



## Modern Warfare and Urban Security

Transcript of the Online Forum

In cooperation with

**SINOPRESS**



## Speakers

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## Transcript

**Moderator:** Distinguished panelists, ladies and gentlemen, a warm welcome to our online forum on “Modern Warfare and Urban Security”! This forum is again – after several successful cooperation – initiated and organized by Urban Forum, a non-profit association in Austria with the objective of enhancing the meaning of urban, municipal local affairs, contributing a modern administrative reform with emphasis on the values of the European Union; and SINOPRESS, an independent, non-profit and self-supportive media outlet based in Vienna dedicated to the free expression of cultural and social opinions east and west.

My name is Alice Schmatzberger, founder of the platform ChinaCultureDesk based in Vienna – I’m honored to be your moderator for today’s forum.

Let me shortly introduce the topic today. In the context of “Modern Warfare and Urban Security”, we are looking forward to covering the following issues:

1. Destructive Means of Modern Wars
2. Threats to Urban Security by Modern Warfare
3. Worst-case Scenario of Modern Wars
4. Underlying Causes of Modern Wars
5. Genocide and Modern Wars
6. Solutions to Avoid Modern Wars

Today, we are pleased to have the following distinguished panelists for the forum, all with a profound expertise:

1. Mag. Raphael Spötta: International law expert;
2. Mag. Stephan Auer-Stüger: Member of the Vienna municipal council and state parliament, Speaker at the Austrian Association of Cities. – Unfortunately, he was tested COVID positive shortly before today’s forum and has to stay in bed due to the symptoms;
3. Brigadier Ing. Mag. Gerhard Rauniak, Federal Ministry for National Defense;
4. Prof. Dr. h.c. Mehmet Şükrü Güzel, Founder of Centre for Peace and Reconciliation Studies in Switzerland.

Mag. Bernhard Müller from Urban Forum and Mag. Helena Chang from SINOPRESS are with us today representing the organizers.

Before we start the discussion, I would like to

give you a short introduction to the agenda.

In the wake of Russian military invasion of Ukraine, urban security becomes an imminent issue, especially in Europe. The complication of modern warfare in the possible cold, warm, or hybrid forms – even the use of energy weapons – requires the development of sophisticated modern approaches to manage the collective security, to reshape military-inspired city planning and to organize city dwellers in emergency.

At the same time, the background of modern warfare has often to do with geopolitics, as is shown by the Ukraine crisis right now. To understand the direct worries, historical argumentations or pure excuses for raising a war, is to help understand how to build up better urban security.

One of the excuses Wladimir Putin, president of Russia, used to justify his military invasion of Ukraine is “genocide”. The term “genocide”, as a matter of fact, has been often used or misused for different geopolitical considerations in the past years.

The upcoming forum aims to analyze the present geopolitical catalyzers for conflicts or wars, the destructive means to achieve the goals of a modern war, the dangers faced by urban regions, the approaches to enhance the urban security in order to avoid the worst-case scenario, as well as other related issues.

May I first invite Mag. Raphael Spötta to share with us the considerations on the following question: Which destructive means could be used to achieve the goals of a modern war in the 21st Century? Please, Mr. Spötta, the floor is yours!

**Raphael Spötta:** Thank you very much for the invitation. I think that’s a very interesting question. We should however talk about the definition of “modern warfare”. As you might all know, the term war or the concept of war has evolved, and it has indeed changed quite a lot from the 19th century over the 20th into the 21st century. Taking into account the situation or the international system in the late 20th century, we can state that actually the international order was quite that it was order. It was rather stable if you like. You could very



well define security policy or security in general. You could analyze the situation in terms of quantities of soldiers, in terms of quantities of tanks or even nuclear weapons.

After the dissolution of the Soviet Union, however, the security situation has become increasingly instable. Wars between states had already become an exception at that point but after the dissolution of the Soviet Union, wars within states became more and more frequent. Think about for instance the Civil War in Lebanon, think about the genocide in Rwanda, all these conflicts were actually internal conflicts. That meant a shift of focus of various international organizations. Beforehand, we had a situation of wars between states and now the situation has shifted, the focus has shifted on conflict within states. That touched on the very notion of sovereignty of the international order. The international community had to reassess how to deal with conflict, with or without military conflict or war, like concerned NATO, the OECD, or the UN, for instance. That shift requires more conflict management and crisis management than the classical interstate warlike approach with tanks, nuclear weapons, etc.

When you take a look now at the situation in Ukraine, that concept has been brought back to the table. One could very well argue that this is not the first case of classical interstate war in recent years. Think of the military conflict between Armenia and Azerbaijan a couple of years ago. So that might not be the first one, but Vladimir Putin in Russia has actually reintroduced that idea that you can really change borders, and that you can exert pressure by military means in Europe.

Russia is an interesting case because when you take into account the conflict I mentioned before, I mean the Azerbaijan case, that war was in fact between two states that were medium-sized, small states with no weapons of mass destruction or nuclear capabilities. That is not the case with Russia. Russia obviously is a nuclear weapons state. It has attacked a neighboring country, a smaller country, Ukraine. What we can see now is actually the modern conflict in an interstate setting. So the war is being fought with modern means, for instance with drones. Forgive me that I just picked that example, but it was quite fresh in my memory because just today I read an article about that. Ukraine has

bought Turkish transference that have been used against Russians to surprising effect.

So that is a mean of warfare that might be defined as modern, which was maybe de facto inexistent a decade ago. That's one thing we see. Another thing that can define a modern warfare – Russia has in fact applied in the past and relatively immediately before they attacked or invaded Ukraine – is hybrid means. Hybrid means or hybrid warfare means using non-military means to achieve military goals. That is in essence the definition and can entail quite a lot of things.

For instance, disinformation, cyberattacks, intelligence, reconnaissance... quite a lot of things that are being used for military purposes, but not necessarily in a military way. We could add, for instance, economic pressure as well to that list because it's a quite blurry definition in fact.

One of the advantages of that, however, is to see and to frame activities that are in fact hostile to one country yet won't be defined as warfare. And one very interesting point about hybrid warfare is that it can be applied during formal peace time, but also during wartime. Russia can very well continue to spread disinformation, to attack with cyber means and to continue its covert operations, for instance, in Ukraine, while also bombing Ukraine and attacking militarily with tanks or fighter jets. So that's the main characteristics of warfare from my point of view. I hope I highlighted the nature of modern warfare, and I think that the examples are quite appropriate.

**Moderator:** Thank you very much for the contribution! If I may repeat some keywords to check if I got them right. You pointed out the shift in today's world from wars between states to wars within states. You also mentioned the Russia-Ukraine conflict now, and what we may call modern weapons which were not existent a decade ago, nuclear weapons or drones for example?

**Raphael Spötta:** I would argue that nuclear weapons are modern weapons. Depends on your definition of modern, of course. Nuclear weapons have been around since 1945 approximately. What we see is the development of existing weapons, all the weaponization

of new technologies. That's in fact the point. Think of drones, for instance. Drones might have been seen in the 1990s, maybe as a toy, that little thing you can fly. But it has increasingly been weaponized. The technology has been developed and is going to be developed a lot, and now you can use it actually as a weapon in various forms and in various cases. The same, of course, for nuclear weapons, that the type of weapon is not necessarily modern, but the technology with a respective delivering the nuclear warhead, that might be defined as modern.

**Moderator:** Thank you very much for clarifying this point! At one point you were mentioning hybrid means, saying it is the use of non-military means for military goals, like disinformation and cyberattack, those which could also be applicable in peace time. Very informative for us, too! Thank you again!

I would like now to turn towards an issue connected to the previous question and invite Brigadier Ing. Mag. Gerhard Rauniak to talk about the following question: What dangers are faced by urban regions during the modern warfare?

**Gerhard Rauniak:** Thank you very much for the invitation and the work! You already explained quite perfectly what a modern warfare is from the political view. I would now talk a bit more from the view of military leadership on operations of warfare. For the military, modern warfare is a contemporary type of warfare. It normally stands for very complex and long-term military conflict, yet with a lower intensity. Normally, it's an asymmetric warfighting, which means both opponents don't have the same level of equipment training and personnel and soldiers. It is typically a war between professional standing army and resistant movement. Urban areas are highly affected by such warfare. It is very simple to explain why this is the case: If you're a weaker opponent, it's easy for you to fight in urban areas, because you can use the whole infrastructure to hide, you can conduct ambushes. Behind each corner of the house, behind each window, you can defend that city. And normally all those defenders have the support from the city level for operation, which makes it easy for them to get medical supports and so on.



The great challenge for fighting urban areas, however, is that it is very difficult to distinguish between combatants and normal civilian population. As a soldier, if you see a person hiding behind the window, you have enormous stress in the situation to decide within seconds if to shoot or not. This is very challenging. The armed forces are given the instruction to best protect the civilian population, which we do. We have a very huge training for soldiers, how they should behave when they fight in urban area. Nevertheless, you will see victims, and there will be high numbers of refugees. I don't know if you ever heard about the battle of Mosul between the allied forces and Islamic State from 2016 to 2017. It was about 9 months. At the end, the allied forces had about 1200 killed soldiers and 5000 wounded. Islamic State fighters had about 5000 killed fighters. And we have seen about 11,000 civilian victims. This number shows what the greatest problem is by fighting in urban areas.

The military adapted to that situation in the last 20 to 30 years. On the political level, of course, we had initiatives and had already international laws implemented to prohibit or at least to limit the use of custom ammunition and landmines. On the military level, we introduced new special tactics procedures in modern weapons in order to avoid civilian victims and still reach military aims.

You have seen in the Western military forces a huge step to digitalization. The aim for that is that you get a clear picture of your own forces, of the opposing forces as well as of the civilian situation.

Modern warfare sounds good in theory. But in reality, modern warfare in urban area is very hostile. You have the idea of encircling the city or the area. Then everything depends on how you fight, if it is from house to house. It's very bloody fighting. Military leaders try to prevent such scenario. Or much worse, you allow the non-combatants to leave the city and fight block to block, using artillery and armor strikes. That was exactly what we saw in Chechnya, Syria and what we see right now in Ukraine. We need to find solutions for the future.

**Moderator:** Thank you very much for this valuable and professional input, Brigadier Rauniak! Would you also enlighten us by analyzing

how to enhance urban security and to avoid the worst-case scenario in the wake of possible warfare?

**Gerhard Rauniak:** In my opinion, the best way is to avoid war, of course!

There are two ways to prepare for the war in urban regions, from my point of view. One is the civilian protection. The other one is more of a political issue. We have the international law and the law for conflict. Each political leader, each military person, each soldier must be aware of the consequences when fighting in urban areas. Anybody committing a war crime has to take the responsibility with all the hard consequences.

As the civilian protection also applies for situations like natural disasters and anti-terrorism, structures and procedures are important to be taken care of. You need to have a clear picture of your city, to have an alerting system for the population, to provide accurate information for the population. In case the area becomes a battlefield, people need to leave the area and shouldn't be surprised by any unexpected happenings. Also, you need to prepare the plans for emergency, for example, when electricity goes out, how to provide the basic needs for the population. All these you need to prepare and to invest in peace time. Another point is to supply enough shelters like bunkers to protect the civilians who cannot leave the city, or in a worse case, to be able to evacuate people.

**Moderator:** Thank you again for this very informative speech, Brigadier Rauniak! Thank you!

Dear panelists, recently, Vladimir Putin used the word „genocide“ in justifying his military invasion of Ukraine. As we know, the word „genocide“ was first coined by Polish lawyer Raphaël Lemkin in 1944 in his book *Axis Rule in Occupied Europe*. It consists of the Greek prefix *genos*, meaning race or tribe, and the Latin suffix *cide*, meaning killing. Lemkin developed the term partly in response to the Nazi policies of systematic murder of Jewish people during the Holocaust, but also in response to previous instances in history of targeted actions aimed at the destruction of particular group of people.

In 1946, the United Nations General Assembly recognized Genocide as a crime under interna-

tional law. It was codified as an independent crime in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention).

In the convention signed by 149 countries as of 2018, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

Looking back, we see that the killing of Native Americans was one of most bloody genocide of indigenous people ever happened in human history. Around 130 million of the Native Americans were killed. As the result of the massacre, the population of indigenous Americans declined by 90-95 percent.

May I invite again Mag. Raphael Spötta to the floor: Would you care to recall some related events concerning genocide crimes done in the US since the 18th century as well as the consequences?

**Raphael Spötta:** I think that's quite a difficult question to answer or to deal with in the current context. Because if we talk about genocide and the use of the term genocide as used by Vladimir Putin in relation to Ukraine, we are talking about pretence.

It's not genocide which actually happened in Eastern Ukraine. That's just something Mr. Putin claims in order to justify his actions with respect to Ukraine. Talking about genocide from here is difficult because we shouldn't try to give justification to his argumentation. I think that's just a disclaimer.

Related to your question: Of course, there have been quite a lot of genocides in history unfortunately, with respect to the US in particular. I just read something today about the actions of Canada against the indigenous people in their residential school system. But we shouldn't try to limit our focus back on America. In fact, also



Europeans, quite a lot of Europeans committed a crime as genocide in the past, too, most notably, of course, the genocide during World War II. The Nazis committed genocide against the Jews and other people. If we continue to look, we could also talk about the Cambodia or the genocide in the year 1994. And what we should mention is definitely the genocide committed by the so-called Islamic State against the cities from 2014 to 2017.

So, the crime of genocide is a crime according to international law. We shouldn't limit the focus on just one geographical area. It's not that people of country X are prone to commit genocide. That is not the case. In fact, committing the crime of genocide is dependent on the political and social circumstances, where some conflict takes place. Take the example of the Islamic State and the genocide committed against the cities. That wouldn't have been possible without the Syrian Civil War, which was fostered actually by the international system in terms of maybe not the system but the states and the international actors. Particular political circumstances must be taken into account. We'll have to take into account cultural genocide as well, since you mentioned the UN genocide convention. Genocide can also very well be committed by educating people, i.e. by re-educating them to extinguish their cultures, to extinguish their languages, etc.

**Moderator:** Thank you for the contribution! So one thing is that genocide has happened quite often in history, in different parts of the world. You mentioned at the beginning that coming to the Ukraine conflict, to the military invasion of Ukraine by Russia, the word "genocide" is just a pretence, because there is no genocide happening in Ukraine. My question has, however, also to do with the consequences of genocide. Is it just to extinguish specific ethnic group? Could you elaborate on that aspect?

**Raphael Spötta:** The ultimate goal of genocide, obviously, is to eliminate the group of people defined in the genocide convention. That might relate to religious beliefs, to languages or to other necessity. That definition is quite open. It is not defined how many people of one group you actually have to kill or to reeducate so that genocide is constituted or committed. However, it's rather difficult to argue that genocide has happened if it concerns quite a few people. It's a horrible example, but if you think of what is

happening in Ukraine right now or has happened in Syria, the Russian armed forces or Syrian armed forces encircling cities and killing combatants and many civilians, yet that wouldn't be a genocide crime because it's not actually killing the entire group or distinguishing the entire group of people! The main motivation has to be extinguishing a group in accordance to the genocide convention and if that motivation is not given, then it's not genocide.

If we think about Ukraine in this moment or between 2014 and now, there were no signs of ethnic Russians in Ukraine being extinguished. On the contrary. You might argue that genocide could be an ongoing event with mass killings. But if it is not systematical, you can't argue that genocide happens. The main point about genocide is that it has to target really certain group of people as defined and then try to extinguish that group.

**Moderator:** Thank you for that clarification, Mr. Spötta! Prof. Dr. Güzel, you might also want to share some of your views on genocide with us, as you are an expert on UN conventions, and I'm told you have recently written on the issue of genocide. How would you interpret the meaning of genocide and how to prevent the misuse of the term genocide in the future?

**Mehmet Şükrü Güzel:** Thank you very much! It is a great pleasure for me to participate your symposium!

In international law, the use of military force against another state is prohibited except in self-defense, or when authorized by the UN Security Council. Threatening or using force against the territorial integrity or political independence of any state is prohibited by the UN Charter except in self-defense. It grants the UN Security Council „primary responsibility for maintaining international peace and security“.

There is currently no widely accepted right or license among states to engage in humanitarian intervention, as there is for self-defense. In the late twentieth century, the idea of an exception to the general prohibition on force was bolstered with the failure of the international community to intervene in Rwanda and Bosnia during the genocide in 1990s. The idea of establishing an international law doctrine of humanitarian intervention generally failed. An example would be the NATO intervention in

Kosovo, which was viewed as legitimate, even if it wasn't strictly legal. There was no authorization under Chapter 7 of the Charter, but some argued the use of force was nevertheless justified by a jus cogens duty to prevent genocide and the normative principle of responsibility to protect emerged in its place.

The doctrine was later recast as the responsibility to protect doctrine. In the outcome document, which was adopted in 2005 by the General Assembly, the responsibility to protect is defined as the commitment to take collective action through the UN Security Council, in accordance with the Charter, including Chapter 7. Not everyone agreed that the Outcome Document had ruled out military intervention to prevent genocide in the absence of a Security Council decision.

For atrocity crimes, unilateral humanitarian intervention without the authorization of the UN Security Council in fact was tried to be legalized by the US. The US proposed that the crime of aggression be exempted from the Rome Statute at the Kampala Review Conference. An act undertaken in order to prevent the commission of any of the crimes prohibited by Articles 6 Genocide, article 7 Crimes against humanity or article 8 War crimes of the Statute would not be considered an act of aggression. But the delegates rejected the proposal of the US.

When we look at the crime of genocide, the Genocide Convention, in Article 1, gives responsibility to prevent genocide to the states. In the Bosnia and Herzegovina v. Serbia case, the ICJ mentioned about the duty on states to prevent genocide that takes place outside their territory other than their sovereign territory with their limits. A state's failure to prevent genocide is defined as a crime. To our knowledge, to this day it has never been proposed that when the Court faulted Serbia for not preventing genocide, its intention was to authorize or encourage military intervention. On the other hand, though, this must be understood in conjunction with the admonition of the ICJ. In Nicaragua v. the US case, the use of force could not be the appropriate method. An important question thus arises: How then is the duty to prevent genocide to be implemented?

We need to take into consideration of the terrible danger of tolerating military intervention based on unilateral claims that genocide is





threatened, too. Within the UN system, there exists in fact a forgotten system for preventing the unilateral claims for justifying use of force: The Office on Genocide Prevention and the Responsibility to Protect of the UN. Their mandate is to support the early warning role that the Special advisers on the Prevention of Genocide and on the Responsibility to Protect play, as well as their advocacy efforts to mobilize the UN system and Member States to take effective action in response to situations where populations are at risk of atrocity, crimes of genocide, crimes against humanity, war crimes or where these crimes are ongoing. The office's work on early warning of atrocity crimes is based on the premise that these crimes do not happen overnight. They are processes. They require planning and preparation. There are warning signs and common risk factors, both structural and dynamic, that can lead to or enable the commission of these crimes. Once the risk factors are detected, it will be possible to identify measures that can be taken by states and the international community to reduce the likelihood of atrocity crimes occurring.

The Framework of Analysis for Atrocity Crimes is a methodological early warning tool of the UN Office developed to systematize the collection of information on the risk factors associated with genocide, crimes against humanity and war crimes, as well as to provide consistency in the assessment of information and the risk of those crimes. The Framework can be used by all actors involved in atrocity prevention.

When the assessment of a specific situation points to the risk of atrocity crimes, the Special Advisers may decide to bring that situation to the attention of the Secretary-General and, through him, to the Security Council, in this way acting as a mechanism of early warning. The Special Advisers will provide timely advice to the Secretary-General on preventive action and mobilize the United Nations system and other key partners, taking into account the urgency of a situation, to enhance the collective capacity to prevent atrocity crimes, or halt their occurrence. The Special Advisers may also conduct advocacy missions to countries where their involvement is considered of particular value to address situations of concern before they escalate into further violence.

But other than the collective security system of the UN, if a state claims that a genocide is

occurring, ongoing or is to be committed, to legalize its unilateral claim, it must first fulfill the Framework of Analysis for Atrocity Crimes test by which any claim of genocide will be out of real politics.

When we rethink of genocide other than the other atrocity crimes, we need to remember the Serbia and Croatia case of the ICJ to understand the difference. The ICJ had rejected claims of genocide by Serbia and Croatia against each other during the Croatian war of secession from Yugoslavia. The Croatian government had alleged that Serbia committed genocide in the town of Vukovar and elsewhere in 1991. Serbia later filed a counterclaim over the expulsion of more than 200,000 Serbs from Croatia. About 20,000 people died during the 1991-1995 war, mostly Croats. Tens of thousands of ethnic Croats were displaced, and about 260 Croat men were detained and killed. Four years later, the Croatian military's Operation Storm bombarded the majority ethnic-Serb Krajina area, forcing about 200,000 people from their homes. Forces on both sides had carried out violent acts during the war. However, the ICJ rejected both the Croatian claim and the Serbian counterclaim on genocide based on the fact that, neither side had provided sufficient evidence to demonstrate the specific intent required for acts of genocide.

Among the reasons, the crime of genocide is called the "crime of crimes" with its special intent, *dolus specialis* to destroy as written in Article II of the Genocide Convention. Genocide has two main players: the ones who elaborate the genocidal plan, the *mens rea*, criminal mind in Latin and the ones who carry out the killings and other crimes that make up the *actus reus* guilty act in Latin of genocide. The ICJ accomplished this task by adopting a specific due diligence standard in the Bosnia and Herzegovina v. Serbia case to find out the special intent, *dolus specialis* to commit genocide.

An example is the ICJ due diligence standard against the so-called genocide allegations of the Muslim minorities in Xinjiang of China. A so-called tribunal in the UK had used the sustainable development goals of China written in the UN web pages as the proof of the special intent to commit genocide and non-discriminable birth control policy of China to all its 56 ethnic population as the *actus reus* guilty act.

For your question today: to protect the Genocide Convention from the misuse of the political goals of the states, we do have two important elements, the Framework of Analysis for Atrocity Crimes methodology of the Office on Genocide Prevention and the Responsibility to Protect of the UN and the due diligence standard of the ICJ as written in the Bosnia and Herzegovina v. Serbia case.

For Ukraine, whether the use of force by Russia falls within the scope of Article 2(4), Article 51 of the UN Charter or to prevent a genocide in Ukraine, is the main legal debate. We need to look at the Ukraine's application against Russia before the ICJ subject to Article 9 of the Genocide Convention on the claim of manipulating the notion of genocide to justify its aggression on 27 February 2022. The article 9 gives the ICJ jurisdiction over disputes between the contracting parties relating to the interpretation, application or fulfilment of the Genocide Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article 3. The ICJ had put up on its website a submission it received from the Russian Federation. Russia said that its only justification for the use of force is self-defense under Article 51 of the UN Charter. The reference to genocide in Putin's speech is not the genocide as a concept under the Genocide Convention. The ICJ on 16. March 2022 requested for the indication of provisional measures and asked the Russian Federation pending the final decision in the case, suspending the military operations that it commenced on 24 February 2022 in the territory of Ukraine. In addition, recalling the statement of the Permanent Representative of the Russian Federation to the UN that the Donetsk People's Republic and the Lugansk People's Republic had turned to the Russian Federation with a request to grant military support, the ICJ considered that the Russian Federation must also ensure that any military or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of these military operations. The ICJ recalled that Ukraine also requested it to indicate measures aimed at ensuring the non-aggravation of the dispute with the Russian Federation. The ICJ reaffirmed that its orders on provisional measures under Article 41 of the Statute have binding effect and thus create international legal obligations for Ukraine and Russia.



Now let's think what the final jurisdiction of the ICJ will be, as Russia legally informed the UN that their "special military operation" is under Article 51 of the UN Charter. The ICJ will make its jurisdiction subject to the UN Charter and the system of collective security. The ICJ in the past had given in a series of decisions on Article 51 such as *Nicaragua v. US Oil Platforms* and the *Wall Case*, has addressed, in a variety of contexts, the scope of the Article 51 as well as the customary right of self-defense. Although the ICJ has reserved the specific question whether Article 51 permits anticipatory self-defense, in *Armed Activities on Territory of the Congo* case, the ICJ appears to be attempting to impose substantial limitations on the right of self-defense. Collective self-defense as an inherent right is permissible in the UN Collective Security System on the unilateral use of force without authorization of the UN Security Council, only limited with the anticipatory self-defense or preemptive self-defense. Most probably the ICJ will declare that Russia has used force in the sense of Article 2 (4) of the UN Charter against Ukraine without fulfilling its obligations arising from the UN Collective Security System. The Collective Security System does not take the place of the right to self-defense. It only becomes effective when the UN Security Council decides to act subject to Articles 39-50 of the UN Charter. Until the UN Security Council comes into action to restore and/or maintain international peace and security, a state which is threatened by an imminent attack retains the inherent right to defend itself or to assist another state(s) confronted with such a threat on the basis of a request or other form of consent, within the customary law limits on self-defense. Any recourse to the right of self-defense laid down in Article 51 is likewise subject to these principles of necessity and proportionality. Their violation constitutes an "additional ground of wrongfulness". The principles of necessity and proportionality are not always easy to distinguish in the context of the right of self-defense. In the *Oil Platforms Case*, the ICJ applied the principle of necessity in order to determine whether a particular target, as such, could be struck for the purpose of self-defense, and the principle of proportionality to assess whether, even if this particular target was a legitimate target, it was proportionate to strike it, taking into account the relationship between the gravity of the original attack and the dimension of the military reaction to the attack as a whole.

In my opinion, the US will never recognize any peace treaty between Russia and Ukraine, as of its customary policy originating from the past. On 23 July 1940, the United States' acting Secretary of State Sumner Welles issued a statement on the situation in the Baltic states and non-recognition of their annexation to the Soviet Union. With this statement, the US never recognized Lithuania, Latvia, and Estonia as the member states of the Soviet Union throughout the Cold War.

**Moderator:** Ok, so we have seen now in your statement how complex the relationship between national liberation movements, ethnic cleaning and crimes against humanity is, and under what circumstances the term genocide is misused, plus on how many different levels one needs to think before action. Thank you so much for highlighting all these complicated issues, Mr. Güzel!

We have heard a lot about the term and the use of genocide, also as a potential excuse for raising warfares. I would like to go one step further now because there are certainly other excuses for war-waging as well. Mr. Raphael Spöтта, in your observation, what other excuses or justifications are out there for waging a war?

**Raphael Spöтта:** Thank you for the question! Professor Güzel has mentioned beforehand the article 51 of the Chart of the UN, which certified the right of each state for individual self-defense and collective self-defense. I'd like to add another very important article of the UN charter which might have been overlooked in the past two years, in particular by Russian president Putin. That is Article 2 number 4, which reads all members of the United Nations shall refrain in international relations from the threat or the use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations. This means war is illegal. You can't wage war against any other state.

Now there are "exceptions" to that rule. In light of Article 51, we'll have to take into account self-defense and collective self-defense. This means that any state that is being attacked by another state might call for aid, so its allies might help that state in defending itself. And in addition to that, Article 51 says explicitly that individual self-defense by that state is legal, is absolutely fine until the Security Council takes

measures. Because if the Security Council takes measures, and measures meaning voting on resolution, adopting resolution and then lowering other states to assist that one state that's being attacked, the Security Council has the responsibility in this system of collective self-defense. In addition to that, we can argue as well with the charter of the United Nations, I think it's chapter 8, which allows regional organizations to take out measures of collective self-defense.

That for instance might serve as legal base for the native defense and was used in the past for the Warsaw pact, or any other military allies. If you take a look from that point of view, legally war is absolutely not allowed unless it's for self-defense and then you can have other states joining in as well if you like.

I mean you could also argue that this is the one thing international actually has achieved, because every state now argues why its actions are actually in accordance with the international law. No state would say Ok, I'm just deliberately breaking article 2 number 4 of the Charter of the UN. They would argue why their actions are actually legal and in accordance with that article. For instance, the war in Yemen was being waged by Saudi Arabia. They could very well have argued the head of state of Yemen has come for aid because they try to depose him. That's another point, because if the state invites any other state to come to its assistance, that's legal as well, because of the right to self-defense. That is something we should bear in mind.

Of course, you can't really justify a war in this situation. You can just argue why someone goes to war and what's the real deal behind it. Reasons for war include the need for resources or political power or the greed for territory. And in the current case – Russia against Ukraine – we could argue, or some people have argued actually – that the background of it is the security interest of the Russian Federation to keep Ukraine out of NATO. So there are interests why states wage wars, but you can't argue that war is legal so we can wage it if we like and we can justify the cause. That is not possible.

**Moderator:** So, what the UN regulations provide is like a common ground to say there is no justification of war. To break this rule, you'll have to look for excuses, accommodations,



resources, political power, etc. You'll have to develop an argument why you break the regulations. Is that so?

**Raphael Spötta:** You don't have to. The best thing would be not to go to war in the first place! But that's what states are trying to do. Another example for that is Iraqi war in 2003, in which in particular the United Kingdom has argued that the UN resolution dealing with the Iraq Kuwait issue in 1991 has never been put out. It was still on basically. So the UK has argued that due to this resolution, its war against Iraq was legal, because it was authorized by the UN Security Council in order to bring back stability to the region, which doesn't have a date in vision. That was the case. Many operations and missions now have a date until the mandate ends, of that particular mission, in part because of that argumentation. The UN has realized there can't be never-ending resolutions. That's impossible. They have now an ending date which has to be prolonged. So that's basically another example.

**Moderator:** As common ground. Thank you, Mr. Spötta!

Time flies. For closing our discussion today, I would like to make a last round because our panelists have mentioned more than once during the discussion that it would be best not to go to war at all. Do you have any idea how to avoid modern wars in the first place? I know it's a topic for a different forum, for sure, but maybe you can contribute some keywords to it. I would like to start with Brigadier Rauniak for the question.

**Gerhard Rauniak:** For me, there is only one way in the current international system: You'll have to comply with the international law and you'll have to talk to each other. In the end, you'll have to find a compromise and you'll have to live with that compromise, even if it's not the best compromise. It's better than going to war!

**Moderator:** This is like an appeal to the Russia war in Ukraine. It's not about that everybody is taking a side in a very simplistic way, buying more tanks, building more soldiers. It's about abiding by the international law, about talking through the diplomatic channels. Thank you very much! Prof. Güzel, would you care to give us a short contribution or keywords on how to avoid modern warfare in the future?

**Mehmet Şükrü Güzel:** Just one word about the pandemic. The world is in the third year of the pandemic now. Mankind is able to organize the Olympic even during this time. I think it's just a question of organization to overcome the pandemic. China will show that they are able to organize this event very well during the pandemic. I guess we are focusing too much on this thing. In ten years, no one will talk about the pandemic anymore. Everybody will still speak about the games, though. After three years, this mysterious pandemic should be overcome. We are able to organize our games, we are able to bring the athletes to one point. We're meeting already this time. We need to organize ourselves, even at this point.

**Moderator:** Balance of power. Thank you very much for making that point! The last but not the least, Mr. Spötta, could you offer us some ideas on this issue?

**Raphael Spötta:** My two previous speakers have already argued that the balance on one hand and diplomacy on the other hand are two aspects that are essential to achieve peace, or at least to avoid war. I would also add that we'll have to take into account the economic and social circumstances of the respective populations.

We're not talking necessarily about interstate war, but about intrastate war, which means wars within states or civil wars. So I don't really see any way forward without asking questions of social equality, of integration into society, of inclusion, of economics. These points should be taken into account. Of course, there is always politics to be reckoned with. I think there is a very good point in arguing. We'll have to deal with an imperfect situation and try to be in line with the interests of the great powers in order to avoid the major war. In Europe, at least in this particular case, I would argue that we'll have to deal in the future with Russia in any circumstances. Russia is not going anywhere. It's going to be our neighbor and we'll have to integrate Russia into a security architecture, a new security architecture in Europe. We'll have to be fair and to be open to Russia actually. This is not to excuse the invasion of the Ukraine of course. This is not to argue that Russia had no choice and was forced to do that by NATO. I think of the opposite of that is true. But in fact, we'll have to deal with Russia and a security system in Europe is not going to be sustainable

with an antagonistic Russia. For me, this is one of the main points of the current crisis. We'll have to bear that in mind in the future when we deal with Russia.

**Moderator:** Thank you very much for the insight, Mr. Spötta! Yes, we'll need to deal with Russia in the future by establishing a new security architecture in Europe. We'll have to keep open the diplomatic channels and the top diplomacy as Brigadier said. We also need to take into account what you mentioned those economic and social circumstances when developing new mechanism how to deal with those in future. Thank you all very much, dear panelists, for your time, your expertise and idea-sharing with us!

Let me also thank the organizers for choosing such a highly hot topic and to give the floor and opportunity to talk about what's going on at the moment. I would like now to give the floor to Mr. Bernhard Müller from Urban Forum, one of the organizers, to hold his closing words for today's forum.

**Bernhard Müller:** Thank you, Alice! After the end of the Cold War and the collapse of the bipolar world order, many believed that golden times were ahead. For a few years after the fall of the Iron Curtain, there was a real spirit of optimism. The famous political scientist Francis Fukuyama even spoke of the „The End of History“. But it turns out that there is no end of history. There are even terrible developments in history repeating themselves, which hardly anyone would have thought possible. Russia's invasion of Ukraine has shown that old threats like war are still real. New threats have been added, such as environmental destruction, climate change, new forms of slavery, cybercrime and especially terrorism.

The terrorist attack in Vienna in autumn 2021 showed that there is no place in the world that is forever spared from terror. Anyone who visits large cities in Europe on a professional or private basis will notice the many construction measures that have been built to defend against terrorism. In this sense, there are also concrete troughs and bollards in Vienna to prevent assassins from driving vehicles into crowds of people at events. Therefore, politics and administrations of cities will increasingly have to deal with the issue of urban security.





Our Urban Forum Institute is very grateful to SINOPRESS for choosing today's topic and we will be covering it again and again in the months and years to come. Hardly any of us could have imagined that there would be another war of aggression in Europe in 2022. We must not forget the war in Yugoslavia from 1991 onwards, but that war originated within the country itself. It was not an attack from outside. Since 1945, there has not been a situation like today. It is a turning point in time that requires a rethink. Anyone who sees the pictures from the bombed civilian neighborhoods of Kiev knows that from now on, cities will also have to prepare for this form of defense against attacks and for providing for the population in a state of war. Whether digital hacker attacks or bomb attacks: The threats to cities as living spaces are real. That is a sad reality.

Thank our wonderful moderator, Alice, and our great partner Helena from SINOPRESS! Thanks to all the panelists for their expertise and valuable discussion! As always, this forum was recorded, will be transcribed and will appear as an online brochure.

Thank you and stay well! All the best and goodbye!

17<sup>th</sup> March 2022



## BUCHANKÜNDIGUNG

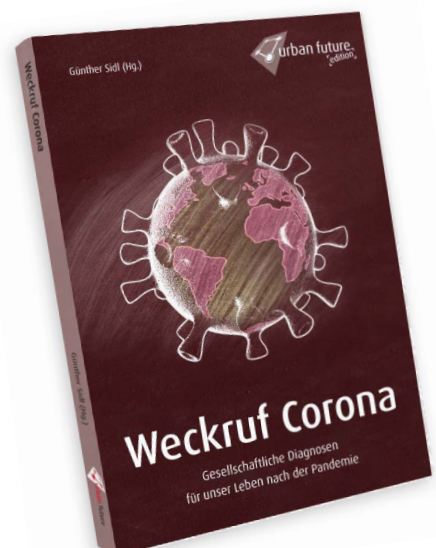
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## Perspektiven 2030

17 Ziele für den Weg in eine lebenswerte Zukunft

**Herausgegeben von:** René Hartinger  
(Ökosoziales Forum Wien) & Florian Leregger  
(Institut für Umwelt, Friede und Entwicklung)  
ISBN: 978-3-200-07090-5  
EUR 22,- (zzgl. Versandkosten)

Der Sammelband bietet umfangreiches Grundlagenwissen zur Agenda 2030 und ihren 17 Zielen für nachhaltige Entwicklung (SDGs). Entstehungsgeschichte, Struktur, inhaltliche Fundamente, Hintergründe und Relevanz, besondere Merkmale sowie Chancen und Herausforderungen

gen ihrer Umsetzung werden umfassend erläutert. Fachkundige AutorInnen beleuchten in 18 Beiträgen vielseitige praxisbezogene Facetten der Agenda 2030 in unterschiedlichen Gesellschaftsbereichen und zeigen Perspektiven ihrer Umsetzung auf: Städte und Gemeinden, Wirtschaft und Unternehmertum, Arbeit, Wissenschaft, Bildung, Kunst, Digitalisierung, Ernährung, Abfallwirtschaft, Inklusion, Klima- und Umweltschutz sowie privates Engagement und Handeln.



## Wege zur Wohlfahrtsstadt

Wirtschafts- und sozialpolitische Überlegungen für eine moderne Kommunalpolitik

**Herausgegeben von:** Renate Brauner & Bernhard Müller  
ISBN: 978-3-200-07300-5  
EUR 25,- (zzgl. Versandkosten)

Dieser Sammelband will einen kompakten Überblick zur Rolle der öffentlichen Hand und vor allem der Kommunen und ihrer Leistungen der Daseinsvorsorge, aber auch der wirtschaftspolitischen Rolle, die Staat und Kommunen, gerade in Krisenzeiten haben können und müssen, geben. Die aktuellen Diskussionen und Erfahrungen stehen dabei ebenso im Fokus wie der Versuch eines Blicks in die mögliche Zukunft

einer progressiven, kommunalen Wirtschaftspolitik. Der Begriff der Wohlfahrtsstadt ist im Gegenzug zu jenem des Wohlfahrtsstaates jung und wenig etabliert – zu Unrecht, wie die HerausgeberInnen meinen. Nach Jahrzehnten an Privatisierung, Deregulierung, Outsourcing und reiner Austeritätspolitik hat in den letzten Jahren ein gewisses Umdenken stattgefunden. Nicht zuletzt durch die COVID-19-Pandemie und ihre mannigfaltigen verheerenden Folgen wurden die Vorzüge einer öffentlichen Daseinsvorsorge inklusive stabilem Sozial- und Gesundheitssystem öffentlich wahrgenommen, thematisiert, geschätzt und dadurch mancherorts gestärkt.



## 50 Jahre österreichisch-chinesische Beziehungen

Urbane Überlegungen

**Herausgegeben von:** Bernhard Müller  
ISBN: 9 783200 077928  
EUR 25,- (zzgl. Versandkosten)

Im Mai 2021 feierte Österreich 50 Jahre diplomatische Beziehungen mit der Volksrepublik China. Als diese 1971 begannen, konnte keines der beiden Länder erahnen, wie sich die bilaterale Zusammenarbeit in den nächsten 50 Jahren entwickeln würde. Wiewohl im Laufe der Jahrzehnte einige Festschriften bzw. Monografien erschienen sind, hat es noch keine Publikation gegeben, die urbane Überlegungen in das Zentrum

trium ihrer Betrachtungen stellt. Der Sammelband setzt nach einer einleitenden Chronik bewusst auf die Mischung aus wissenschaftlichen Texten, Interviews und persönlichen Erlebnisberichten, um ein möglichst breites Spektrum der Beziehungen zwischen der Alpen- und der Volksrepublik abzudecken, ohne den Fokus auf Urbanität und damit zusammenhängende Politikfelder (wie Bildung, Digitalisierung, Kultur, Mobilität, Wirtschaft etc.) zu verlieren.



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