

Russia and the Relationship Between Law and Power

James P. Terry



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Foreword

By John Norton Moore

This is a remarkable book by the foremost expert on Soviet and Russian uses of force since Yalta. Dr. James P. Terry is not only one of the top authorities in the world in the international law of the use of force, but he has both solid academic credentials to write on Soviet and Russian uses of force as well as uniquely relevant high level government service focused on those issues. Thus, James wrote his SJD (doctor of jurisprudence) dissertation on “Soviet Intervention: The Relationship Between Law and Power,” and in government service he was the Legal Counsel to the Chairman of the Joint Chiefs of Staff; Principal Deputy Assistant Secretary of State, Bureau of Legislative Affairs; and co-chair of the United States negotiating team which negotiated the Implementing Protocols to the Dangerous Military Activities Agreement the United States had negotiated with Russia, among other very senior assignments.

There is simply no source where one can find the rich detail of Soviet/Russian actions on the use of force as set forth in this book from roughly 1956 through the Crisis in the Caucasus of 2008. Evident in the discussion of each Soviet/Russian action is the deft scholarship, attention to detail, the expertise in relevant law, the intimate knowledge of Soviet and now Russian ideology and the understanding of the international context of the actions which only someone of James Terry’s unique background could put together.

This is not a quick survey of Soviet/Russian uses of force, but rather an extraordinarily deep presentation and analysis of each. This important book also has crucial insights into the future of United States/Russian foreign relations. It is a must-read for those focused on international relations.

The world breathed a sigh of relief when the Cold War ended in 1990. The United States extended a hand of friendship toward the Russian people and the world was hopeful of a democratic transition that would liberate the great genius of the people. While Russia today is far removed from the regimes of Lenin and Stalin, it sadly has been sliding toward a closely

managed oligarchy. Unfortunately, human rights in Russia have also gone seriously downhill in recent years.

The United States engaged too little in assisting the Russian democratic transition after 1990. The challenge now is to engage more effectively while building a solid foreign policy relationship and encouraging Russian leadership toward the rule of law both at home and abroad. This book is an important starting point for such an effort.

John Norton Moore is the Walter L. Brown Professor of Law, University of Virginia; Director, Center for National Security Law; First Chairman, U.S. Institute of Peace; and Co-Chairman (with the Deputy Attorney General of the United States) of the United States-U.S.S.R. talks on the Rule of Law (Moscow and Leningrad Seminars March 1990).

Preface

Russia is an enigma. This vast land of 42 ethnic and sub-ethnic groups is the historic home of the Czars, the Bolsheviks, the Communists under Lenin and his successors, and finally today a self-proclaimed democracy. In reality, present Russia is a closely managed oligarchy intent on returning the nation to economic and military world power status.

This study focuses on the post-Yalta Soviet Union, and Russia today, which has been unafraid to work its military and political will on the nations of Eastern Europe that survived after World War II. The events in East Germany and Poland in 1953 and 1956, respectively, are carefully dissected, as are the intervention in Hungary in 1956, and then Czechoslovakia in 1968, under Article V of the Warsaw Pact.

The invasion of Afghanistan in 1979 was outside the parameters of the Warsaw Pact but well within the Soviet sphere of influence as it ensured security on its southern flank. In Poland in 1981–1982, the pressure exerted on the Poles was designed by the Soviets to ensure the continued flow of economic and manufactured goods into the Communist distribution system. After President Reagan's election in the U.S. in 1980, the economic pressures exerted on Russia, coupled with the failure of the Soviet economic system, led to serious unrest in many of the Bloc nations. When the Soviet Union dissolved in 1990, and Eastern European nations became truly independent, economic development in these nations began to flourish.

The events in Georgia in 2008, however, made all Western States, as well as those nations proximate to Russia, realize that Moscow's agenda had not changed. When Abkazia and South Ossetia within Georgia were annexed by Russia during unrest there, and when pressures on Ukraine were increased, especially in the Crimea, we all came to recognize that, under President Putin, the coming years will likely raise serious economic and military concerns.

About the Author

James P. Terry is Senior Fellow at the Center for National Security Law in Charlottesville, Virginia. He received undergraduate and graduate degrees from the University of Virginia, a law degree from Mercer University, and the Master of Laws and Doctor of Juridical Science degrees from The George Washington University in international law. Prior to his Senate confirmation as Chairman, Board of Veterans' Appeals, on July 29, 2005, for a six-year term, he served as Principal Deputy Assistant Secretary and Deputy Assistant Secretary of State. Before joining the State Department under Secretary Powell, Mr. Terry served in the Interior Department, first as the Deputy Director of the Office of Hearings and Appeals with responsibility for managing the Administrative Law Judge system within the Department and then as a Judge on the Board of Land Appeals. Mr. Terry's distinguished military career as both a Marine Corps Judge Advocate and infantry officer spanned 27 years, which included a four-year tour as Legal Counsel to the Chairman of the Joint Chiefs of Staff under General Colin Powell and General John Shalikashvili. He is the author of more than 45 articles on coercion control and national security law. His volume addressing contemporary issues in the law of armed conflict, *THE REGULATION OF INTERNATIONAL COERCION*, was published by the Naval War College Press in 2005. Other published works by Mr. Terry include *THE IRANIAN HOSTAGE CRISIS*, *THE WAR ON TERROR: THE LEGAL DIMENSION*, and *THE COMMANDER IN CHIEF* (Forthcoming). Mr. Terry resides in Annandale, Virginia, with his wife, Michelle.