



DISSERTATION

on

**Russian Annexation of Ukraine: A Comprehensive Study of Justification of the Annexation
under International Law**

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Declaration

I, Sharmin Ahmed Trishna, do hereby confirm that the research paper titled “Russian Annexation of Ukraine: A Comprehensive Study of Justification of the Annexation under International Law” has been prepared by my own findings and efforts. I also declare that this research is my original work and has not been submitted for any other degree or professional certification. Any information or content which was useful in finishing this study is acknowledged and specifically cited.

List of Abbreviation

NATO: North Atlantic Treaty Organization

IL: International Law

BSR: Black Sea Region

USA: United States of America

EU: European Union

RBSF: Russian Black Sea Fleet

ICJ: International Court of Justice

ILC: International Law Commission

UN Charter: United Nations Charter

ICC: The International Criminal Court

USSR: Union of Soviet Socialist Republics

VCLT: Vienna Convention on the Law of Treaties

GDP: Gross Domestic Product

OPEC: Organization of the Petroleum Exporting Countries

OSCE: Organization for Security and Co-operation in Europe

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Abstract

In March and April 2021, Russia started to build up its military in a big way near the border with Ukraine. From October 2021 to February 2022, there was a second buildup in both Russia and Belarus. The annexation was primarily motivated by Ukraine's desire to join NATO, which Russia opposed for economic and geopolitical reasons. Basically, Russia is providing oil and gas pipelines through Ukraine, and if Ukraine joins, their economic side will be hampered. One cannot say if what transpired in Ukraine is legal or illegal under international law, especially after Crimea. The new approach to the Ukraine crisis may pose a threat to global security because using referendum and involving a foreign power in the act of self-determination of a country and nation may become a legal procedure causing instability in other regions of the world. Therefore, the study of the right to self-determination as one of the important principles that is applied in certain circumstances and that can lead to instability is crucial. In my findings, I attempted to elaborate on the actual reasoning behind Russia's invasion of Ukraine, focusing on the oil and gas pipeline that runs through the country, on which Russia's economic and geopolitical reasoning is based. This paper emphasizes the current situation, what is the background of it and this paper tries to find out how to settle it without violence by mentioning UN Charter Article.

Keywords: European security, Self-determination, Conflict, Russia, Violence

Chapter 1

Introduction

1.1 Background of the Study

There have been lots of changes over the last few months that my research cannot cover them all. But I will talk about the most important incidents that happened in Russia and Ukraine annexation that we should all remember. After finishing Cold War, Russia's annexation of Ukraine in the past biggest threat to peace and safety in Europe. Europe has 48 independent countries; among all of them, it is divided into 5 countries. Russia and Ukraine are both situated in Eastern Europe. Russia is the largest country among all the European countries, and Ukraine is the second largest. In Ukraine, one of the important industries is agriculture. They are loaded with crops, and in Europe, a total of 22% of crops are used by them, even though worldwide they have the 3rd position in exporting their crops. There was governed by the Soviet Union. On December 26th, 1991, when the Soviet Union collapsed, Ukraine was the first country to declare itself an independent country among all the fifteen countries. The international community never recognize the annexation, but Russia has tried to control its territory since 2014.¹

Then Russia took over the southern part of Ukraine called Crimea, and this led to an eastern separatist uprising and conflict and killed 14,000 peoples.² Russia's assets are mainly oil and gas. In Europe, 25% gas, and Germany is using 50% gas from Russia. Even the four countries of Europe are 100% dependent upon Russia. This pipeline is going through Ukraine and all the European countries. NATO, too, places an emphasis on Europe. NATO was created

¹'Russia's war in Ukraine: How it came to this' < <https://www.cbsnews.com/news/ukraine-news-russia-war-how-we-got-here/> > accessed 01 October 2022

²'Why did Russia Invade Ukraine and has Putin's war failed?' < <https://www.bbc.com/news/world-europe-56720589> > accessed 01 October 2022

in 1949, including 12 countries. Now they have thirty-one countries. NATO is a military alliance of 30 nations. State-by-state, if their other countries try to prejudice them, then their armed forces and NATO will help them to promote. The USA is gradually encroaching on Europe and attempting to include it in NATO. In 1991, the USA promised to Russia that NATO would not enter Eastern Europe. Before Russia started the current invasion, Putin asked NATO not to accept any new members from European states especially Ukraine, and to pull its forces out of other countries close to Russia. But USA and NATO rejected the request to stop any new members from joining. Analysts believe Putin wants to overthrow Ukraine's government and install a pro-Russian one.³

After the Soviet Union broke up, Russia and Ukraine each became independent countries, and questions were raised about the status of Crimea and the place of the ethnic Russian community in Ukraine. In 2014, a popular uprising got rid of Ukrainian President Viktor Yanukovich and his pro-Russian government. This made things worse. In the unrest that followed, ethnic Russians started to rebel and form separatist movements, which led to Crimea's unilateral separation from Ukraine. In the eastern territories of Luhansk and Donetsk in the Donbas region, armed conflicts broke out between pro-Russian rebel groups and Ukrainian forces, which led to the armed groups taking control of the territory and declaring independence from Ukraine. To protect the safety and rights of ethnic Russians, the Russian government supported these separatist movements and even sent its own troops there. Many people think that Russia's gradual involvement in the Ukrainian crisis could be because Putin wants to increase his power. So far, 14 countries have joined, and recently there was talk of Ukraine joining as well. However, NATO's growth has made it less likely that this will happen. Since many of the former eastern countries have already joined the alliance, Russia has less power over them. They also see Ukraine as a red line that NATO shouldn't cross because it would be a direct threat to them.⁴

So, Russia's leaders thought that NATO's growth would make them less powerful and more vulnerable. To stop this, they thought it was important to stop Ukraine from joining NATO,

³'Russia's war in Ukraine: How it came to this' < <https://www.cbsnews.com/news/ukraine-news-russia-war-how-we-got-here/> > accessed 01 October 2022

⁴ Rokoua Mataciwa, 'The Russian-Ukrainian war: An explanatory essay through the theoretical lens of international relations.' < https://www.researchgate.net/publication/361450288_The_Russian-Ukrainian_war_An_explanatory_essay_through_the_theoretical_lens_of_international_relations > accessed 03 October 2022

and the war was the best way to do this. The president of Ukraine, Volodymyr Zelensky, has even said that his country will no longer try to join. This is because if Ukraine were to join NATO while the war is still going on, NATO would have to defend Ukraine, which would put them in direct conflict with Russia, which is something they don't want. So, for Russia, the annexation of Ukraine currently was the best way to stop NATO from growing and keep the balance of power, which shows defensive realism. Taking this into account, we can say that Russian President Vladimir Putin has some made-up ideas about his country and Ukraine. In particular, he thinks that ethnically, culturally, and linguistically, the Ukrainians and the Russians are the same. This argument he makes goes so far as to say that the Ukrainian state is not real. Putin also says that Ukraine isn't a real country because it didn't exist until after the Soviet Union broke up. Before that, it was always a part of Russia.⁵ The leader of Russia would not say that it was an invasion or a war. Moscow keeps calling the largest war in Europe since 1945 a "special military operation. "Some countries, like the US and Canada, even call it genocide. He has called Ukraine an "anti-Russia plot" and denied its long history. He said Ukraine never had a permanent statehood tradition⁶

1.2 Research Questions

1. To what extent the annexation of certain Ukrainian territories is permissible in International Law?
2. Has territorial annexation been used as a weapon in the hands of powerful states to dominate weaker states?

1.3 Research Justification

In this research, I'm willing to find out the reasons for the ongoing interaction between Ukraine and Russia's hostility and conflict of interest between the two countries. Since 2014, Russia has attacked Ukraine's territory. My thesis will be based on a recent conflict between two countries in modern history. Another thing will be exhibited: why the relationship between the two countries is hostile and what the reason behind it is. Russia does not want Ukraine's

⁵ ibid

⁶Why did Russia Invade Ukraine and has Putin's war failed? < <https://www.bbc.com/news/world-europe-56720589> > accessed 01 October 2022

independence, and it revealed this when it entered Ukraine's territory and tried to use nuclear weapons upon them through aggression. The EU and NATO are always questioned about their efforts to resolve conflicts between two countries. I will discuss why the EU has such importance and why it mediates Ukraine and Russia's conflicts. From the beginning of the annexation, NATO was in support of Ukraine's sovereignty, and after the annexation, they never recognized it. Ukraine's disagreements among prime ministers and gas conflicts give Russia another reason for attacking them. I will also discuss the motives of the United States for constantly supporting Russia. I will try to research why other dominant countries exercise power towards less powerful states and their equal relationship.

1.4 Research Methodology

This is literature-based research. Both primary sources (Treaties, Conventions, Statutes and Judicial Decisions) and Secondary Sources (Books, Journal Articles and online resources) have been used.

1.5 Literature Review

The Ukraine crisis is both a sensitive issue and a hard one to follow because all sides are spreading different messages. So, people have different ideas about the crisis depending on which party or side they think they are closer to. In order the literature review this is an ongoing issue that is why there are some limitations findings authors opinions about the crisis and what they have said about it.

Miras Daulenov says Russia's annexation of Crimea was illegal, and the deployment of several thousand Russian troops in eastern Ukraine threatens peace and security in Europe and Ukraine's territorial integrity.⁷ Mark Galeotti writes, "The presence of the RBSF made the ethnic and cultural differences inside Ukraine and the weak state of Ukraine even worse."⁸ Taras Kuzio says that the Russian military presence in Crimea makes things less stable.⁹ He says that the

⁷ Office of the Prosecutor, Rep. on Preliminary Examinations 2017, 84–87 (4 December 2017) < https://www.icc-cpi.int/sites/default/files/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf >

⁸ Mark Galeotti, "The Challenge of 'soft security': crime, corruption, and chaos," in *New Security Challenges in Post Communist Europe*, ed. Andrew Cottey, et al. (Manchester, UK: Manchester University Press, 2002), 164-165.

⁹ Kuzio, *Ukrainian Security Policy*, 65-66, 148n38.

number of Russian troops in Crimea is enough to start a war between Russia and Ukraine. He insists, though, that Russia is not ready for a full-scale military conflict and has no plans to start one. Paul D'Anieri, Robert Kravchuk, and Taras Kuzio don't bring up the RBSF, which is based in Ukraine, as a possible source of conflict.¹⁰

Natalia Krestovska says due to the war on children, many of whom have been killed or wounded and thousands more internally displaced. The conflict has harmed children's health, education, living standards, and security, violating international humanitarian and human rights law.¹¹ According to Kenneth Jackson: Every major American city has grown through adjusting municipal limits. No US political major city would exist without annexation or consolidation.¹² Austin tries to figure out how important political and economic reasons are for annexation. He does this by putting them into a single theoretical model and separating them with real-world evidence. The model looked at economic and political factors that affect annexation, such as fiscal gains and losses and a taste for discrimination.¹³

1.6 Limitations

When I was doing this research, I ran into some problems. If there's no time limit and if it was not ongoing issues, it might be able to do a better job. If these restrictions weren't there, the study could be more organized.

1.7 Chapter Outline

There will be five chapters in this dissertation.

Chapter 1 contains general introduction, research question, research justification, research methodology, Literature Review, Chapter outline. This chapter talks about background of the study, the research question, why it is important, how it will be done, and what are the literature is reviewed. It also talks about the paper's limitations.

¹⁰ D'Anieri et al., *Politics and Society in Ukraine*, 262-273.

¹¹ Sergey Sayapin • Evhen Tsybulenko, *The Use of Force against Ukraine and International Law*, T.M.C. ASSER PRESS 2018, x-xi

¹² Mary M. Edwards, *Understanding the Complexities of Annexation*, volume 23 Number 2 November 2008 119-135
© 2008 Sage Publications

¹³ *ibid*

Chapter 2 titled Territorial Annexation and International Law discusses the definition and elements of annexation under the law of

International law and legal framework regarding annexation.

Chapter 3 titled Russian Annexation of Ukrainian Territory Background and Current Status discusses This chapter deals with the annexation between Russia and Ukraine over the last few years, the main causes of the annexation and the status of the war.

Chapter 4 contains the Findings and presents an argument for the annexation of Russia and outlines steps to enable the rights for those who have been suffering by this annexation and to what extent it is permissible in international law.

Chapter 5 contains Recommendation and Conclusion. This chapter finds some lack of law and effective techniques to prevent any kind of annexation. This chapter gives some recommendations for preventing the exercise of power toward less powerful states.

Chapter 2

Territorial Annexation and International Law

2.1 Introduction

The laws governing annexation must be strengthened in view of the recent trends in human rights violations. The world has witnessed many annexation victims over the last few decades. This chapter discusses the definition of integrating elements of annexation under international law. This chapter also analyzed the position of the law concerning annexation through some examples of territorial annexation.

2.2 Definition and Concept of Annexation

An annexation is a formal act by which a state claims control over land that was not part of its territory before. Annexation is different from cessation, which is when a territory is given or sold through a treaty. Instead, annexation is a unilateral act that is made legal by actual possession and accepted by most people.¹⁴ Annexation is when one country takes over land that belongs to another country without its permission. In customary international law, it has been said that you cannot annex any part or all of a territory. There are no exceptions to this rule. Not only are the use of force and annexation against international law, but the results also go against other international rules that can't be broken including the right to self-government.¹⁵

The present scenario in international law, annexation is no longer a legal way to get more land because it breaks the rule that you can't threaten or use force to get more land. Because of this, annexations should not be seen as legal.¹⁶ After capturing territory and defeating the adversary, annexation was frequently done unilaterally under old international law. Annexation failed without both parts. The opponent had to be destroyed or cease hostilities to be defeated. International law recognizes that a war can finish with or without a peace treaty. With a

¹⁴ Britannica, The Editors of Encyclopaedia. "annexation". *Encyclopedia Britannica*, 2 Mar. 2022, <<https://www.britannica.com/topic/annexation>> Accessed 4 January 2023.

¹⁵ State of Palestine, 'Ministry of Foreign Affairs and Expatriates (Sunday, January 17, 2021), Annexation under International Law, <http://www.mofa.pna.ps/en-us/mediaoffice/israeliviolations/annexation-under-international-law?fbclid=IwAR2X2d6IOFk5sdQSBCzYIyc6LPBN3xCid-V5WrOFeuXD4fvr90fGBCd9NZk#_ftn13> accessed 27 November 2022

¹⁶ Rainer Hofmann, 'Annexation' <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1376>> accessed 28 November 2022

declaration of annexation, a state said it wanted to take control of the territory and not just have jurisdiction over it. Without such a clear statement of intent, there was no real annexation.¹⁷

The signing of a treaty could also change the way annexation works. Unlike other agreements about changes in territory, these ones had an element of force. This means that the state that gave up its land was compelled to sign a peace convention after losing a war, agree to transfer land under violence or have a regime ready to approve the annexation. As opposed to how international law works now, the use of force or a puppet government was not enough to make a treaty illegal in the past. This meant that such annexations were legal under international law.¹⁸

2.4 Annexation under International Law

Under international law, annexation is when one country takes over the land of another country by force and claims it as its own. Under international law, it is against the rules to take over land by force or coercion, but it is still possible for a country to take over the land of another country through "legal" means. Article 2(4) of the UN Charter says that all Member States must "refrain in their international relations from threatening or using force against the territorial integrity or political independence of any State, or in any other way that is contrary with the intention of the UN."¹⁹

After that, the UN General Assembly unanimously passed the Declaration on Principles of IL Concerning Friendly Relations and Cooperation between the States which said, the rule that you can't take over territory by force is a customary rule of international law that has been followed by states for a long time.²⁰ In the Nicaragua Case, which is the most often-used precedent of the recognition of the ban on the use of force, the ICJ warned that any justification or exception to the ban on the use of strength enfeebles the principle as a matter of treaty and customary international law.²¹ It also said, "Another verification of the rationality as the customary international law of the principle of the forbidding of the use of strength stated in

¹⁷ *ibid*

¹⁸ *ibid*

¹⁹State of Palestine, 'Ministry of Foreign Affairs and Expatriates (Sunday, January 17, 2021), Annexation under International Law, <http://www.mofa.pna.ps/en-us/mediaoffice/israeliviolations/annexation-under-international-law?fbclid=IwAR2X2d6IOFk5sdQSBCzYIyc6LPBN3xCid-V5WrOFeuXD4fvr90fGBCd9NZk#_ftn13> accessed 27 November 2022

²⁰ *ibid*

²¹ *ibid*

Article 2, paragraph 4, of the Charter of the United Nations may be found in the fact that it is often mentioned in comments by State representatives as not only a principle of customary international law but also a basic principle of such law.²²“The ILC's Special Rapporteur also confirmed that "the prohibition of aggression" and the "right to self-determination" are the most widely accepted examples of strict rules of general international law.²³

In the same way, the Special Rapporteur of the ILC wrote a report called "outcome of peremptory norms of general IL (jus cogens) on unilateral acts" that talked about the unilateral use of strength that leads to annexation. He said that unilateral actions that go against a rule of law, such as the use of force or annexation, are unreasonable and also not allowed.²⁴ This is also in line with principle eight of the ILC Guiding Principles applicable to unilateral declarations of states that can create legal obligations, which says that a unilateral declaration that goes against a rule of general international law is invalid.²⁵

Article 8 of the Rome Statute of the ICC, which talks about the "intense international offense" of aggression, also shows how serious the use of strength and annexation are. Annexation goes against the protections given to the protected population in the Fourth Geneva Convention, especially Article 47: "Protected persons are always entitled to honored for their persons, their honor, their family rights, their spiritual convictions and practices, and their manners and customs."²⁶ “In the East Timor Case, the ICJ said that the right to self-determination has a special place in international law because it is "one of the essential principles of modern international law" and has "an erga omnes character." In the same way, the ICJ decided in The Barcelona Traction that erga omnes rights mean that "all states can be held to have a legal advantage in safeguarding them." ²⁷

2.5 Illegality of Annexation

After 1928, international law went through a real normative revolution that made it illegal for countries to go to war unless it was for self-defense. Before 1928, it was okay under international law to use military force. Since war is legal under international law, it only makes sense that its

²² *ibid*

²³ *ibid*

²⁴ *ibid*

²⁵ *ibid*

²⁶ *ibid*

²⁷ *ibid*

results, such as conquest and annexation, are also legal. This changed after 1928, and the impact on international law is as revolutionary as when the idea of human rights became part of international law and not just domestic law in the decades after World War II.²⁸

In international law books and articles, there is a lot of talks about when the ban on using military force became a part of general international law. Scholars have said that even though there were legal agreements like the Kellogg-Briand Pact in 1928, State practice and a look at international law books from the time show that using military force was not against international law in the late 1930s or in general during World War II. Even though violations of the Kellogg-Briand Pact during World War II brought into question not only this newly created norm but also the value of international law itself, this cannot be used as a reason to say that the norm is not legal. Whether or not annexation is legal depends on how legal the use of force seems. Before 1945, forcible annexation was still legal under international law, and it could be used to claim legal ownership of land that was taken by force. This way of thinking about annexation makes sense only if the use of force in the late 1930s is seen as legal under international law. It doesn't make sense that using military force would be against the law, but that annexing the land taken by force could be legal.²⁹

Walter Schatzel, a German international law expert, said that annexation had become illegal under international law and that the only way for annexation to become a legal title would be for the international community to agree that it was illegal. Boris Meissner, another German scholar, said that the Kellogg-Briand Pact, which was signed in 1928, had not yet set a rule that would have made annexation of seized territory always illegal. In the years before World War II, well-known lawyers like Hans Wehberg, general secretary of the Institute de Droit International, argued that annexation was automatically illegal and that even recognition by third states would not change this. Recognition of forcible annexation by all or almost all members of the community States did have the power to "cure" the initial illegality of annexation. So, annexation could only be legal if it was steady and not disputed. When other powers were still disputing the

²⁸ Koninklijke Brill, *The Erik Castern Institute Monographs on International Law and Human Rights* (Second revised edition, volume 20) 28, accessed 30 December

²⁹ *ibid*

annexation, it was not "firmly established," and international law said that it could not be used to create a legitimate title.³⁰

2.6 The Territorial Settlement and International Law

If general international law didn't make it illegal to threaten or use force in international relations, annexation was seen as a legal way to get more land. After the Kellogg-Briand Pact was no longer in effect, things began to change after 1928. Today, according to Article 2(4) of the United Nations Charter (the "UN Charter"), not only war but also the threat or use of strength in any form is, in general, a violation of international law from which no rights can be originated. As a result, annexations are forbidden.³¹

In Article 10, it was made clear that the territory and political independence of states would be protected. In Articles 12–16, the right to go to war was limited. Further was when the Kellogg-Briand Pact went into effect. This pact said that war couldn't be used to achieve political goals. Because of these changes, more and more people thought that wars of aggression were illegal. Since this was an illegal use of strength, it was also unlawful and void under international law for a country to take over the land as a result.³²

Even with these changes to international treaty law, there were still some questions about whether annexations should be seen as illegal under customary international law, which was in place before World War II. Since the UN Charter went into effect, annexation is illegal under international law. Its articles 2 (3) and (4) require Member States to "resolve their international differences through peaceful means" and to "restrain from intimidating or using strength against the territorial integrity or political independence of any state in their international relations."³³ So, not only is war wrong, but the use of strength in any form is also wrong, and no rights can be derived from it. This means that annexations are also wrong and prohibited.³⁴

³⁰ *ibid*

³¹ Rainer Hofmann, 'Annexation' < <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1376> > accessed 28 November 2022

³² *ibid*

³³ Juan Cole, Trump Cities "Proportionality" in Iran pullback < <https://znetwork.org/znetarticle/trump-cities-proportionality-in-iran-pullback/> > accessed 28 November 2022

³⁴ Rainer Hofmann, 'Annexation' < <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1376> > accessed 28 November 2022

2.7 Friendly Relations Declaration (1970)

International practice pays a lot of attention to the borders between countries. If you only count the treaties that have been registered as of 2014 in accordance with Article 18 of the Covenant of the League of Nations or Article 102 of the UN Charter, there have been more than 1,200 treaties about borders, boundaries, delimitation, or demarcation between countries since 1923. It also looks at how judges and arbitrators have dealt with boundaries over the course of the 20th century. Finally, it looks at the serious systemic risk that the unsettled boundary poses. Modern IL says that it is not okay to change a boundary by force. Each document has rules about where the boundaries are. So do several other treaties that are important to general peace in Europe after the Cold War. Each of the instruments mentioned in the preamble, as well as some other instruments, can be looked at one at a time.³⁵

The Friendly Relations Declaration, which was looked at in Chapter 3 in relation to GAR 68/262, talks a lot about how countries should respect each other's borders. Here is what the first principle says: In its international relations, every state must not threaten or use force against the territorial integrity or political independence of another state, or in any other way that goes against the goals of the United Nations.³⁶

This kind of threat or use of force is against international law and the UN Charter, and it should never be used to solve international problems. Every country must stop using or threatening to use force to break the international borders of another country or to settle international disputes, including territorial disputes and problems with the borders of other countries. The Declaration also says that the "territory of a State shall not be the purpose of acquisition by other State resulting from the intimidation or use of strength." This is the part that was mentioned in the preamble to GAR 68/262, and it says that "no territorial acquisition caused by the intimidate or use of strength shall be recognized as lawful."³⁷ That is to say, any kind of threat or use of force cannot be a legal reason to take over territory. In the Genocide case, Sir

³⁵ Thomas D. Grant, *Aggression against Ukraine Territory, Responsibility, and International Law* (First published in 2015) 104

³⁶ Mamdouh Alhamad Alibrahim, Shade Jame, *The extent of legality of one-sided humanitarian intervention in international law*, Published: 25-02-2021, Volume 7; Issue 1; 2021; Page No. 191-196

³⁷ The Judge Advocate General's Legal Center and School United States Army Charlottesville, Virginia, Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Volume II < https://tile.loc.gov/storage-services/service/l1/lmlp/RC-Report-conf-of-gov-experts-1972_V-2/RC-Report-conf-of-gov-experts-1972_V-2.pdf >

Elihu Lauterpacht said something that shows this difference. In the past, international law seems to have said that a state could legally take over territory if it used force in self-defense to stop an attacker.³⁸

2.8 Helsinki Final Act (1975)

On August 1, 1975, the United States, the Soviet Union, and most of the European countries signed the Helsinki Final Act. The Act starts with a Declaration of Principles Guiding Relations between Participating States. Principle I, "Sovereign equality and admire for the rights inherent in sovereignty," says, among other things, that the Participating States "take into consideration that their borders can be altered in accordance with IL, by peaceful means and by agreement." One of the last parts of the Final Act says that, even though it is planned to be sent to the UN Secretary-General, the Final Act "cannot be registered under Article 102 of the UN Charter." At the conference, the USA and other Western countries said that the Final Act did not make any legal commitments. As mentioned in Chapter 3, the OSCE Baku Declaration said that Russia's actions in Ukraine broke all parts of the Final Act.³⁹ Basically, this acknowledges in its principles I–IV the sovereign equality of all States, the obligation of States to refrain from the threat or use of strength, and the inviolability of borders and the territorial integrity of States. This increases the general prohibition on annexation as a legal way to gain territory.⁴⁰

2.9 Instruments Relating to the Independence of States in the Former USSR (1991)

In the early 1990s, the countries that grew out of the former USSR signed a lot of legal agreements about their borders, territory, and how they would treat each other. So, the Russian Federation confirmed the territory settlement for Ukraine in both the tripartite treaty and the general treaty between former USSR republics. There was no exception or unresolved territorial question that could be found in either document.⁴¹

³⁸Thomas D. Grant, *Aggression against Ukraine Territory, Responsibility, and International Law* (First published in 2015) 104

³⁹ *ibid*

⁴⁰ Rainer Hofmann, 'Annexation' < <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1376> > accessed 28 November 2022

⁴¹Thomas D. Grant, *Aggression against Ukraine Territory, Responsibility, and International Law* (First published in 2015) 107

2.10 Russia's Admission by the Council of Europe (1996)

The Russian Federation had to make several promises before the Parliamentary Assembly would let it become a member of the Council of Europe. Some of these were to settle international and domestic disputes peacefully, which is an obligation for all member states of the Council of Europe, to reject any threats of force against its neighbors, and to settle outstanding international border disputes according to the rules of international law and international treaties.⁴²

Self-defense as allowed by Article 51 of the UN Charter or, if such a right exists, as a practice of customary law as self-defense, or even in this regard special forces sanctions endorsed by the Security Council acting under Chapter VII of the UN Charter, if the territory affected belongs to the opponent State.⁴³ Article 52, VCLT states that a treaty is invalid "if it was made through the threat or use of strength in violation of the principles of IL set out in the Charter of the United Nations." This means that even an annexation based on a treaty is invalid.⁴⁴

Under the current trend of IL, annexations are considered prohibited because they go against the most important rule, which says that any threat or use of force is against the law. Because of this, all countries are required by law to not acknowledge annexations and their results as legal. They might, however, give some de facto acknowledgment to not legal annexations to meet the needs of the people living in the territory that was taken over. There are good intentions to think that the ban on annexations, the obligation not to acknowledge them, and their effects are as legal as jus cogens rules of customary international law.⁴⁵

2.11 Conclusion

In this chapter, I discussed territorial annexation and how to settle it under International Law, In the next chapter, I will discuss The Background of the War and its Current Status.

⁴² *ibid*

⁴³ Rainer Hofmann, 'Annexation' < <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1376> > accessed 28 November 2022

⁴⁴ Vienna Convention on the Law of Treaties (1969)

⁴⁵ Rainer Hofmann, 'Annexation' < <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1376> > accessed 28 November 2022

Chapter 3

Background of the War and Current Status

3.1 Introduction

The war between Russia and Ukraine has become a major global concern. This chapter discusses NATO's historical context, Putin's statement, the current state of the war, and how much global stifling has occurred in recent months.

3.2 Historical Background

3.2.1 History of War

Russia is the second biggest in Europe. It became industrialized and now makes a lot of coal, steel, helicopter engines, grain, and sunflower seeds. Its people were very well educated. And there were 52 million people living there when it became independent in 1991, which was only second to Russia among post-Soviet states. It was in a good place because it was near the Black Sea and on the border with many eastern European countries that would join NATO in the future.⁴⁶

On the Crimean Peninsula, where the Russians used to spend their summers, had some of the most beautiful beaches in the USSR. Sevastopol had the largest warm-water naval port in the USSR. It had been hit hard by the German invasion of the Soviet Union in 1941. Four of the 13 "hero cities" of the USSR, which got their names because they saw the most fighting and fought back the hardest, were in Ukraine (Kyiv, Odesa, Kerch, and Sevastopol). Russia and Ukraine's economies were very tied together. Ukrainian factories in Dnipropetrovsk were an important part of the USSR's ability to make weapons, and many of Russia's gas export pipelines went through Ukraine.⁴⁷

⁴⁶ Keith Gessen, "Was it inevitable? A short history of Russia's war on Ukraine" Fri 11 Mar 2022, <https://www.theguardian.com/world/2022/mar/11/was-it-inevitable-a-short-history-of-russias-war-on-ukraine?fbclid=IwAR3Tu0U4ibGpQxcjPPdmPa_HqIhgBBGRe968NI3Dup2n7qZH_H-7sT5TqhQ> accessed 15 December 2022

⁴⁷ ibid

As historian Dominic Lieven said about the time of the First World War, Ukraine could not have been more important from a strategic point of view. "Without the people, businesses, and farms of Ukraine in the early 20th century, Russia would have stopped being a great power." In 1991, it seemed like the same thing was true. But after Ukraine joined the NATO and USA previously said they would not come into Europe, but they eventually come, and Ukraine joined NATO joining NATO problem has arisen.⁴⁸

3.2.2 Russia's Point of View Regarding NATO

Russia's violent opposition to Ukraine joining the EU led to the Maidan revolution in late 2013. This, in turn, led to Russia's annexation of Crimea and invasion of eastern Ukraine. But after the end of the cold war, it was the expansion of NATO that made the relationship between Russia and the west the tensest. Ukraine was stuck in the middle of this relationship. NATO's growth happened very slowly at first, and then it seemed to happen all at once. In the immediate wake of the fall of the Soviet Union, it was not a given that NATO would grow. In fact, most people in power in the USA and the USA military were against making the alliance bigger. For a while, people even talked about getting rid of NATO.

It had done what it was meant to do, which was to keep the Soviet Union in place, so now everyone could go their own ways. After 1991, Poland, Hungary, and Czechoslovakia, along with other post-communist countries in eastern Europe, found themselves in a dangerous situation. Yugoslavia was in the area and was falling apart, and they could have their own border disputes. Most of all, though, they remembered how Russia tried to take over the world. They didn't think Russia would always be weak, so they wanted to join NATO while they could.

Russia was too weak and still too dependent on loans from the West to do anything but complain and watch with suspicion as NATO got stronger. When the alliance sent troops into Kosovo in 1999, it really upset the Russian government. First, it was Russia's way of getting involved in what it saw as an internal conflict. At the time, Kosovo was a part of Serbia. After NATO got involved, it was no longer a part of Serbia. At the same time, the Russians had a situation in Chechnya that was like Kosovo. Suddenly, it didn't seem impossible to them that

⁴⁸ *ibid*

NATO could also get involved there. One American analyst who studied the Russian military told me, "They got scared because they knew how bad the Russian conventional forces were. They saw what the USA conventional forces were like in real life. They saw that even though they had a lot of problems with their own Muslim minority in Chechnya, the USA had just stepped in to break Kosovo away from Serbia."⁴⁹

The next year, Russia's military doctrine was officially changed to say that it could use tactical nuclear weapons if it felt threatened. One of the people who wrote the doctrine told the Russian military newspaper *Krasnaya Zvezda* that the expansion of NATO to the east was a threat to Russia and that this was why the threshold for using nuclear weapons was lowered. It's been 22 years since. The second round of NATO expansion after the end of the Cold War was the biggest one. Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia joined the alliance when they agreed to it in 2002 and made it official in 2004. Almost all these countries were once part of the Soviet bloc. The "Baltic" countries of Estonia, Latvia, and Lithuania were once part of the Soviet Union. Now, they were part of the west.⁵⁰

In the United States, people in power were happy that freedom was on the move. In Moscow, there was a slightly paranoid concern that the color revolutions were the work of the western secret services, and that Russia was next. A year later, at the 2007 Munich Security Conference, which is widely seen as a turning point in relations between Russia and the west, Putin gave his response. He criticized the USA and its unipolar system for being arrogant, breaking international law, and being hypocritical. "In Russia, we are taught about democracy all the time," he said. "But those who teach us don't want to learn themselves for some reason."⁵¹

The warning was heard, but no one paid attention. In April 2008, NATO countries got together in Bucharest and promised that Georgia and Ukraine "will join NATO." Many people have pointed out since then that it was the worst of both worlds: a promise of membership without any of the actual benefits, such as security guarantees, that membership would bring. A

⁴⁹ *ibid*

⁵⁰ *ibid*

⁵¹ *ibid*

few months later, Russia beat Georgia in a decisive five-day war. This was by far the most important military action Russia had taken outside its borders up to that point.⁵²

But as both NATO and the EU moved eastward, their representatives thought it was a matter of principle not to make any deals with a government they thought was trying to bully them and Ukraine. Again, they might have had a point in general. Putin has been warning in one way or another about this invasion for 15 years. Many people now say that we should have been much tougher on Putin much earlier. They say that the sanctions we are putting in place now should have been put in place after the war in Georgia in 2008 or after Alexander Litvinenko was poisoned in London with polonium in 2006. But one could also argue that we should have thought more deeply about how to set up a security plan and an economic plan so that Ukraine never had to make such a bad choice.⁵³

3.2.3 Putin's Statement

The EU-Ukraine Association Agreement, which he had fought so hard against in 2013, was signed in 2014 and started to be used in 2017. NATO was also on the way. NATO had now sent both weapons and people to Ukraine. Putin's plan to take control of Ukrainian politics by making Donetsk and Luhansk into independent republics didn't work. In fact, it not only didn't work, but it also made things worse. People in Ukraine who were on the fence about joining NATO now support it, and many people who used to be pro-Russian changed their minds after seeing what Russian puppets did in the breakaway republics.⁵⁴

Putin took control of Crimea and a few areas in the east, but he lost control of Ukraine. After Joe Biden was elected, which showed a renewed American commitment to Europe, NATO, and places like Ukraine, things were getting worse for Putin. A month before the invasion, the British government said it had information that showed Putin was planning to do just that. His military victories in Chechnya, Georgia, Crimea, and Syria gave him confidence. He had a lot of success, and it often didn't cost him much, by getting in the way of western plans in different

⁵² *ibid*

⁵³ *ibid*

⁵⁴ *ibid*

parts of the world. He must have also felt more confident because of what happened in Ukraine in 2014.⁵⁵

Putin didn't think Ukraine was a real country, which was another important factor. This wasn't just about Putin. Unfortunately, a lot of Russians don't see why Ukraine should be free. But for Putin, this has become an obsession that can't be changed by anything. One kind of leader would see that Ukraine doesn't want to do what it wants and decide that it is a separate country. But for Putin, this could only mean that someone else oversaw it. This was already happening in the parts of Ukraine that Putin had taken over; he had put puppets in charge of the self-proclaimed people's republics in the east. So, it might have made sense that the west also put Zelenskiy in power as a puppet who would run away at the first sign of trouble.⁵⁶

3.2.4 The Use of Force against Ukraine and International Law

Russia's takeover of Crimea was illegal, and the existence of several thousand Russian troops in the east of Ukraine not only breaks IL but also poses severe intimidation to tranquility and stability in Europe and to Ukraine's continued territorial integrity. Valentina Azarova picks up on this idea in Chapter 3, where she says that if a 3rd country recognized an illegal situation as legal, that country would be responsible under IL. She concludes that the annexing state is not allowed to extend international conventions to which it is a party or benefits under those treaties to the territory it has taken over. As a result, 3rd states must make sure that their connections with an annexing country don't cover the foreign territory it has taken over. She concludes that international law's "most important goal are to stop the anguish that leads to constant violations." In their dealings with the occupying state and its subordinate authorities, states and international organizations must keep these obligations to reach these goals.⁵⁷

Third countries have a right and a duty to try to stop illegal foreign control of their territory through international cooperation and "due diligence." Simply refusing to accept illegal changes to the status of the occupied territory is not enough to stop an illegal territorial regime. This book says that other countries' tendency to use "self-defense" as a reason to protect their

⁵⁵ *ibid*

⁵⁶ *ibid*

⁵⁷ Sergey Sayapin, Evhen Tsybulenko, *The Use of Force against Ukraine and International Law* (First Published July 2018) vi-xvii

citizens abroad, like when Israel did it in the Entebbe case and when the US did it to justify the attack on Grenada, should be treated with the extreme care as if it were a one-time thing and not a rule of customary international law under Article 51 of the UN Charter. This doesn't mean, though, that cyber operations that don't involve violence are legal under international law. Rules like the principle of non-intervention, which is part of the principle of the sovereign equality of States and is written in Article 2(1) of the UN Charter, could make it illegal for them to do so. The principle of non-intervention is also part of customary international law.⁵⁸

In the case of Nicaragua, it says that no state or group of states can get involved in the internal or external affairs of another state, either directly or indirectly. He says that the attacks in Ukraine were mostly about "political and ideological effects," while the attacks in Georgia, which he thinks were done by the Russian Federation, were more closely related to military operations and therefore more evidently broke the laws of conflict. Chap. 12, "Children and the Armed Conflict in Eastern Ukraine," was written by Natalia Krestovska. The writer talks about how the war in Ukraine has hurt the lives of children and how the war has hurt children. Many have been killed or hurt, and thousands more have been forced to leave their homes. In contravention of international humanitarian law and HR law, the conflict has hurt children's living conditions, educational attainment, health, and safety.⁵⁹

3.3 Current Status

The three categories of diplomacy, economy, and military have been used to explain why Russia and the USA act and behave the way they do in the Ukraine crisis. From an offensive realist point of view, the result shows that Russia and the USA are involved in the crisis because they want to dominate the Black Sea Region for their own personal gains. Both states acted in their own best interests to get more power and lessen the power of their rival to stop each other from becoming the most powerful country in the Black Sea Region. It is said that the Ukraine crisis might have turned out differently if they had not been involved.⁶⁰

⁵⁸ *ibid*

⁵⁹ *ibid*

⁶⁰ *Madina Khudaykulova, He Yuanqiong, Akmal Khudaykulo, Economic Consequences and Implications of the Ukraine-Russia War,* < <https://researchleap.com/economic-consequences-and-implications-of-the-ukraine-russia-war/>>

In the past, military conflicts have had a big effect on the local and global economies. These effects ranged from damage to the economy, trade, and money to the loss of production and labor capacity, resources, and ways of life. By extension, the effects are felt not only by the people involved but also by trading partners and countries that are close by. Terror attacks are used to talk about geopolitical risks. Many authors have looked at how uncertainty and geopolitical risks affect commodity prices and long-term performance, with a focus on how these risks affect the way financial and macroeconomic cycles are made. In this paper, I talk about how wars affect economies and what the Russia-Ukraine war might mean for the local and global economies.⁶¹

3.3.1 Economic Influence of War

Europe depends a lot on imports from Russia, and if Russia stopped sending a gas, the EU would lose 50% of its gas supplies. But because trade is interdependent, if Russia's exports stopped, it would lose more. EU gets only 8.4% of its energy needs from Russia, and the EU has a better chance of diversifying its sources than Russia does of diversifying its export markets. Some authors say that if Europe stopped getting imports from Russia, the EU would have to increase imports from other countries by 80%. This would be very costly in the short term, but the economy would adjust, and the step would be cheaper in the long term. But for the EU to become less dependent on Russia, it needs to either cut its own demand for imports or find other ways to get the energy it needs, like shutting down nuclear plants and using renewable energy.⁶²

3.3.2 Demand elasticity and Supply shock

COVID's shock had already done a lot of damage to the EU, with trade getting worse and inflation going up because energy prices went up. The European Central Bank had to deal with inflation, which got worse because of the Russia-Ukraine war, which was a long-lasting shock. In general, when a geopolitical threat causes a commodity price shock, the Central bank should deal with the implied consequences and not try to stop the immediate effects of inflation. Instead, the constant changes in relative prices should be considered. EU members have taken steps like

⁶¹ ibid

⁶² ibid

transfers, tax cuts for everyone, and price controls to lessen the effects of the supply shock and make it less painful.⁶³

The second will influence the index of electricity prices and is likely to be expensive. Due to the conflict, changes are made to the factors that affect the price of electricity based on the cost of marginal energy sources. This has the effect of sending a shock wave to the price of gas. Geopolitical conflict will cause the EU to change its policies and lead to government intervention in the market. Considering the fiscal support, the budgetary costs of the measures put in place at the start of the 2nd half of 2021 ranged from 0.5% to 1% of GDP. A new step to deal with the increase in energy costs can bring the cost to 1% of GDP.⁶⁴

3.3.3 Consequences of War

During the current conflict, the EU has put more money into reducing carbon emissions, making things more digital, and making things stronger. In the case of the conflict between Russia and Ukraine, it would cost €100 billion to stop relying on Russian imports in the short term. €50 billion would go toward rebuilding the reserves, €25 billion would be an extra price for other suppliers, and €25 billion would go toward coordinating distribution across the EU.⁶⁵

3.3.4 Oil prices and war

After the invasion, the price of a barrel of oil went from \$21 in July to \$46 in the middle of October. Because Russia invaded Ukraine in 2022, oil and gas prices went up, which led to higher gas prices around the world. Russia is the largest oil and gas producer in the world. Because of international constraints, the cost of oil and gas has gone up, and Russia can't make as much of it either.⁶⁶

3.3.5 Impact on the Economy of Russia

By 2022, the Russian economy will be in a lot of trouble, and the country is likely to be in a long recession. Due to the recovery from last year, the corrected GDP forecast for 2022 is -7.5%.

⁶³ ibid

⁶⁴ ibid

⁶⁵ ibid

⁶⁶ ibid

When the value of the Russian currency goes down, consumer prices go up. This is because there are restrictions on major Russian banks, Russian elected officials and millionaires hand-picked the country's debt, and there are controls on the export of high-value components. The Western countries put a freeze on Russia's banks. In consequence, the Russian central bank cannot utilize them, and Russia's response has less of an effect. But Russia's external public debt isn't too high because the country's economy is strong enough to deal with its constant bank account deficit and large capital inflows. EU countries have limited Russian imports, but Asian energy exports are expected to help the Russian economy. On the other side, Russia's manufacturing, handling, and quarrying industries will fail as they won't be able to get PCs, communications, robots, and data-based security technologies from the West.⁶⁷

3.3.6 Impact on the Global Economy

The effects on the economy and the possible size of the blow to the European economy from the loss of Russian energy depend a lot on how resources are redistributed, fuels are moved, demand is cut, and other energy sources are used. Most of Russia's natural gas reserves in Europe are not expected to be made again, and recent costs will have a big effect on inflation. Europe is expected to have trouble getting enough oil and natural gas because it mostly gets its supplies from Russia.⁶⁸

The trade dependence of the Eurozone points to a general decrease, and Germany, Italy, and most of Eastern Europe are still reliant on natural gas from Russia. The energy use comes from the use of Russian imports in industry, homes, trade and commerce, transportation, and power providers. Since June 2021 and the beginning of 2022, the EU's imports of Russian gas have dropped by a lot, with the share going from 40% to 20% to 30%. Before the conflict with Ukraine got worse, gas, oil, and coal prices went up in the EU. This was because COVID-19 restrictions were lifted, the US dollar rose in value, and OPEC didn't want to increase extraction. Using lignite, hard coal, or even nuclear energy can cut down on the amount of gas that is used to make electricity. Cost savings from reducing imports and switching energy sources can help the European economy in a big way if energy production in industrial power plants also changes

⁶⁷ ibid

⁶⁸ ibid

to use different inputs. There are several other sources of oil on the world market that could be used instead of Russian oil imports. The timing of targeted policy measures will determine the total costs. This means that action should be taken even if there is a prohibition to get out of bigger losses in 2022 and 2023.⁶⁹

It is thought that if Russia stopped sending natural gas to Europe altogether in 2022, costs would go up by 4%, bringing annual GDP growth close to zero or even below zero, depending on how demand destruction was handled. The crisis between Russia and Ukraine has referred to shockwaves throughout the whole world economy. Later supply problems have become more ordinary, and prices for commodities and large amounts of energy have gone up a lot. Sanctions and trade limitations have also been put on institutions of Russia, businesses, and people and a refugee crisis involving about 4 million Ukrainians have made the economic situation even worse.⁷⁰

3.3.7 Conclusion

In this chapter, I attempted to discuss the history of the war, Russia's views on NATO, and to conceal Putin's statements about the war and current situation, as well as the economic impact of the war. I'll try to find out some of the things I've learned from the war in the next chapter.

⁶⁹ *ibid*

⁷⁰ *ibid*

Chapter 4

Findings

1. Looking at the relationship between the USA and Russia during one of the most serious crises since the end of the Cold War can help people realize that the two big powers are in a dangerous situation that could affect all countries in the future.
2. The main reason Russia reacted so strongly to Ukraine and Georgia joining NATO was because of geopolitical reasons. Having a military base so close to Russia's borders would hurt the country's strategic security interests. In IL article 38 says, if the security council wants, they can make recommendation to the parties for pacific settlement of the disputes which has been arise.⁷¹
3. Russia has a lot of economic power in the BSR because it is an important transit route for energy exports to Europe. It supplies more than 25% of Europe's oil needs, so it has a lot of economic power there. Since Crimea is now a part of Russia, it could be argued that economic stability and improvements were another reason why Russia do not want to lose Ukraine.
4. Men, women, and children were victims of all kinds of war crimes, including rape, forced nudity, and sexual torture, which were carried out by the Russian Army and its commanders. This means Russia is committing war crime against Ukraine due to the report.⁷²
5. For during the War oil prices worldwide faces economic troubles because oil prices are so high for the sanction.⁷³

⁷¹ The Charter of the United Nations, Art 38

⁷² Carlotta Gall, 'Fear Still Remains': Ukraine Finds Sexual Crimes Where Russian Troops Ruled <
<https://www.nytimes.com/2023/01/05/world/europe/ukraine-sexual-violence-russia.html>> accessed 01 January 2023

⁷³ JACOB POUSHTER, Key findings from our poll on the Russia-Ukraine conflict <
<https://www.pewresearch.org/fact-tank/2015/06/10/key-findings-from-our-poll-on-the-russia-ukraine-conflict/>>
accessed 01 January 2023

Chapter 5

Recommendations and Conclusion

5.1 Recommendations

1. Russia and the West should stop trying to fight each other and instead use diplomatic means to find a middle ground. If this doesn't happen, the cycle will keep going and affect all the neighboring countries and the rest of the world.
2. Russia sees the West as a threat because of this. Because of the Ukraine crisis, it has become a "zero-sum game," where the only gain is more power. The best way to solve the Ukraine crisis is through negotiations and diplomatic agreements, not through confrontations that make the zero-sum game worse.
3. These kinds of interventions in sovereign states should be taken seriously because they threaten democracy, human rights, and the world order. Under Article 33 of the UN Charter, the parties can maintain peace and settlement by conducting an inquiry, negotiation, mediation, judicial settlement, or any other peaceful settlement of their choice. Alternatively, if the Security Council deems it necessary, it can summon both parties to resolve their differences.⁷⁴
4. Ukraine should join Europe because it would be the best way to ensure its safety and prosperity. Because Ukraine wanted to join NATO, but after Russia's annexation, NATO did not give them proper support to fight against the annexation. So, I believe it is a better way to travel through Europe again, despite the fact that Putin believes Ukraine is a part of Russia and that they can fix it under Article 42 of the UN Charter.⁷⁵
5. I think Ukraine should negotiate with Russia because neither NATO nor the USA help with proper armed forces under Article 33 of the UN Charter. If they fail to do that, they shall refer it to the Security Council.⁷⁶
6. To continue the invasion Ukraine needs more political support but they did not get it, it is worthless to go against Russia, I think both parties come to an end.

⁷⁴ The Charter of the United Nations, Art 33

⁷⁵ *ibid*

⁷⁶ *ibid*

7. On the other hand, Putin should stop the annexation as he has one of the most powerful countries, he should not misuse it, as he is doing it in Ukraine, but it hampers the world widely. The security council will determine whether there is a threat to the peace, a breach of the peace, or an act of aggression, and will make recommendations or determine what measures should be taken in accordance with articles 41 and 42 to maintain or restore international peace and security.⁷⁷

5.2 Conclusion

Sociologists who had studied Ukraine before the war said that Ukrainians were willing to fight for their country, but it was one thing to say that to a sociologist and another to go fight. But it's clear that the Ukrainians want to fight. Zelenskiy, on the other hand, was elected because he was seen as a breath of fresh air and someone who would do things differently. He also said he would try to negotiate with Putin to end the war. The campaign for Poroshenko said that Zelenskiy was a Kremlin puppet who would sell the country out. Still, people chose him. He hadn't been able to find a peaceful way to end the war in the Donbas region, so he started going after his opponents. The night before the invasion, he told the people of Ukraine that they could sleep well. But before dawn, the first Russian missiles hit their targets.⁷⁸

Even though a Russian invasion was scary, most people said that Zelenskiy's government would probably be overthrown if he gave up too much in a deal. If giving up without a fight was the only way to avoid war, then there would have to be war. Ukraine would have a war. And they do fight. Now that the Russian army has regrouped and is bombing and shelling Ukrainian cities, NATO governments must make a hard decision: they can either do nothing and watch innocent Ukrainians die, or they can do something and risk making the conflict even worse. It's hard to say where this will end. As of this writing, a settlement seems very far away because Russia's leaders are still making very strong demands. And it's not clear if Zelenskiy, after all the blood

⁷⁷ *ibid*

⁷⁸ Keith Gessen, "Was it inevitable? A short history of Russia's war on Ukraine" Fri 11 Mar 2022, <https://www.theguardian.com/world/2022/mar/11/was-it-inevitable-a-short-history-of-russias-war-on-ukraine?fbclid=IwAR3Tu0U4ibGpQxcjPPdmPa_HqIhgBBGRe968NI3Dup2n7qZH_H-7sT5TqhQ> accessed 15 December 2022

his people have shed, will be able to accept a Russian Crimea and eastern Ukraine, even if Russia lowers its demands, or if his people will accept it.⁷⁹

Someday, the war will end, and someday after that, the Russian government will have to change, though probably not as soon as people might hope. There will be another chance to let Russia join the group of nations. Then, our job will be to do it differently than we did after the Soviet Union fell. But that's something to do in the future. For now, we watch and wait in pain and sorrow.⁸⁰

⁷⁹ *ibid*

⁸⁰ *ibid*

Bibliography

Statutes

1. The Charter of the United Nations
2. Rome Statute of the International Criminal Court
3. Fourth Geneva Convention, 1949
4. The Covenant of the League of Nations

Cases

1. The Republic of Nicaragua v. The United States of America (1986)
2. East Timor (Portugal v. Australia) (1995)

Books

1. Mark Galeotti, *New Security Challenges in Post Communist Europe*, 164-165
2. Kuzio, *Ukrainian Security Policy*, 65-66
3. D'Anieri et al., *Politics and Society in Ukraine*, 262-273.
4. Sergey Sayapin • Evhen Tsybulenko, *The Use of Force against Ukraine and International Law*, x-xi
5. Mary M. Edwards, *Understanding the Complexities of Annexation*, volume 23
6. Koninklijke Brill, *The Erik Castern Institute Monographs on International Law and Human Rights* (Second revised edition, volume 20) 28
7. Thomas D. Grant, *Aggression against Ukraine Territory, Responsibility, and International Law* (First published in 2015) 104
8. Mamdouh Alhamad Alibrahim, Shade Jame, *The extent of legality of one-sided humanitarian intervention in international law*, Published: 25-02-2021, Volume 7; Issue 1; 2021; Page No. 191-196
9. Sergey Sayapin, Evhen Tsybulenko, *The Use of Force against Ukraine and International Law* (First Published July 2018) vi-xvii

Newspaper Articles

1. 'Russia's war in Ukraine: How it came to this' < <https://www.cbsnews.com/news/ukraine-news-russia-war-how-we-got-here/> > accessed 01 October 2022
2. Why did Russia Invade Ukraine and has Putin's war failed?' < <https://www.bbc.com/news/world-europe-56720589> > accessed 01 October 2022
3. Keith Gessen, "Was it inevitable? A short history of Russia's war on Ukraine" Fri 11 Mar 2022, <https://www.theguardian.com/world/2022/mar/11/was-it-inevitable-a-short-history-of-russias-war-on-ukraine?fbclid=IwAR3Tu0U4ibGpQxcjPPdmPa_HqIhgBBGRe968NI3Dup2n7qZH_H-7sT5TqhQ> accessed 15 December 2022
4. Carlotta Gall, 'Fear Still Remains': Ukraine Finds Sexual Crimes Where Russian Troops Ruled < <https://www.nytimes.com/2023/01/05/world/europe/ukraine-sexual-violence-russia.html>> accessed 01 January 2023

Journal Articles

1. Rokoua Mataciwa, 'The Russian-Ukrainian war: An explanatory essay through the theoretical lens of international relations.' <https://www.researchgate.net/publication/361450288_The_Russian-Ukrainian_war_An_explanatory_essay_through_the_theoretical_lens_of_international_relations > accessed 03 October 2022
2. Britannica, The Editors of Encyclopaedia. "annexation". *Encyclopedia Britannica*, 2 Mar. 2022, < <https://www.britannica.com/topic/annexation> > Accessed 4 January 2023.
3. State of Palestine, 'Ministry of Foreign Affairs and Expatriates (Sunday, January 17, 2021), Annexation under International Law, <http://www.mofa.pna.ps/enus/mediaoffice/israeliviolations/annexation-under-international-law?fbclid=IwAR2X2d6IOFk5sdQSBCzYIyc6LPBN3xCid-V5WrOFeuXD4fvr90fGBCd9NZk#_ftn13> accessed 27 November 2022
4. Hofmann, 'Annexation' <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1376> > accessed 28 November 2022

5. Juan Cole, Trump Cites “Proportionality” in Iran pullback < <https://znetwork.org/znetarticle/trump-cites-proportionality-in-iran-pullback/> > accessed 28 November 2022
6. Madina Khudaykulova, He Yuanqiong, Akmal Khudaykulo, *Economic Consequences and Implications of the Ukraine-Russia War*, <<https://researchleap.com/economic-consequences-and-implications-of-the-ukraine-russia-war/>>
7. Appiah-Otoo, Isaac. "The Impact of the Russia-Ukraine War on the Cryptocurrency Market." <https://doi.org/10.46557/001c.53110> Asian Economics Letters 4. Early View (2023).

Websites

1. Office of the Prosecutor, Rep. on Preliminary Examinations 2017, 84–87 (4 December 2017) < https://www.icc-cpi.int/sites/default/files/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf >
2. The Judge Advocate General's Legal Center and School United States Army Charlottesville, Virginia, Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Volume II < https://tile.loc.gov/storage-services/service/l1/l1mlp/RC-Report-conf-of-gov-experts-1972_V-2/RC-Report-conf-of-gov-experts-1972_V-2.pdf >
3. JACOB POUSHTER, Key findings from our poll on the Russia-Ukraine conflict < <https://www.pewresearch.org/fact-tank/2015/06/10/key-findings-from-our-poll-on-the-russia-ukraine-conflict/>> accessed 01 January 2023