
ИНТЕРВЬЮ

INTERVIEW

МЕЖДУНАРОДНАЯ ЖИЗНЬ В ЛИЦАХ: АСЛАН ХУСЕЙНОВИЧ АБАШИДЗЕ – УЧЕНЫЙ, ПРАВОВЕД, МЕЖДУНАРОДНИК

FIGURES IN INTERNATIONAL AFFAIRS: ASLAN KHUSEINOVICH ABASHIDZE, RENOWNED SCHOLAR, JURIST AND EXPERT IN INTERNATIONAL LAW

Aslan Khuseinovich Abashidze is the head of the department of international law of the Institute of Law of the RUDN University named after Patrice Lumumba. He is a professor and honoured lawyer of the Russian Federation and he also holds a doctorate in law. A. K. Abashidze has served as a member of the working group on Arbitrary detention of the UN Human Rights Council (2007–2009) and as a member of the UN Committee on Economic, Social and Cultural Rights (2010–2026), including twice as its vice chair and rapporteur. He is a member of the executive committee of the Russian Association of International Law, a member of the European Association of International Law, and the World Association of International Law. He also serves on the Academic Consultative Council of the Ministry of Foreign Affairs of the Russian Federation, the Expert Advisory Board on International Law under the Federal Assembly of the Russian Federation, the Expert Advisory Board under the Supreme Court of the Russian Federation, and the Consultative Council with the Human Rights Ombudsman of the Russian Federation, and chair of the International Law Commission of the UN Association of Russia.



– You work in a variety of fields – academic research, education, setting and implementing standards in international law. You have been holding the chair of the department of international law at RUDN University named after Patrice Lumumba and serving for many years as an independent expert inside the UN system, all while teaching at prestigious Russian institutions. Could you please describe how you entered this complex and fascinating field and why you chose to specialise in public international law?

– When people ask me how to choose a career in general, I always advise them to follow their heart. I tell them to make a conscious choice and follow through on it and always consider all that happens in this field.

I decided to become a lawyer in my early years, even though it was not in my family's history. In 1979, after completing my army duty in Monchegorsk, I was recommended to apply to Peoples' Friendship University named after Patrice Lumumba. That is when my desire to become fully immersed in the study of law was fulfilled. I am presently working there, passing on my expertise and real-world experience to successive generations of international law students from more than 160 countries. When it came time to choose our tracks in our 3rd year, I was the only student from the Soviet Union at the faculty of economics and law who selected international law. Already at that time, this field of law appeared to be the most exciting, but also very difficult and complex.

An international lawyer should be an expert in history, geography, philosophy, political science, culture, and foreign languages, know the fundamentals of domestic law and the vast body of international legal instruments for global affairs. By covering the whole spectrum of relevant legal problems from a broad historical and geopolitical perspective, this profession enables you to get to the heart of the matter.

– What drew you to academic research and when did it happen?

– My academic mentor, professor I. P. Blishchenko, introduced me to research. I graduated from the university with honours, obtained a diploma as an English-to-Russian translator, and was recommended for post-graduate study. I defended my PhD thesis for the degree of candidate of sciences in 1988, and it was in international law. During the Soviet time, the department sent its new members to study abroad, and as one of these young professionals, I completed a master's degree in human rights at the Raoul Wallenberg Institute at Lund University in Sweden in 1992. The year of 1988 marked my teaching debut. I defended my doctoral thesis in international law in 1997. I received the rank of professor in international law from the Higher Attestation Commission in 2000. I. P. Blishchenko, my mentor, showed me with his example how to combine teaching with the work of a UN expert – he travelled regularly on missions to the UN to assist with his expertise on human rights and international humanitarian law. His work made it evident that international law was a distinct area where academic research and practice go hand in hand, and where leading professionals were also renowned scholars. This also works in the opposite direction: an effective scholar who keeps abreast of the current trends in international law will know how theory is applied in real world contexts. Because of this, we use the doctrines of the experts as auxiliary methods to ascertain the norms of international law, as art. 38 of the Statute of the UN International Court of Justice provides, and use moot courts and model courts extensively in the training of international lawyers, where the case method has acquired great prominence.

I was most fortunate to know V. A. Kartashkin. He was my instructor in the course on the international protection of human rights. His textbooks have been used by successive generations of law students across Russia. He also headed the Human Rights Council under the President of Russian Federation and served in the UN sub-Commission on the promotion and protection of human rights. I was honoured to work as his assistant during his service at the UN, which not only allowed me to build my expertise but also enabled me to write scholarly research on contemporary issues in the protection of human rights and freedoms within the UN system.

– Could you elaborate on the relationship between your practical work at the UN and your research activity, and more broadly, your academic interests?

– I have served in the UN system for over 15 years, as you may know, and I always consider the information I receive during sessions or on UN missions (including within the UN working group on arbitrary detention) in terms of the goals, objectives and the progress made, while viewing the system of international relations in its entirety. This approach is consistent with the systems analysis method, as academics call it. Over this extensive period, my academic interests have spanned many areas of international law – maritime, space, air, environmental, and humanitarian law, international law of human rights, and the law of international organisations, this extensive outlook helped me consider a wide range of practical problems with adequate breadth. Some degree of specialisation is always present. Both my doctorate and PhD research were focused on human rights concerns, for instance, my doctorate thesis addressed the international protection of ethnic minorities. The subjects of my public remarks are related, for the most part, to specific human rights concerns, such as the protection of the family unit, racial discrimination, xenophobia, intolerance, etc. My professional practice is advancing in a similar direction. Since 2010, I have served as a member of the UN Committee on Economic, Social, and Cultural Rights, including twice as vice-chair and as a rapporteur. The committee meets twice a year for three-week sessions to consider periodic reports from the states parties to the International covenant on economic, social, and cultural rights (171 as of today). Every 1.5 years I stayed in Geneva for an extra week to prepare follow-up questions to the reports already presented for the committee's consideration. Since 2013, the committee has accepted individual complaints. Another key area of the committee's work is the approval of General comments, which consolidate the extant experience and highlight the key elements of specific covenant provisions. Naturally, the academic views of the committee members are reflected in this work, and the stances taken by these scholars reflect their core methodologies in different areas of international human rights law. I have also made an effort to contribute my well-earned expertise to the drafting of the latest General comments.

– In addition to supervising the defence of more than 50 PhD dissertations for the degree of candidate of sciences in international law, you have published more than a 1000 academic works. You have advised three doctorate dissertations and you are the academic mentor for 6 colleagues from your department working on their doctorate dissertations. In your opinion, which areas of academic research are the most relevant at present? And which trends in academic research

should guide the work of new and aspiring scholars of international law?

– International lawyers of all generations should continue to place a high priority on developing their national, sub-regional, regional, and global discourse of public international law, which is based on the shared traditions of the Russian, Soviet and post-Soviet schools of international law. They should also analyse and carefully study foreign doctrines and trends in the activity of international intergovernmental organisations, such as the UN. The contemporary themes of non-interference, safeguarding state sovereignty, including digital sovereignty, and the challenges of achieving economic, social, and cultural rights within the framework of geopolitical shifts are all highly relevant. The search for new forms of universal mechanisms that will enable us to resume mutually beneficial collaboration, cyber-security, and access to resources and technology are some of the most recent issues that impact the interests of every state. Integration issues between Belarus and Russia are significant fields that require multidisciplinary and comparative study to develop shared scientific capability. Prioritising efforts towards resolving global division is crucial for both scientists and practitioners. With governments more divided than ever, constructive multilateral promotion of nearly any issue is hampered. While defending their rationally supported ideas, researchers must look for areas of agreement. Additionally, scientific publications and programmes ought to support global collaboration in science and education.

– When it comes to international cooperation, it is important to keep in mind that the Universal declaration of human rights, one of the cornerstones of the International bill of human rights, will mark its 75th anniversary this year. What is the current mindset of international organisation officials and the scientific community regarding this instrument? What does it mean for the future of relations between countries, which are going through a severe crisis of transformation?

– Indeed, you have accurately observed that the Universal declaration of human rights is vital. National constitutions and international legal acts refer to the declaration's provisions, even though it is de jure non-binding. The vast majority of states, international intergovernmental organisations, and their bodies recognise the authority of this act and cite it as support for their positions. It is important to keep in mind that while reaching a consensus on the act's provisions was not simple, the states were able to create the paradigm of value-legal categories and principles that are now accepted globally. The primary categories of human rights – civil, political, economic, social, and cultural –

are enshrined in this act, which was created by the anti-Hitler coalition's member states. They are fully reflected in our Constitution, which serves as the cornerstone for each person's legal position inside the Russian Federation. We must abide by these rules both now and in the future. My personal experience leads me to believe that this act serves as a common agreed-upon basis for other UN bodies' work. For instance, as members of the working group on arbitrary detention, we came across violations covered by the International covenant on civil and political rights. However, in cases where the state in question was not a party to the covenant, the working group referred to an analogous article of the Universal declaration of human rights, which was typically accepted by the state in question. Never forget the words "a universal understanding of the nature of these rights and freedoms is essential to the full fulfilment of this obligation" found in the preamble to the Universal declaration of human rights. States can only successfully cooperate in the area of human rights if they do it equitably and productively.

– What should be done in these kinds of circumstances? Do the current systems need to be changed?

– First and foremost, there is a need for systematic practices to prevent the detrimental impact of individual states' actions on mechanisms which have been operating for years. Second, an advantage should be taken of the already-established protocols to focus on real world problems and on finding solutions. Allow me to provide a specific example. The Committee on Economic, Social, and Cultural Rights expresses its concerns on specific situations of the states parties involved and offers recommendations on the periodic reports of the member states. For example, in its concluding observations on Lithuania's third periodic report on 30 March 2023, the committee, inter alia, expressed concerns decline in the number of national minorities, including Poles, Russians, and Belarusians, as well as the situation of their rights as a result of the repeal of the relevant legislative act on minority rights. It called for immediate action to effectively protect the rights of national minorities, including in the areas of language, religion, culture, and national identity. The committee also drew attention to the Lithuanian government's ban on fertiliser exports from Belarus to third world nations in Latin America and Africa, which endangered those regions' food security, and suggested that the ban be removed.

Therefore, we highlight acute instances of commitments being violated and risks of such major breaches within the context of the current human rights procedures, and we suggest particular actions to address or prevent adverse outcomes. Lastly, where it is truly needed, it is both possible and necessary to suggest modifications to the current multilateral system to maintain the diversity of civilisations and the fair distribution of

wealth, thereby preserving, rather than undoing, the truly spectacular advancements of international law during the post-war era. Russian and Belarusian governments have relatively similar stances in this regard as well as other global problems. For instance, we support the UN Security Council's growth but oppose overhaul of the UN system as such. "Not throwing the baby out with the water" and adhering to "healthy conservatism" is vital, as stated by the President of the Russian Federation. In the spring of 2023, I presented the same impartial evaluation of objective changes and the report with the same name, "Forming a new international architecture for the protection of human rights", at the St. Petersburg forum.

– Reforms to the UN have been attempted almost from the start of its operation. The organisation has reacted to the growth of its membership by expanding the Security Council and the Economic and Social Council. The UN Charter does not impose many constraints, and hence the UN system itself is always evolving. Its Secretaries General, beginning with Boutros Boutros-Ghali, have initiated significant reforms within the UN. Boutros Boutros-Ghali was arguably the pioneer in the debate on UN reform. That was back in the early 1990s, which saw significant changes in the global environment. Next, reform was pursued by Kofi Annan, Ban Ki-Moon, and Antonio Guterres. What is your take on these changes?

– The UN Secretary General's mandate does not include UN reform. He is at the head of one of the UN's six main bodies, the Secretariat, and he must oversee it effectively. The Secretary General may discuss UN reform only when specifically requested to do so by UN member states – say, by a decision of a UN summit or a resolution of a UNGA session. A crucial factor to keep in mind in this regard is that any substantive reform of the UN will be contingent on amending the UN Charter, the organisation's founding document. Additionally, the Charter itself specifies the procedures for amending it, and they must be closely observed.

– The Security Council's permanent members' veto power is the cornerstone of UN reform. The suggested modifications, however, are hotly contested and typically only achievable if the UN Charter is changed. What do you think could be a realistic option for reforming the Security Council?

– Chapter XVIII ("Amendments") of the UN Charter provides one. Specifically, under art. 109, para 1, the General conference of the members of the United Nations, comprising 193 members, may be convened to discuss amendments to the UN Charter, at a time and location approved by two thirds of the votes of the General Assembly and the votes of any nine members

of the Security Council. Articles 108, 109, para 2 stipulate that any changes or revisions to the Charter "shall come into force upon ratification... by two thirds of the members of the organisation, including all permanent members of the Security Council".

As you can see, any changes will require the unanimous support of all five permanent members of the Security Council who have veto power. As a result, Russia and the other four permanent members of the UN Security Council must agree to any changes to the Charter. That means that all proposals submitted to the UN Special structure on reform – in place since the mid-1970s – as well as individual state positions regarding the UN reform should be agreed upon based on the UN Charter art. 108, 109 and adopted with the approval of all UN Security Council permanent members.

As for the options for the UN Security Council reform, there are many of them, and Russia has a position on this issue. However, Russia's position on some points may change depending on new circumstances. For instance, the Russian leadership has previously backed several nations' admission to the UN Security Council, including Germany, Japan, and others. Nevertheless, following their admission as UN members on the condition that they uphold the "anti-Hitler spirit" of the UN Charter, these and other states – that were once Nazi Germany's satellites – have voted against the Resolution on combating the glorification of Nazism, neo-Nazism and other practices that contribute to the escalation of contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which is annually adopted by the UN General Assembly on Russia's initiative. Given this, it is appropriate to ask whether they ought to be allowed to join the UN Security Council.

– The activities of the Security Council and General Assembly are more recognised and more widely covered, although ECOSOC is one of the main bodies and appears at first sight to be a complex multi-level structure with a wide range of responsibilities. You have taken part in the Economic and Social Council's different accountability mechanisms on several occasions. What is ECOSOC, and what is its role?

– This is a pertinent question for those who see harm in the "reforms" that have already occurred and affected the mandate of the ECOSOC as one of the six main UN bodies. The UN Charter essentially incorporates numerous innovations as compared to the League of Nations, including a stronger focus on state-to-state cooperation in the social and economic domains. The UN Charter's Preamble, art. 1, chapter IX "International economic cooperation", chapter X "Economic and Social Council" all underline such cooperation in social and economic domains, both of which fall within the mandate of the ECOSOC. The human rights domain was once been within the purview of ECOSOC as well.

However, under the decision of the Vienna conference on human rights in 1993, the Centre for human rights was removed from the ECOSOC structure, and the functions in the Human Rights sphere were transferred to the UN High Commissioner for Human Rights and the Office of the UN High Commissioner for Human Rights (OHCHR) established in 1994. After another “reform”, in 2006, the Commission for Human Rights was removed from ECOSOC and placed within the purview of the Human Rights Council, appointed by, and reporting to, the UN General Assembly.

However, economic and social issues, as well as the regional economic commissions have been left within the remit of ECOSOC. One change that is underway (that follows from the UN General Assembly Resolution 68/366) will result in the Committee on Economic and Social Rights being formed not by ECOSOC but by the Assembly of States Parties to the International covenant on economic, social, and cultural rights.

All such “reforms” and reform proposals contradict the UN system’s official position, which proclaims all human rights to be interconnected and indivisible. In reality, the institutional mechanisms for human rights protection are becoming increasingly fragmented. The Sustainable development agenda – 2030 sets 17 human development goals and 169 targets while specifying that sustainable development is grounded in three dimensions – economic, social and environmental. However, the reforms that remove the human rights sphere from the purview of ECOSOC are counterproductive and will have lasting negative implications for the universal human rights system.

– Another main body, the Trusteeship Council, has been inactive since 1994. What might its future look like?

– At the time the UN Charter was drafted, the future of colonial territories and their peoples was a relevant issue. Eventually, the UN trusteeship system came to replace the mandate system of the League of Nations. The Trusteeship Council was created as one of the six main UN bodies to deal with this problem (chapter XIII of the UN Charter). Its mandate was officially suspended in 1994 when the last Trusteeship territory, Palau, acquired independence. Of the variety of official and unofficial proposals for its future, the one that most appeals to me is its transformation into a body that generates innovative ideas for the UN member states and the UN itself. Let me also underline that chapter XI (“Declaration on non-self-governing territories”) continues to be relevant because, sadly, a significant number of territories are still under the illegal governance of the former colonial powers. Two such examples are the island of Diego Garcia (as a part of the Chagos Archipelago), where the United States is keeping its military

base and the Chagos Archipelago, which is legally a part of Mauritius but is being held by the United Kingdom.

– Do you believe that the United Nations is still effective in today’s world in general? And in what specific areas?

– Several authoritative answers have been proposed regarding the relevance of the UN and its utility for humanity. In his statement at the Valdai discussion club meeting on 21 October 2021, V. V. Putin described the UN as an effective body as he discussed ideas for the reform and abolition of specific international institutions. According to him, the UN has been much criticised for failing to adapt to rapid changes. In his view, the criticisms are partly fair, but it’s most likely the fault of all of the players involved, not just the organisation. Furthermore, this international platform not only upholds rules but also keeps the spirit of standard-setting, grounded in the principles of equality and giving everyone’s viewpoint equal weight. To add to this testimony, let me underline the breadth of the UN’s standard-setting activity, spanning areas such as human rights, environmental protection, the fight against terrorism, and many others, as evidence of the organisation’s effectiveness.

I may also refer to another authoritative opinion and the official positions of the leading powers in world politics regarding the preservation of the UN. At the Valdai discussion group session, V. V. Putin described the United Nations Organisation as the principal international organisation, that is still a fundamental value and continues to provide an example of healthy conservatism in international relations that is so much needed to restore normalcy in today’s turbulent world.

The Russian foreign policy concept approved by the President of the Russian Federation on 31 March 2023 declares adaptation to the realities of a multipolar world as a priority for the Russian state contingent on the restoration of the UN’s role as a central coordinating mechanism for aligning the interests of the UN member states and facilitating their efforts.

The joint statement of the Russian Federation and the People’s Republic of China on foreign relations on the eve of a new era and global sustainable development, dated 4 February 2022, calls on every state to protect the international system that builds on the UN’s central role and the world order based international law and to strive for genuine multilateralism under the central and coordinating role of the UN and its Security Council.

These statements, I believe, have full answers to your question.

– Please discuss your professional goals for the upcoming year as well as your overall vision for collaboration between science and education at the university and programmatic levels.

– When it comes to my work at the UN Committee for Economic, Social and Cultural Rights, my main focus will be on three of its general comments that are currently being drafted – on sustainable development, the application of international humanitarian law to the protection of economic, social, and cultural rights, and on issues of national policies and laws regarding drugs.

The teaching and learning plan of the department I am chairing, emphasises the search for extra potential for improving the quality of the English language programmes for masters and candidates degree in law.

As regards the department's publication plans, we are working on the first draft of a manual on the history of international law, and on updates to the textbook "Regional human rights protection systems".

We will, of course, continue our work on strengthening our academic ties with the world's leading universities, with a focus on Africa and Latin America.

– Thank you, Aslan Khuseinovich! Please accept our wishes for good progress and lasting success in all your endeavours.

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