

# "AGREEMENT ON MILITARY-TECHNICAL COOPERATION BETWEEN THE GOVERNMENT OF THE RUSSIAN FEDERATION AND THE GOVERNMENT OF THE REPUBLIC OF IRAQ: CONTENT AND IMPLEMENTATION"

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## ABSTRACT

This article examines the international legal frameworks of the Agreement on Military-Technical Cooperation between the Government of the Russian Federation and the Government of the Republic of Iraq. We analyzed the course of the Agreement implementation on the basis of studying the indicators of recent years. We revealed and substantiated the most important substantive aspects of the Agreement, relevant in the current conditions. We studied the statistical indicators of implementation in the first years after the conclusion of the Agreement on Military-Technical Cooperation between the countries. Based on the research conducted, the author has concluded that such agreements play an important role in the implementation of the modern concept of external policy, since the analyzed statistics clearly indicate the formation of positive trends on the issue of Military-Technical Cooperation between Russia and Iraq.

**Keywords:** agreement, international law, military-technical cooperation, Russia, Iraq, international relations.

## INTRODUCTION

The military-technical cooperation is an activity in the field of international relations, which is connected with the export and import, including the purchase or supply of military products, with the development and production of military products [5].

At the present stage of development, Russia conducts the military-technical cooperation with foreign countries in three main areas, where there is a place for export supplies of military products, import purchases of products of this kind, and cooperation in the development and production of the most promising types of military products [3].

In the conditions typical for the world today, it can be unequivocally said that there are cardinal and dynamic changes that significantly affect the interests of the Russian state, its individual citizens. In general, all these processes affect all participants in the world arena, which cannot but cause involvement of a huge number of countries in the world into these relationships.

The scientific-technical, economic, demographic, information, even environmental issues are put forward among the most important factors of the state's influence on the international policy, if we do not take into account the obvious military power. Even greater importance continues to be gained by the effective application of regulation mechanisms of the world markets for goods and services, developed integration processes, diversification of economic ties, and much more. The economic interdependence of states is becoming one of the main conditions for maintaining the international stability, especially against the backdrop of socio-economic and political changes that shake the modern world.

Also, the main principles and the international legal framework governing the interstate cooperation in the field of countering the terrorist acts are sufficiently flexible and should be expanded in proportion to the emergence of new types and forms of terrorist threats against the international community. The

international law harmoniously meets the needs of the international community in the fight against new manifestations of acts of terror, ratifying new conventions, international agreements and treaties for the most effective struggle against world terrorism [16. P. 14]. In turn, the creation of the Agreement on Military-Technical Cooperation between the Government of the Russian Federation and the Government of the Republic of Iraq contributes to the problem solution of implementing the peace and the state of security.

All that has been said cannot but affect the military-technical cooperation. It is obvious that the military-technical cooperation, for which the availability of unique economic and political aspects is characteristic, is one of the most important components of Russia's foreign policy, which contributes to the most successful implementation of the country's interests. This explains rather high urgency of a comprehensive analysis of the experience of concluding an agreement on military-technical cooperation between the Government of the Russian Federation and the governments of other states. In a particular case, we are talking about such an agreement with the Republic of Iraq.

### **THE STUDY PURPOSE**

is to define the international legal frameworks of the Agreement on Military-Technical Cooperation.

### **CHALLENGES**

- to determine the role of military-technical cooperation in the full functioning of a modern developed state;
- To analyze the Agreement on Military-Technical Cooperation between the Government of Russia and the Republic of Iraq;
- to evaluate the results of the Agreement concluded.

### **METHODS**

During the study, the following methods were used: comparative legal, special legal, method of structural analysis (to identify the structure of the Agreement on Military-Technical Cooperation between Russia and Iraq), synthesis method (to characterize the content of the Agreement), method of comparative law, method of logical generalizations and some others.

Iraq is a state located in the Middle East. The country population is more than 36 million people according to the latest data. By its population, the Republic of Iraq occupies the 39th place in the world, and also the 57th on the territory [12].

The Iraqi state is distinguished by its ethnocultural diversity. About 95% of the population professes Islam, and the rest 5% belongs mostly to the Assyrian church of the East [9, p. 10].

The object of domestic gross product in terms of parity purchasing power was 522.7 billion dollars in 2014.

Analyzing the current situation, we can come to the conclusion that the Russian and Iraqi sides are actively cooperating in the economic, military and political spheres. Not so long ago (in 2015) a meeting was held between the Prime Minister of Iraq and Dmitry Medvedev, as well as the President of the Russian Federation Vladimir Vladimirovich Putin [10]. In general, the parties discussed the issues of military-technical and political cooperation.

At a time when Russia is subject to numerous sanctions restrictions, pressure, including from the USA, it is obvious that the presence of such an ally as Iraq, the establishment of relations with the latter, is a very important process. [14, p. 11].

In order to understand the international legal basis of the Agreement on Military-Technical Cooperation between the Government of the Republic of Iraq and the Government of the Russian Federation, it is first and foremost important to understand the extent to which the military-technical cooperation is advisable and how great its role is for the Russian society.

The military-technical cooperation between the Russian Federation and foreign countries is governed by the provisions of the Federal Law "On Military-Technical Cooperation of the Russian Federation with Foreign States" [5], other federal laws, other regulatory and legal acts of the Russian Federation, as well as international treaties of the Russian Federation. The entire list of issues of military-technical cooperation with foreign countries is in exclusive jurisdiction of the state authorities.

Based on the provisions of the Federal Law "On military-technical cooperation of the Russian Federation with foreign states", the military-technical cooperation is an activity in the sphere of international relations that is related to the export and import, including the purchase or supply of military products, development, production of military products.

In the field of military-technical cooperation, the military production plays a particularly important role, without which the whole process would not be possible in general. The military products include military equipment, weapons, works, services, results of intellectual activity, as well as exclusive rights to them, information in the military-technical sphere.

The purposes of military-technical cooperation of the Russian Federation with foreign states are:

- maintaining the export potential of the Russian Federation in the field of conventional weapons, as well as military equipment at the proper level;
- strengthening the military-political positions of the Russian Federation in various regions of the world;
- developing the experimental and scientific and technical base of the defense industries, their research and development, as well as research and scientific organizations and institutions;
- ensuring full-fledged social protection of the personnel of organizations developing military and special weapons, property and equipment;
- receiving the foreign currency funds directly for the state needs, for the development of conversion, military production, utilization (destruction) of weapons and military equipment, structural restructuring of enterprises of defense industries, etc. [13].

The President of the Russian Federation has a broad list of powers to negotiate the conclusion of international treaties of the Russian Federation in the field of military-technical cooperation on the proposal of the Government of the Russian Federation.

The decision on the issue of signing the international treaties of the Russian Federation in the field of military-technical cooperation is taken by the Government of the Russian Federation.

The Constitution of the Russian Federation [1] establishes that the universally recognized norms and principles of international law, international treaties of the Russian Federation constitute an integral part of the legal system of the Russian state. If the international acts establish other rules than those stipulated by law, the rules of the international treaty should be applied [1].

The international treaties of the Russian Federation in the field of military-technical cooperation are subject to direct ratification in accordance with the procedure established by the legislation of the Russian Federation [6].

The military-technical cooperation between the Russian Federation and foreign countries takes place on the basis of international treaties, where Russia is one of the parties as a successor state of the Soviet Union [8, p. 20].

The international treaties of an interdepartmental nature on various issues of military-technical cooperation are concluded in order to implement the international treaties of the Russian Federation in the field of military-technical cooperation, if the possibility of concluding such agreement is stipulated by the international treaties of the Russian Federation in the field of military-technical cooperation.

The decision on the conduct of negotiations, as well as on the signing of international treaties of an interdepartmental nature on the issues of military-technical cooperation, is taken by the Government of the Russian Federation.

From the point of view of implementing the institute of military-technical cooperation, it is important to mention that the Constitution of the Republic of Iraq [2] establishes norms on respect and observance of Iraq's international obligations by the Iraqi Government, which relate to the prohibition of the proliferation, production, development, use of chemical, nuclear and bacteriological weapons [2]. In addition, the basic law of Iraq prohibits the production of appropriate equipment, technologies, materials and communications equipment that can be used in the development, further manufacture, production and use of such weapons [2]. This means that, there are clear legislative boundaries for military-technical cooperation in the Republic of Iraq, like in Russia. It is obvious that the military-technical cooperation plays an important role for both sides, both for Russia and for Iraq. Iraq has been subject to interference by other states of the world on various issues for a long time. In such conditions, it is obvious that it is important to establish partnership, military-technical cooperation and other relations with those states that have refused to interfere in the state life of Iraq and can become a strategically important partner.

An analysis of the military-technical cooperation content in Russia and the specifics of its implementation make it possible to judge the importance of this institution.

The international treaty is an agreement regulated by the international law and concluded by the states or other subjects of international law [4]. All the above mentioned makes it possible to understand that the military-technical cooperation is nothing more than one of the effective levers not only of maintaining relations in the military sphere, but also of ensuring stable peaceful relations between the states that conclude agreements in the modern world. Based on this, it is useful to study the experience of concluding the Agreement on Military-Technical Cooperation between the Government of the Russian Federation and the Government of the Republic of Iraq.

The Agreement on Military-Technical Cooperation between the Government of the Russian Federation and the Government of the Republic of Iraq was the result of mutual work and long-term economic cooperation between the countries in various fields. The agreement was signed on November 10, 2013 and entered into force on March 28, 2014. It consists of 11 articles, which set out the objectives, as well as the areas of cooperation; the order of implementation; the bodies responsible for this and a list of other important issues [12].

The Republic of Iraq and Russia cooperate in a number of the following areas on the basis of this Agreement at the present stage of development:

- supply of military equipment, weapons, other military products, as well as its provision for rent;

- maintenance of repair, operation, modernization of military products of the Russian and Soviet manufacture, which are in operation service of the Ministry of Defense of Iraq;
- performance of works and provision of military services, including creation of military facilities;
- participation in the exhibitions of products of special and military use, held in the territory of the states;
- sending specialists directly to assist in the implementation of joint programs in the field of military-technical cooperation;
- training in relevant educational institutions, taking into account the capabilities and needs of the parties;
- implementation of other cooperation areas that would not contradict the current legislation of Russia and Iraq [13].

The supplementary agreements may be concluded for the Agreement implementation, if necessary; and the organizations authorized by them may conclude the contracts in which the price and quantity of products, military works and services, the nomenclature and procedure for their payment are determined.

An important aspect of the legal basis of this Agreement between Russia and the Republic of Iraq is that the latter is compulsorily carried out in accordance with the legislation of the states of the Parties [13].

On behalf of Russia, the body authorized by the Agreement is the Federal Service for Military-Technical Cooperation. Iraq is represented by the Ministry of Defense.

If there are any changes in the field of authorized bodies, the Parties should inform each other in writing through the diplomatic channels.

To implement the Agreement, Russia and Iraq established the Russian-Iraqi Intergovernmental Commission on Military-Technical Cooperation - the Commission for Military-Technical Cooperation. It should be noted that the national parts of this Commission are formed independently by each of the Parties [12].

The Commission should meet at least once a year in the Republic of Iraq and Russia in turn. If necessary, meetings can also be held on an extraordinary basis.

The Parties participating in the Agreement shall not to sell weapons, operational and technical documentation, military equipment, other military products, information, as well as materials received or acquired under the Agreement, without prior written consent of the other Party.

The materials and information received by a Party shall in no case be used to the detriment of the other party.

The parties shall take measures in the field of information protection (that is confidential, and, possibly, constitutes a state secret) obtained in the course of the Agreement implementation on the basis of the legislation of their own states. Such information cannot be disclosed or transferred to a third party without the written consent of the Party that has transmitted it.

When carrying out the joint works, the Parties usually establish the need to respect the confidentiality of information transmitted under the Agreements, the media shall carry the special notes. For Russia - "for official use only", and for Iraq - "for limited use" [13].

The Parties that received information under the Agreement, for which the Party conveying such information stipulated the need for confidentiality, shall ensure its protection, treat it on the basis of national legislation. Such information cannot be transferred to any third party without the written consent of the Party that provided such information.

The Parties acknowledge the fact that the products, information and technology obtained within the framework of military-technical cooperation may be subject to intellectual property rights.

The Parties undertake to ensure the protection of intellectual property on the basis of their national legislations and under the treaties to which the Russian Federation and the Republic of Iraq are parties [15].

The legal protection, use, security of the intellectual property transferred or received in the process of military-technical cooperation of the Parties are the subject of a separate agreement between Russia and Iraq [7].

The supplying Party has the right to control the targeted use of certain types of military products transferred (supplied). Such control procedure shall be recognized as the subject of a separate agreement between the Parties [12].

The Agreement notes that its provisions do not affect the rights and obligations of the Parties under other international treaties to which the Russian Federation or Iraq are parties [12].

The disputes between Russia and Iraq related to the interpretation or application of the Agreement provisions shall be resolved through consultation and negotiations in a friendly atmosphere.

The Parties, subject to mutual agreement between them, shall be entitled to amend the Agreement, registering such amendments in writing.

An important point in the Agreement is that after the expiration of five years from the date of its entry into legal force, its effect will be automatically extended for the next three years in the future, unless, of course, one of the Parties will notify the other Party in writing of its intention to terminate it not less than 6 months before expiration of the Agreement.

## **INTERPRETATION OF THE RESULTS OBTAINED**

The first results of military-technical cooperation began to receive their expression in a concrete form immediately after the Agreement entered into legal force.

Initially, the Parties negotiated the supplies of 48 "Pantsyr-S1" anti-aircraft missile gun systems and 36 Mi-28NE combat helicopters, but the contract was adjusted to supply 15 helicopters and another 28 Mi-35M helicopters [13].

The package agreement included, among other things, other types of weapons, including "Igla-S" portable surface-to-air missile systems, "Djigit" two-barrel missile launchers [11].

By the beginning of October 2014, the Armed Forces of Iraq received 12 Mi-35M helicopters, and three Mi-28NE at the end of August of the same year [15].

In May 2014, the Parties signed an agreement on supplying more than 10 Su-25 attack aircrafts. According to unconfirmed reports, it is estimated that the cost of these ten aircrafts is around 500 million dollars under the contract.

At the end of June 2014, the Iraqi Air Force received another consignment of Su-25, consisting of five aircrafts. By the end of 2014, Russia supplied Iraq (unreliable data) 15 Su-25 attack aircrafts [15].

In addition, the Iraqi military pilots passed training on the use of supplied equipment in the territory of Russia in the same year. Later, a large batch of air defense systems was delivered. Interim results of the first year of the Agreement validity between the Government of the Russian Federation and the Government of the Republic of Iraq made it possible to understand that the military-technical cooperation between the countries has taken on new forms and outlines. Immediately in 2014, Iraq came to second place in terms of the volume of Russian weapons received, losing only to India. The third place was taken by China [11]. Later on, during the validity period of the Agreement, this cooperation continues up to the present day at the same active pace.

## **SUMMARY**

An analysis of the Agreement on Military-Technical Cooperation between Russia and Iraq provides an opportunity to come to some conclusions on this issue, realizing its ultimate importance in the current socio-economic and political conditions for the existence of the world.

We have earlier established the fact that the modern world is developing extremely difficult, many countries are in conflict, the conflicts are taking place within the states, the world continues to be divided into opposing camps, where the self-presentation on the world arena, place on it and forces are valued. In order to achieve not just a full-fledged state development, but at least to ensure the national security, safety and welfare of the population, every state in the world shall take part in the international relations, be their active participant even if there is no direct opportunity to do so. Russia has all the possibilities for this, and, simply, it cannot but be an important participant in relations with these or those states. Iraq is not the exception in this case.

The study of the provisions of the Agreement on Military-Technical Cooperation between the Government of the Russian Federation and the Government of the Republic of Iraq led to the following conclusions.

An important condition for the need for Russia's military-technical cooperation with other countries of the world, including Iraq, is the acute bipolarity of the world, where the Russian Federation is constantly exposed to negative influences from other states, which is complemented by the sanctions applied to the country.

The Agreement on Military-Technical Cooperation between Iraq and Russia has become an important direction for the previous issue, the result of a long and fruitful mutual work, long-term economic cooperation, which immediately gave a concrete result.

Publication of such an agreement at the Iraqi national level provides legal protection for the State, security of strategic interests, constitutional and political security of the society.

This agreement gives more opportunities to the Iraqi government to expand its military role in the fight against terrorism, since it is considered a legitimate justification after ratification of the Iraqi parliament.

The basic Agreement is not the only one, because the supplementary agreement on the quantities and prices of the goods supplied, works and services provided, nomenclature, order of their direct payment can be concluded on its basis.

The Agreement between Russia and the Republic of Iraq does not violate the norms of each other's laws, since the first one necessarily takes into account the national legislation of these states.

Taking into account all the complexities of the modern world, it should be recognized that the Agreement contains the most important clause regarding the obligation not to sell or transfer to third parties, without the consent of the other party, weapons, technical and operational documentation, military equipment, other military products, information, materials and other things, which were acquired on the basis of the Agreement. This rule helps the parties to protect themselves from interference by third parties and to

obtain the benefits by the latter. Along with one more norm, this one can be called the most important in the agreement. The second norm, which is extremely important, is that the Agreement is valid for 5 years, but it is automatically extended further for 3 years after its expiration, if one of the parties does not reject it in advance. This, among other things, significantly helps to worry about continuing cooperation, avoiding the interference of third parties beforehand.

The statistical indicators of recent years, the volume of products, works and services of a military-technical nature help to understand that today the Agreement fully justifies its conclusion.

## ACKNOWLEDGEMENTS

The work is performed according to the Russian Government Program of Competitive Growth of Kazan Federal University.

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