

**RULE OF LAW AGAINST THE RULE OF FORCE IN THE RUSSIAN-  
UKRAINE CRISES**

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**Abstract**

The United Nations Charter has clearly prohibited the use of force by a state against another state. This policy was put in place with intent to maintain international peace, stability, and respect for the sovereignty of individual nations. Russia annexed Crimea from Ukraine in March 2014 and subsequently invaded Ukraine in February 2022 which has since then been carrying out attacks on Ukraine. This article examined how Russia violated the prohibition of the use of force under international law by invading Ukraine and annexing part of its territory, and the possibility of Russia facing the desired legal consequences. The authors in achieving this objective resorted to the doctrinal approach of legal research which is library based. It was discovered that Russia has clearly violated the international laws prohibiting the use of force. However, the possibility of obtaining remedy against Russia pose a major challenge. First, ICC lacks the jurisdiction to prosecute Russia because both Russia and Ukraine are non-parties to the Rome Statute and its amendments on aggression. Second, any referral by the UN Security Council will be vetoed by Russia being one of the five permanent members of the Council. Lastly, prosecution at national courts may be impeded by immunity of Heads of States and public officials. The evident option for Ukraine is to explore setting an international tribunal either via the UN, ICC, or agreement with an international organisation or other states.

**Key Words** – Rule of Law, Rule of Force, Crime of Aggression, International Criminal Court.

**1.0 Introduction**

The use of force (violence) by Russian President Vladimir Putin against Ukraine raises several questions for the stability of Europe and the global order going forward. The stability of the international order and the application of international law are both directly threatened by the Russian invasion. Namely, it has breached the Budapest Memorandum of 1994, which was a

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reaffirmation of Ukrainian independence, sovereignty, and border integrity by the Russian Federation.<sup>3</sup>

Russian aggression on Ukraine in 2022 was against international law (including the Charter of the United Nations). Although there are procedural barriers to prosecutions under these laws, the invasion has also been referred to as an act of aggression under international criminal law and various local criminal codes, including those of Russia and Ukraine.<sup>4</sup>

Similar to this, Russia seized Crimea from Ukraine in March 2014. At about the same time, pro-Russian separatist groups staged demonstrations in Ukraine's Donbas, also known as the Donetsk and Luhansk oblasts. Russia used these demonstrations as an excuse to attack Ukraine militarily and politically. These incidents sparked an ongoing armed war in the Donbas between separatists supported by Russia and Ukrainian forces, during which the separatist-controlled regions were divided into the Luhansk People's Republic and the Donetsk People's Republic. Apart than Russia, no other countries recognized these self-proclaimed administrations.<sup>5</sup>

This article is going to examine how Russia violated the prohibition of the use of force under international law by invading Ukraine and annexing part of its territory.

## **2.0 Conceptual Clarification**

### **2.1 Rule of Law**

According to the United Nations (UN) system, the rule of law is a principle of government in which all individuals, institutions, and entities, both public and private, as well as the State itself, are answerable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and which are in accordance with international human rights norms and standards. It necessitates taking steps to assure adherence to the legal and procedural transparency, legal certainty, accountability to the law, equality before the law, justice in the application of the law, separation of powers, and participation in decision-making principles.<sup>6</sup>

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<sup>3</sup> Raymond Millen, Stability Challenges and Opportunities Regarding the Russo-Ukrainian War (Marshall Centre, 2022) 1 <<https://www.marshallcenter.org/en/publications/perspectives/stability-challenges-and-opportunities-regarding-russo-ukrainian-war-0>> accessed on 15<sup>th</sup> January 2023.

<sup>4</sup> Ibid.

<sup>5</sup> Oksana Grytsenko, Armed Pro-Russian Insurgents in Luhansk say They are Ready for Police Raid (Web Archive, 2014) <<https://web.archive.org/web/20140412131249/http://www.kyivpost.com/content/ukraine/armed-pro-russian-insurgents-in-luhansk-say-they-are-ready-for-police-raid-343167.html>> accessed on 26<sup>th</sup> January 2023.

<sup>6</sup> UN, What is Rule of Law (United Nations, 2020) <<https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>> accessed on 26<sup>th</sup> January 2023.

## **2.2 Rule of Force**

The rule that says it's forbidden to employ force is one of international law's most crucial concepts. Article 2(4) of the United Nations Charter contains the text of this regulation. A UN member state is prohibited from threatening or using force against the territorial integrity or political independence of another state, or in any other way that conflicts with the goals of the UN, according to Article 2(4). Most scholars argue that Article 2(4) solely forbids the use of military force, excepting non-military means of coercion like economic sanctions or cyberattacks, even though the word "armed" or a word to that effect is not used. Some clauses in the UN Charter, however, might apply to non-violent tactics of coercion.<sup>7</sup>

## **2.3 Crime of Aggression**

In Article 8bis of the Statute of the International Criminal Court (ICC), aggression is defined about individual criminal culpability. Since the Nuremberg Trial, the concept has essentially remained unchanged, and aggressiveness is one of the crimes for which there is specific person criminal liability in accordance with international law. According to Article 8bis, paragraph 2, an act of aggression is defined as "the use of armed force by a State against the sovereignty, territorial integrity, or political independence of another State." The invasion or attack of another state's territory by a state's armed forces, as well as the "bombardment of another state's territory by a state's armed forces or the use of any weapons by a state against that territory," are considered acts of aggression.<sup>8</sup>

## **3.0 Legal Basis for the Prosecution of the Crime of Aggression in Ukraine**

### **3.1 International Criminal Court**

Ukraine has submitted two declarations acknowledging the jurisdiction of the Court for crimes committed on its territory as of November 21, 2013, despite not being a party to the ICC Statute.<sup>9</sup> The Office of the Prosecutor announced the beginning of an investigation into crimes

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<sup>7</sup> Justia, Use of Force under International Law (Justia.com, 2021) <<https://www.justia.com/international-law/use-of-force-under-international-law/#:~:text=This%20rule%20is%20codified%20in,the%20purposes%20of%20the%20UN.>> accessed on 26<sup>th</sup> January 2023.

<sup>8</sup> Terje Einarsen and Joseph Rikhof, Prosecuting the Russian Leadership for the Crime of Aggression at the International Criminal Court (TAOEP Policy Brief Series No 129, 2022) 2.

<sup>9</sup> Olivier Corten and Vaios Koutroulis, Tribunal for the Crime of Aggression against Ukraine - A Legal Assessment (European Parliament, 2022) 20.

under the purview of the Court perpetrated on the territory of Ukraine on March 2, 2022, after various States had referred the situation in Ukraine to the ICC.<sup>10</sup> These crimes include war crimes, crimes against humanity and genocide but not the crime of aggression. Indeed, for the other crimes it is sufficient for the State on whose territory the alleged crime took place to have ratified the Statute or to have accepted the jurisdiction of the Court. However, the exercise of jurisdiction by the Court over the crime of aggression is subject to additional conditions: both the State in whose territory the act of aggression is committed and the State whose nationals are the authors of the aggression must be parties to the Statute and must also have ratified Statute amendment relating to the crime of aggression.<sup>11</sup> Since Russia and Ukraine have not done so, the ICC does not expressly have jurisdiction over the act of aggression committed by Russian nationals in Ukraine.

The Statute foresees one alternative: the exercise of jurisdiction by the ICC by virtue of a referral by the UNSC.<sup>12</sup> The limitation mentioned above does not apply in this situation. In other words, regardless of whether both States involved have acknowledged the ICC's jurisdiction, the Council may submit an act of aggression committed by one State against another State to the court. This referral, however, must be made "by the Security Council acting under Chapter VII of the Charter of the United Nations," as stated in the ICC Statute.<sup>13</sup> The challenge here is that Russia is a permanent member of the UNSC with power to veto any of such referral.

### **3.2 European Court of Human Rights**

In response to "severe human rights breaches being committed by the Russian army in the course of the military assault against the sovereign territory of Ukraine," Ukraine requested interim measures from the European Court of Human Rights (ECHR) on February 28, 2022. The European Convention on Human Rights, also known as the ECHR, decides cases involving alleged violations of the Convention for the Protection of Human Rights and Fundamental Freedoms (Convention). Russia and Ukraine were both parties to the Convention at the time of filing, which included 47 other nations, but Russia has since withdrawn.<sup>14</sup>

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<sup>10</sup> AA Karim & QC Khan, Statement of ICC Prosecutor on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation, 2 March 2022 (International Criminal Court, 2022).

<sup>11</sup> Article 15*bis* (2), ICC Statute.

<sup>12</sup> Article 15ter and Article 13(b), ICC Statute.

<sup>13</sup> Article 13(b), ICC Statute.

<sup>14</sup> CRS Legal Sidebar, The Role of International Tribunals in the Response to the Invasion of Ukraine (Congressional Research Service, 2022) 4.

The Court agreed to Ukraine's request for temporary restrictions in March 2022 and ordered Russia to "refrain from military strikes on civilians and civilian objects, including residential premises, emergency vehicles, and other specifically protected civilian items." Later, the ECHR broadened its emergency measures by ordering Russia to permit citizens to utilize evacuation routes.<sup>15</sup> Although enforcement of the interim measures, which require Russia to refrain from actions that can infringe human rights, may be challenging, particularly in cases of inter-State disputes, they are nonetheless legally enforceable.

### **3.3 National Court Jurisdiction Over the Crime of Aggression in Ukraine**

In accordance with Article 437 of its Criminal Code, which also grants it territorial authority, Ukraine has declared that an inquiry has been launched. Any domestic prosecution, in our opinion, would be challenging and have a lack of credibility. This is due to the possibility that a defendant could claim immunity under international law in order to evade prosecution in any domestic court.<sup>16</sup> The decision of the International Court of Justice in the *Arrest Warrant Case* is a clear declaration that Heads of State, diplomatic representatives, foreign ministers, and (implicitly) Heads of Government enjoy immunity from criminal proceedings in foreign domestic jurisdictions while they are in office for both "official" and "private" acts committed during or prior to that term in office, even when they are accused of serious international crimes. The majority contends that after leaving office, these individuals can be brought before national courts for crimes done before or after their term in office as well as crimes committed in their personal lives while they were in office.<sup>17</sup>

### **3.4 Ukraine Aggression Tribunal and the Tribunal's Jurisdiction**

The legal foundation for this tribunal's establishment and the scope of its authority are both critical issues. First, it predetermines issues like immunities or enforcement challenges relating to Russia's sovereign rights as a third party to the tribunal's establishment. Second, it is essential for a prospective accused person's rights in front of the tribunal. There are three options in this regard. The first two will depend either on the UN's authority or on an agreement being reached between Ukraine and a foreign power or between Ukraine and other States. Through the ICC

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<sup>15</sup> Ibid.

<sup>16</sup> Carrie McDougall, Why Creating a Special Tribunal for Aggression against Ukraine is the Best Available Option: A Reply to Kevin Jon Heller and Other Critics (Opinion Juris, 2022) 3  
<<https://opiniojuris.org/2022/03/15/why-creating-a-special-tribunal-for-aggression-against-ukraine-is-the-best-available-option-a-reply-to-kevin-jon-heller-and-other-critics/>> accessed on 15<sup>th</sup> January 2023.

<sup>17</sup> Ibid at 5.

is the third choice. It should be emphasized, nevertheless, that there are some legal restrictions on these possibilities.<sup>18</sup>

#### **4.0 The Prohibition of the Use of Force In International Law and Russia's Violation**

##### **4.1 Prohibition of the Use of Force**

The prohibition on States using force to settle their international disputes is one of the most fundamental principles of international law. This grave principle of international law is violated by any State that employs force against the territorial integrity or political independence of another State.<sup>19</sup> The UN Charter's Article 2(4), which forbids the use of force, is the most notable example of this ban. In addition, there are the 2014 Minsk Agreements and the Global Treaty for Renunciation of War as a National Policy Tool (also known as the Kellogg-Briand Pact or Pact of Paris).<sup>20</sup>

##### **4.2 Russia's Violation of the Prohibition of the Use of Force**

Russia started using force in Crimea in the spring of 2014, breaking international law. Since that time, Russian forces have occupied Crimea.<sup>21</sup> Again breaking the ban on the use of force, Russia used regular combat units and heavy weapons to intervene in the battle between the Ukrainian military and separatists in the country's east in August 2014. The so-called Donetsk and Lugansk People's Republics owe their existence to Russia's violation of the ban against the use of force, and they are puppet regimes if not for Russia's ongoing military intervention in violation of international law.<sup>22</sup> Russia invaded Ukraine on February 24, 2022, and since that time, Russia has been using tremendous force against Ukraine. The fact that this most recent escalation in Russia's use of force cannot be justified under international law, just like in the cases of the use of force in 2014 did.

##### **4.3 Significance of the Violation of the Prohibition of the Use of Force by Russia**

The violation of the ban on the use of force by Russia in Ukraine, which started in 2014, has substantially increased in scope and severity since February 24, 2022. Via the media, we see

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<sup>18</sup> Ibid.

<sup>19</sup> Article 2(4) of the UN Charter; Minsk Agreements from 2014; & Pact of Paris.

<sup>20</sup> Curtis Doebbler, Russia's Use of Force Against Ukraine: An International Law Perspective (Jurist, 2022) 1 <<https://www.jurist.org/commentary/2022/03/curtis-doebbler-russia-use-of-force-against-ukraine/>> accessed on 15<sup>th</sup> February 2023.

<sup>21</sup> Claus Kreß & Christian Tams, "Dichtung und Wahrheit: Was ist dran an Moskaus Argumentationsversuchen im Ukraine-Konflikt", *Internationale Politik* [2014] (5/6) 16.

<sup>22</sup> Claus Kreß, *The Ukraine War and the Prohibition of the Use of Force in International Law* (Torkel Opsahl Academic EPublisher Brussels, 2022) 14.

everyday images of the horrible effects this breach of international law has had on the people of Ukraine. Russia's course of action runs the risk of having an impact on the stability of the offended norm in addition to having negative effects on the attacked State and its populace.<sup>23</sup> The reason is that in this instance, the conduct of a permanent member of the UN Security Council, which, in accordance with Article 24 of the UN Charter, has primary responsibility for maintaining international peace and security, fundamentally calls into question the prohibition against the use of force. There is a special risk that the ban on using force may weaken in such situations.

#### **4.4 Legal Consequences of the Violation**

##### **4.4.1 Response from International Institutions**

On Thursday, February 24, the Russians invaded very early in the day. The UN Security Council (UNSC) began discussing the situation on Friday afternoon. The UNSC resolution that would have demanded that Russia immediately stop its aggression on Ukraine was vetoed by Russia. The 11 remaining UNSC members who did not abstain in favor of the resolution were China, India, and the United Arab Emirates. Resolution 2623 of the UN Security Council was approved by a unanimous vote on Sunday, February 27. It demanded that the UN General Assembly convene for the 11th time in its 75-year history for an "emergency special session" to discuss the armed conflict.<sup>24</sup>

On February 28, the UNGA unanimously approved a resolution denouncing the Russian incursion, 141-5, with 35 countries abstention. The General Assembly resolution urged Russia to uphold the UN Charter and the 1970 Declaration on Principles of International Law concerning Friendly Relations, among other things. According to the Declaration on Friendly Relations, governments have a responsibility to refrain from taking such steps because doing so would endanger the "territorial integrity" of the target country.<sup>25</sup>

The Independent International Commission of Investigation on Ukraine was established by the UN Human Rights Commission on March 4, 2022. Amnesty International accused Russia on February 25, 2022, of committing war crimes and crimes against humanity, as well as violating international law by hitting densely populated areas without warning and subjecting people to

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<sup>23</sup> Ibid at 9.

<sup>24</sup> Ibid.

<sup>25</sup> Claus Kreß, *The Ukraine War and the Prohibition of the Use of Force in International Law* (Torkel Opsahl Academic EPublisher Brussels, 2022).

unjustified and disproportionate harm. On March 18, Human Rights Watch joined the conversation. The Office of the High Commissioner for Human Rights was finally compelled to publish a statement on March 25, 2022.<sup>26</sup>

#### **4.4.2 Response at the International Court of Justice and International Criminal Court**

Ukraine sued Russia in the International Court of Justice at the end of February 2022. (ICJ). Moscow's allegations that Ukraine was committing genocide in Donbass were refuted by the case, which also asked the court to issue an injunction compelling Russia to cease all military actions in Ukraine right away. Additionally, it accuses Russia of invading Ukraine militarily and violating the human rights of the Ukrainian people severely and widely. Russia skipped the case's inaugural hearing on March 7, 2022, and later claimed that it did not send anyone because of the "absurdity" of Ukraine's legal claim. The court declared on March 16, 2022, that Russia must immediately halt its military activities in Ukraine that it had started on February 24, 2022.<sup>27</sup>

The International Criminal Court (ICC) declared its intention to investigate alleged war crimes and crimes against humanity that may have occurred in Ukraine since November 21, 2013, on February 28, 2022. On March 2, Karim Ahmad Khan, the ICC prosecutor, initiated a thorough inquiry into previous and contemporary claims of war crimes, crimes against humanity, and genocide in Ukraine by anybody from November 21, 2013, onward. This marked the beginning of an official ICC investigation.<sup>28</sup> The invasion was against the Rome Statute, which established the International Criminal Court and forbids the use of force in an invasion, attack, or annexation. Ukraine did not ratify the law but signed two declarations admitting ICC jurisdiction in 2013 and 2014. Russia withdrew from the statute in 2016 and does not recognize ICC authority, although 39 member states formally referred the case to the ICC. As well as sending investigators, lawyers, and other professionals to Ukraine to gather evidence, the ICC established an internet gateway for anybody with evidence to contact investigators.<sup>29</sup>

#### **4.4.3 Responsibility under International Law**

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<sup>26</sup> Fred Brad, Legality of the 2022 Russian Invasion of Ukraine (The Humanitarian Classification, 2022) 4.

<sup>27</sup> Ibid at 5.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid at 6.

It is yet unknown whether the legal repercussions mentioned can materialize in the future. The two primary legal concerns are the Russian Federation's state responsibility for aggression and the relevant member of the Russian leadership's personal criminal liability.

Only the Paris Peace Treaty after World War I highlight the change from the custom of the vanquished State paying a war tribute to the aggressor State being legally obligated to make reparations. At Paris, this change began partially *avant la lettre*.<sup>30</sup> The practice of the States in question has remained restricted ever since. Even though this practice is not particularly extensive, it is adequate to demonstrate that a State that violates the ban on the use of force is subject to the requirement of restitution under customary international law. Insofar as this State has carried out the hostilities in conformity with the law of international armed conflict, there shouldn't be any serious doubt that Ukraine is also entitled to claim the expenses incurred because of its exercise of the right to individual self-defence. Individual criminal responsibility is primarily concerned with stabilizing the primary international rule of conduct that was breached, as contrast to the requirement to offer reparations, which places a greater emphasis on the interests of the aggrieved State.

#### **4.4.4 Available Options of Cease Fire and Peace Treaty**

At the time of this writing, it is also unclear whether a negotiated peace will put an end to the war. This legal study is meant to keep open the debate over whether signing a peace treaty with the Russian government is still a realistic political objective or whether a cease-fire should be the only goal for as long as President Putin is in office.

#### **4.5 Justifications for Russia's Invasion of Ukraine**

##### **4.5.1 Self-defence Justification**

Article 51 of the UN Charter, which protects UN member states' rights to defend themselves against "an armed attack" and to engage in "collective self-defence," has been cited by Russia as justification for its use of force against Ukraine. Russia has specifically stated that it may use force against Ukraine to protect the Donetsk People's Republic and the Luhansk People's Republic, both of which Russia recognizes as separate entities.<sup>31</sup> Yet, we contend that Russia cannot utilize the pretext of self-defence because Ukraine has not posed a threat to or launched an assault against any other country. Russia could not employ Article 51's collective self-

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<sup>30</sup> Elisabeth Günnewig, *Schadensersatz wegen der Verletzung des Gewaltverbotes als Element eines ius post bellum* (Nomos Verlagsgesellschaft, 2019) 75–134.

<sup>31</sup> Fred Brad, *Legality of the 2022 Russian Invasion of Ukraine (The Humanitarian Classification, 2022)* 2.

defence clause even if Ukraine had intended to attack Donetsk or Luhansk because these areas are not recognized as independent states by international law.

#### **4.5.2 Humanitarian Intervention**

It is also cliché to dismiss Russia's claim that its intervention was necessary to defend Russian speakers in the Donbass due to humanitarian concerns. Given that the legality of humanitarian intervention is hotly debated, it can be questioned whether international law (including the UN Charter and the Genocide Convention) even permits governments to employ force against another country to redress genocide or human rights crimes. In any case, there is no proof that Ukraine has perpetrated or is performing any acts against Russians in Donetsk and Luhansk that might constitute genocide, rendering Russia's humanitarian arguments for the invasion widely regarded as a pretext.<sup>32</sup>

#### **4.5.3 Interventions in Other Countries**

Russia has also tried to defend its invasion of Ukraine by drawing comparisons between it and American and allies' engagements in the Kosovo War, the Iraq War, the Libyan Crisis, and the Syrian Civil War. Since one criminal act does not render another act legal, these comparisons have been disregarded as being unimportant.<sup>33</sup> Even if they were true, these defences would not be persuasive in a court of law since one unlawful use of force does not warrant additional ones. Although we concur with Russia that other powerful nations have eroded international law's prohibition on the use of force and preservation of territorial integrity, Russia's arguments offer no legal or moral justification for its own actions.<sup>34</sup> The Associated Press has emphasized that while Russian forces have no such evidence of atrocities by Ukraine, NATO's action in Kosovo only took place after substantial evidence of the persecution of ethnic Albanians. It also made notice of the fact that ethnic Russians were afraid of Ukrainian nationalists and that both operations started with false allegations of the oppression of ethnic minorities in neighbouring countries.<sup>35</sup>

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<sup>32</sup> Ibid at 3.

<sup>33</sup> Ibid.

<sup>34</sup> B Agram, Explainer: Putin's Balkan Narrative Argument for Ukraine War (Associated Press, 2022) <<https://apnews.com/article/russia-ukraine-vladimir-putin-racial-injustice-serbia-kosovo-756fa71c7ab417115ee3521a95791ca7>> accessed on 25<sup>th</sup> January 2023

<sup>35</sup> Ibid.

#### **4.6 Challenges to Prosecution**

Putting Russian political or military leaders on trial for crimes of aggression could encounter at least two challenges. First, because defendants cannot be tried in absentia before the ICC, a means must be established to transport suspected leaders to The Hague. Second, as previously stated, only leaders of governments that are members of the ICC may be charged with crimes of aggression unless the UN Security Council refers the case. This contrasts with other crimes for which the ICC has jurisdiction. Russia enjoys a perpetual veto over Security Council decisions despite not being a member of the ICC.<sup>36</sup>

The establishment of a special international tribunal to address solely crimes of aggression against Ukraine would be one method to get over this second restriction. Several people have, however, questioned the usefulness of such a tribunal. Bringing leaders to justice via the domestic legal systems of the roughly 20 nations that provide both universal jurisdiction over acts of aggression and trials in absentia is another option that would get around both restrictions.<sup>37</sup>

#### **5.0 The Significance of the Russo-Ukrainian Conflict to International Stability**

The stability of the international community will decline if Russia succeeds in its attack, which would result in the whole or partial annexation of Ukraine. A perceived or actual Russian victory will represent a lack of international resolve and appeasement of aggression. Although the initial and widespread sanctions against Russia are welcome, they are still lacking, and Russia is currently able to tolerate them. Only unconditional sanctions, especially those targeting energy exports, demonstrate the required level of international resolve. The top Chinese leadership might feel encouraged to invade Taiwan if it sees a Russian victory in Ukraine. The issue may be used by other totalitarian governments, such as Iran, and North Korea, to further instability in the region. Successful aggression in Ukraine and Taiwan would not herald the start of a new Cold War; instead, it might indicate a return to the very unstable great power dynamics that caused the first and second world wars.<sup>38</sup>

The war in Ukraine also affects the security and stability of Europe. Resolute action is stymied by Europe's excessive reliance on Russian energy and susceptibility to economic warfare. The

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<sup>36</sup> Fred Brad, *Legality of the 2022 Russian Invasion of Ukraine (The Humanitarian Classification, 2022)* 6.

<sup>37</sup> Raymond Millen, *Stability Challenges and Opportunities Regarding the Russo-Ukrainian War* (Marshall Centre, 2022) 4 <<https://www.marshallcenter.org/en/publications/perspectives/stability-challenges-and-opportunities-regarding-russo-ukrainian-war-0>> accessed on 15<sup>th</sup> January 2023.

<sup>38</sup> *Ibid* at 3.

US should review its energy export policies in this area. European countries will continue to be subject to Russian foreign policy unless they diversify their energy sources. Although NATO prides itself on collective defence, neither Russia nor NATO are willing to risk a global conflict over Ukraine, a non-member. As a result, Russia and NATO must respect a red line along the western Ukrainian border.<sup>39</sup>

The international community can anticipate that Russia and China will work together to erode the resolve of the free world if sanctions and the conflict persist. The most obvious strategies are Russian economic pressure and cyberwarfare against nations that support Ukraine. Espionage, compromise, blackmail, disinformation, political agitation, and sabotage are all examples of subversion that aim to create uncertainty, erode unity, and weaken the will of the group. These Russian and Chinese ploys must be strongly resisted by the Allied coalition.

## **6.0 Conclusion**

At the edge of international law are the prohibition on the use of force, the right to self-defense, and the concept of collective security as set forth in the UN Charter. The Ukrainian War, in which a veto-holder and nuclear power like Russia waged an aggressive conflict, serves as the clearest illustration of the point. But at the same time, a universal legal system that defends every State, regardless of its size, is predicated on the prohibition of using force. Because of this, it is urgently required to secure the politically delicate legal line that the non-use of force ban establishes for the exercise of State power in international affairs. If not, there is a serious chance that the global legal system may degenerate into anarchy.

Putin's invasion of Ukraine is not a necessary war, despite what he claims. This act of aggression is only the most recent in a string of brutal acts that also include Chechnya, Georgia, the Crimea, and eastern Ukraine. Leaders at the federal and international levels should believe him when he says he wants to bring back the Soviet Union. As a result of this conflict, authoritarian regimes like China, Iran, and others may feel emboldened to mock the international system of order and stability.

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<sup>39</sup> Ibid.