta con el aval de Argentina, ni de Brasil ni de Bolivia ni de El Salvador ni de Nicaragua ni de Uruguay- está en proceso de discusión desde el 26 de febrero (véase [texto](#) del proyecto de declaración). En caso de que sea finalmente aprobado en una versión posiblemente enmendada y revisada, será de interés compararlo con el texto que emane eventualmente de otra entidad continental que no incluye a Estados Unidos y a Canadá, a saber la Comunidad de Estados de América Latina y el Caribe (CELAC).

Una coincidencia generalizada

Haciendo a un lado el contenido del comunicado de Venezuela, estas manifestaciones oficiales de Estados de América Latina con respecto al respeto de la integridad territorial y a la prohibición del uso de la fuerza se unen a las demás condenas hechas por los diversos integrantes de la comunidad internacional: como por ejemplo, la que encontramos en el [comunicado oficial](#) del Secretario General de Naciones Unidas, en la [declaración conjunta](#) de los integrantes del Consejo de la Unión Europea (UE) y sus [conclusiones](#) anunciando nuevas sanciones contra Rusia; o bien, en el [comunicado](#) de España, en [el](#) de Noruega, en el [comunicado](#) difundido por Turquía o en

el [comunicado](#) difundido por la Unión Africana (UA). Desde la academia, se registra, entre muchos, este [pronunciamento](#) de la Sociedad Europea para el Derecho Internacional (más conocida por sus siglas en inglés ESIL) así como el de su homóloga gala (SFDI) que ha circulado entre sus miembros desde el 24 de febrero y cuya copia poseemos.

Esta coincidencia de muchos posiblemente obedezca también a la gran cantidad de información difundida desde varias semanas sobre el aumento gradual de efectivos y de material militar rusos en la frontera entre Rusia y Ucrania, y al pronóstico hecho por varios analistas según los cuales, concluidos los Juegos Olímpicos de invierno en China, Rusia entraría en acción en territorio ucraniano.

A modo de conclusión

La comunidad internacional ha reaccionado de manera unánime (o casi): Rusia ha podido contar con la manifestación de solidaridad (o con el silencio) de algunos Estados cercanos, de los 193 Estados Miembros de Naciones Unidas.

Posiblemente, estos mismos 193 Estados sean llamados a votar en los muy próximos días una resolución en el marco de la Asamblea General de Naciones Unidas, un momento en el que la diplomacia rusa pondrá a prueba la solidez de los lazos que la unen a algunos Estados. En el 2014, habíamos tenido la oportunidad de analizar un ejercicio similar con relación a la anexión ilegal de Crimea por parte de Rusia (véase nuestra breve [nota](#) al respecto): el texto de la [Resolución 68/262](#) fue adoptado el 27 de abril del 2014 con 100 votos a favor, 11 en contra, así como 58 abstenciones, al tiempo que 24 Estados optaron por el siempre extraño «*No Show*» (la extrañeza radica en ser Estado Miembro de Naciones Unidas y rehuir el tomar posición cuando se trata de condenar acciones que atentan al edificio normativo de las mismas Naciones Unidas).

This almost unanimity expressed on February 24, 2022 is explained by the importance of the rules ignored by Russia, and which constitute the bases of the international legal order: no State can have an interest in seeing these principles that constitute the foundation of the international legal order weakened, and this since 1945.

Being a Permanent Member State of the United Nations Security Council, the concern is probably even greater: in this regard, these are the same rules that were openly violated in the case of the aggression of the United States (another Permanent Member State) suffered by Iraq in 2003, justified on the basis of a dangerous notion of "*preventive self-defense*".', non-existent in the Charter of the United Nations. A few years earlier, the bombing of Belgrade and other Serbian cities beginning in March 1999 by the air forces of several NATO members was carried out illegally, with no prior approval from the Security Council.

In the case of the Latin American States, the last widespread condemnation of the use of force against a State was evidenced when the then President of the United States made public to the media the "*military opposition*" in the case of Venezuela (see in this regard our brief [note](#) of August 2017 on the official reactions recorded). With regard to the violation of the territorial integrity of a State, in 2008 the OAS member states had the opportunity to discuss and collectively approve Resolution [930](#) of the Permanent Council after Colombia's illegal incursion into Ecuadorian territory.

With respect to disputes between Latin American States brought to the attention of the international judge and pending resolution, it should be noted that the prohibition of the use of force or the threat of use of force is a core part of Nicaragua's allegations in its lawsuit against Colombia filed in The Hague in 2013 (see [text](#) of the application, paragraph (22)).

Notes

Note 1: Argentina's official communiqué (see [official link](#)) reads as follows:

"Argentina reiterates its "firm rejection of the use of armed force" and calls on Russia to cease military actions in Ukraine. The Argentine Republic, faithful to the most essential principles of international coexistence, makes its firmest rejection of the use of armed force and deeply regrets the escalation of the situation generated in Ukraine. Just and lasting solutions can only be achieved through dialogue and mutual commitments that ensure essential peaceful coexistence. It therefore calls on the Russian Federation to cease military action in Ukraine. Reiterates the need for full adherence to all the principles

enshrined in the Charter of the United Nations, without ambiguity or pre-eminence over one, with full respect for international law, the sovereignty of States and their territorial integrity, the peaceful settlement of disputes and full and deep respect for human rights. It reaffirms its commitment and confidence that all the mechanisms of the international community, with the active participation of the United Nations, can be activated for this purpose. The intensification of the winds of war seriously hinders the urgent objective of preserving life, it is essential that all those involved act with the greatest prudence and de-escalate the conflict in all its edges right now to guarantee the peace and integral security of all nations. "

Note 2: Bolivia's communiqué (see [official link](#)) reads as follows:

*"**Bolivia calls for preserving peace and security.** The Plurinational State of Bolivia is following with concern the situation in Ukraine and regrets that the lack of dialogue and understanding has led to a further escalation of the conflict. Bolivia calls for peace and urges the parties to seek political-diplomatic solutions within the framework of international law and the Charter of the United Nations and calls on all parties to the conflict to commit themselves to actions of détente and avoid the use of force, prioritizing the diplomatic mechanisms of the international system to achieve a peaceful solution on the basis of constructive dialogue and good faith, in order to address the legitimate security issues of the parties. Bolivia, as a pacifist State, promotes the right of peoples to live in peace, so the priority must be to protect life, within the framework of respect for International Law, Human Rights and International Humanitarian Law".*

Note 3: Brazil's communiqué (see [official link](#)) reads as follows:

*«**Situação na Ucrânia.** O Governo brasileiro acompanha com grave preocupação a deflagração de operações militares pela Federação da Rússia contra alvos no território da Ucrânia. O Brasil apela à suspensão imediata das hostilidades e ao início de negociações conducentes a uma solução diplomática para a questão, com base nos Acordos de Minsk e que leve em conta os legítimos interesses de segurança de todas as partes envolvidas e a proteção da população civil. Como membro do Conselho de Segurança das Nações Unidas, o Brasil queda engajado nas discussões multilaterais com vistas a uma solução pacífica, em linha com a tradição diplomática brasileira e na defesa*

de soluções orientadas pela Carta das Nações Unidas e pelo direito internacional, sobretudo os princípios da não intervenção, da soberania e integridade territorial dos Estados e da solução pacífica das controvérsias.»

Note 4: Chile's official communiqué reads as follows (see [official link](#)):

«Chile condemns aggression against Ukraine. Chile condemns Russia's aggression against Ukraine, despite the international community's repeated calls for dialogue with a view to finding a peaceful solution to the conflict, as established in Article 2 of the Charter of the United Nations. Chile calls on Russia to withdraw its troops, respect the territorial integrity and sovereignty of Ukraine and avoid the loss of innocent lives and material damage, respecting the Geneva Conventions. Chile hopes that dialogue and negotiations will prevail to prevent a further escalation of this conflict, which threatens international peace and security. The Ministry of Foreign Affairs has contacted and is constantly monitoring the situation of Chileans residing in the conflict zone.»

Note 5: The official communiqué of Costa Rica (see [link](#)) states that:

Costa Rica rejects any unilateral act of force against a State, and condemns the offensive deployed by the Russian Federation against Ukraine. Costa Rica reiterates that peace must be the path and the maximum aspiration of the rulers for their peoples. This offensive, which contravenes the letter and spirit of the Charter of the United Nations, to which both countries are parties, as well as General Assembly resolutions and multilateral agreements, represents a serious threat to international peace and security, and denies the opportunity that multilateral space offers to reach agreements. Costa Rica condemns the use of force and the violation of Ukraine's sovereignty and territorial integrity. It calls for the resumption of dialogue and negotiations, and recalls that at this juncture, the lives of thousands of people are in danger: girls, boys, women and men. In the context of exceptional circumstances of economic recovery, it is inconceivable that countries would also be affected by the consequences of this conflict. Hostilities must cease immediately and the protection of civilians on the ground must be ensured. Costa Rica, as an unarmed democracy, faithful to its pacifist tradition, attached to international law and multilateralism, reiterates that peace must be the path and the maximum aspiration of the rulers for their peoples. It therefore supports the Secretary-General and

the United Nations in their calls for the persistence of peace, assisted by the many regional mechanisms and frameworks available, as catalysts for dialogue and negotiation to resolve this conflict."

Note 6: In the case of Panamanian diplomacy, its communiqué reads as follows (see [official link](#)):

*"**Communiqué.** The Government of the Republic of Panama, faithful to its pacifist, multilateralist vocation and support for dialogue, deeply regrets the recent events in Ukraine, which contravene the fundamental principles of the Charter of the United Nations. Panama adheres to the call made by the international community and supports the statement of the Secretary-General of the United Nations, Antonio Guterres, urging that all efforts be directed to avoid the loss of lives and to resolutely support the mitigation of the progressive deterioration of the situation through the immediate cessation of the use of force and violence. Panama, as a country that advocates dialogue and international law, urges to resume the paths of negotiation and diplomacy that renew the hope of peace, security and stability. On the other hand, we call for respect for the sovereignty, political independence and territorial integrity of Ukraine on the basis of international law."*

Note 7: Peru's official communiqué states in a very balanced manner that (see [official link](#)):

*"**Communiqué.** In relation to the serious deterioration of the situation on the eastern border of Ukraine, the government of Peru expresses: 1. Its repeated support for the pronouncements of the Secretary-General of the United Nations, especially in relation to the ongoing intervention of Russian troops in Donetsk and Luhansk, which constitutes a violation of the sovereignty and territorial integrity of Ukraine. 2. The obligations stipulated in the Charter of the United Nations on friendly relations and cooperation, the prohibition of the use or threat of use of force, non-intervention, the peaceful settlement of disputes, political independence and respect for the sovereignty and integrity of States, bind all States and must be complied with and complied with in all situations, without exception. 3. Reiterates the imperative need for negotiations to resume in order to de-escalate tension, defuse the situation and launch the consultations and negotiations that must be carried out as an extreme urgency in order to find a diplomatic, negotiated and peaceful solution. 4. Reaffirms, furthermore, that a comprehensive and lasting solution to*

the conflict must safeguard the legitimate security interests of the parties, within the principles and norms of the Charter of the United Nations and international law."

Note 8: In the case of Uruguay, the official communiqué (see [official link](#)) reads as follows:

"Use of force against Ukraine. In view of the start today of military operations by the Russian Federation against Ukrainian territory, Uruguay states that such actions are clearly in violation of the purposes and principles of the Charter of the United Nations and reiterates that Russia must respect the territorial integrity and independence of Ukraine. Article 2 of the Charter states that the members of the Organization shall refrain from resorting to the threat, or the use of force against the territorial integrity or political independence of any State or in any other manner incompatible with the purposes of the United Nations. Also, this article emphasizes that the members of the Organization shall settle their international disputes by peaceful means in such a way that neither international peace and security nor justice are endangered. These principles, essential for peaceful coexistence and the development of friendly relations and cooperation among the countries of the international community, are notoriously violated after the Russian military attacks unleashed today. Uruguay reiterates its commitment to the strict application of the norms of international law and renews its call on the parties to resume the path of negotiations, to fully comply with the Minsk agreements, endorsed by the United Nations Security Council, and to resolve the current conflict of interest through diplomatic channels."

Note 9: Venezuela's official statement that includes a reference to the United States and refers to the threats that weigh on Russia (see [official link](#)) reads as follows: *"Venezuela expresses its concern about the aggravation of the crisis in Ukraine. The Bolivarian Republic of Venezuela expresses its concern at the worsening crisis in Ukraine, and regrets the mockery and violation of the Minsk Agreements by NATO promoted by the United States of America. The derailment of these agreements has violated international law and has generated strong threats against the Russian Federation, its territorial integrity and sovereignty, as well as preventing good relations between neighboring countries. Venezuela calls for resuming the path of diplomatic understanding through effective dialogue between the parties involved in the conflict to avoid an escalation,*

reaffirming the negotiation mechanisms contemplated in the Charter of the United Nations, in order to preserve the life, peace of the inhabitants of these countries and the stability of the Region. The Bolivarian Republic of Venezuela, in accordance with its constitutional diplomacy of peace, makes its best wishes for the peaceful resolution of this conflict, while rejecting the application of illegal sanctions and economic attacks against the Russian people, which massively affect the enjoyment of their human rights.

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