

International Law

The Smirnov Scenario for Chapter Seven
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Please answer the questions at the end. Make sure you support your answers with both concepts from International Law and with facts from the real world. I have tried to supply the appropriate names and job titles for the people involved in this problem. The only fictional name is Georghe Smirnov, the Ambassador of Transnistria. All other names are real.

Furthermore, none of the questions are trivial. If you think the answer is obvious, you are probably missing something. Your first step may be determining why the question is *not* trivial.

As usual, you will need to do a little preparation work before doing this practicum; find out what is happening in Moldova and Transnistria.

Igor Smirnov, the president of the Pridnestrovian Moldavian Republic (Transnistria), sends Georghe Smirnov to the United States as ambassador. Assistant Secretary of State for the Bureau of European and Eurasian Affairs, Philip H. Gordon, officially receives the ambassador and his letters of credence. These letters are then passed to both Secretary Hillary R. Clinton and President Barack H. Obama. Neither one objects to the gentleman's presence. Georghe purchases a home near embassy-row at 2230 Massachusetts Avenue NW, a beautiful early Renaissance Flemish designed building, for \$2.1 million and proceeds to create the Transnistrian embassy about a half mile from the Moldovan Embassy, located near Dupont Circle (2101 S Street NW). In protest, Vladimir Voronin,¹ the Moldovan president, summons Asif J. Chaudhry, the American ambassador to Moldova, to a meeting where he strongly registers his displeasure with the new Transnistrian Embassy in Washington. Mr. Kirby informs his superior (Secretary Clinton) of the events. Clinton orders Kirby to send our regrets to President Voronin at his displeasure, but we have the right to recognize Smirnov as the ambassador.



Illustration 1: A passport issued by Transnistria.

In response, Voronin orders Vladimir Reus (a Moldovan police officer currently working security detail at the Moldovan Embassy) to enter the Transnistrian embassy and arrest Ambassador Smirnov, which he does with full knowledge and cooperation of the Moldovan Ambassador, Nicolae Chirtoacă. Smirnov is taken to the Moldovan embassy and held. Secretary Clinton discovers this and sends two dozen Marines to surround the Moldovan Embassy, thus preventing Smirnov's removal to Moldova to face charges of sedition and treason (for his part in the civil war in Moldova). President Voronin instructs Alexandru Cujba, the Moldovan Ambassador to the United Nations, to bring this case before the UN Security Council, hoping that

¹ Voronin was the Moldovan President at the time of this writing. It may have changed since summer.

the UNSC will pressure the United States to remove their troops from around the Moldovan Embassy and to allow them to remove Georghe Smirnov to Chişinău, the capital of Moldova.

Here are the questions

- First, is Transnistria a state? Is this *relevant* to the question of whether or not the United States has the right to recognize it as a state? Actually, did the United States recognize Transnistria as a sovereign state in this scenario? Did the United States have the right to recognize the break away republic? What were the real effects, both in US domestic law and in International Law of credentialing Georghe Smirnov, the Transnistrian Ambassador?
- Second, is the United States responsible for the kidnapping of the Georghe Smirnov?
- Third, did the Moldova violate International Law in arresting Georghe Smirnov?
- Fourth, did the United States violate International Law when they surrounded the Moldovan Embassy, restricting its ability to function?
- Next, was the UN Security Council the appropriate venue to resolve this situation? Would the ICJ have been a better venue? Would the US Supreme Court be an even better venue?
- Finally, could the actions of the United States be considered acts of war against the Republic of Moldova? If so, would Moldova have the right to invade the US Embassy in Moldova? In fact, would Moldova have the right under International Law to invade the United States?

Make sure you support your answers with concepts and precedents from International Law and with reality.