

## CHAPTER V

### CONCLUSION

International law has existed just as long as modern day states, and it has been playing a significant role for modern day states throughout history. Started off as the foundation of modern day states, international law is still based on the general principle of *pacta sunt servanda*, meaning that states will uphold the treaties which they are a part of based on good faith. The evolution of international law and the course of history also brought to the world its first international court, the Permanent Court of International Justice along with the League of Nations, and their predecessors, the International Court of Justice along with the United Nations. With the existence of international law, modern day states are bound by treaties that they are a part of, keeping their relations lawful, however, it is not rare for states to abuse the loopholes of international law for their own gain. One of the examples is in one of ICJ's case, Georgia v Russian Federation, the Application on International Convention on Elimination of All Forms of Racial Discrimination. This author argues that Russian Federation used international law to achieve its national interest, which birthed the research question of "How did Russian Federation achieve its national interest by complying to the legal process of ICJ in Application of the International Convention on Elimination of All Forms of Racial Discrimination?". This author tries to answer the research question by

applying theories and concepts such as Morgenthau's neo-classical realism and its integrated concepts, and the concept of indeterminacy of international law.

Through this research, this author found that Russian Federation was able to maximize its power by complying to legal procedures by counter legal arguments to take Georgia's case down, and all this was made possible through its knowledge in the weakness of Georgia's case, its jurisdiction. It is true that Russian Federation did not need to go to court to maximize its power, because as pointed out in this research, it managed to maximize its power before the charges was brought against it, however, going to court legitimizes its maximized power, ensuring this improvement to be final. The weakness that Russian Federation exploit is the fact that Georgia had not pursued any necessary CERD requirements before taking the case to court, and Russian Federation knew this, and exploit this fact to its advantage. Because the necessary requirements were not met, the case was ruled in favor of the respondent, and no harm was done to Russian Federation. For Russian Federation to have successful in maximizing its power by complying to legal measures, comprehension of how international law operates and how to utilize it in one's favor is highly needed, and the combination of all of the above is the reason as to why Russian Federation was successful.

The most important thing to realize from the findings of this research is that states would need to make sure that the very basis of their case is not in jeopardy. As shown with Georgia's case, what brought its case down is the basis for ICJ jurisdiction, and this was the one thing that Georgia might not have paid attention to when it was building its case. Another thing is or states to be patient, cases in

ICJ can take years before the final judgment, and it would not be favorable to see a case get shut down after four years in ICJ because of a fundamental detail Georgia missed when it rushed to submit an application to the ICJ at the very day Russo-Georgian War ended. For comparison, at the time of writing, Ukraine is putting charges against Russian Federation using CERD as one of the basis for its case, and Ukraine's process took three years, from 2014 to 2017 before Ukraine finally submitted the application to the ICJ, carefully placing the building blocks of its cases, trying not to make the same mistake Georgia did.

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