

UDC: 341.2/.3:355.4(470:477)

COBISS.SR-ID 180160777

Originalni rad

DOI: 10.46793/87143.27.2.007D

Priljeno: 10.09.2025.

Odobreno: 16.09.2025.

Pages 7-22

*Duško Dimitrijević<sup>1</sup>*

## INTERNATIONAL LEGAL REVIEW OF THE WAR IN UKRAINE

*Abstract: Since Russia's attempt to reach an agreement with the US and NATO on the "principle of equal and indivisible security in Europe" has not been realized, as well as its demands regarding the provision of "security guarantees", including a legally binding declaration that Ukraine will not join NATO, Russia has taken "special military operation" on February 24, 2022. The analysis that follows is based on the thesis that the background of this conflict is the competition between the great powers - the USA and Russia, for the expansion and retention of spheres of influence. In order to give a realistic international legal assessment of the conflict in Ukraine, the paper first of all provides the historical-political background of the Ukrainian-Russian dispute, which originates from the Cold War era and the process of the collapse of the Soviet Union (USSR), which led to a serious disruption of the balance of power in the world. The global imbalance led to global political division and polarization, which is still reflected in the Russian-Ukrainian armed conflict, which, according to the author, is a serious warning for the still valid legal system of the United Nations, whose basic value is the maintenance of international peace and security.*

*Key words: Russian-Ukrainian conflict, United Nations Charter, international legal prohibition of the use of force, international security*

### Introduction

In order to seriously engage in the analysis of the international armed conflict in Ukraine, it is necessary to know certain historical circumstances and facts related to the collapse of the USSR and the end of the Cold War, which ended the long-standing rivalry

<sup>1</sup> Dr Duško Dimitrijević, Professorial Fellow, Institute of International Politics and Economics, Belgrade. E-mail: dimitrijevicd@diplomacy.bg.ac.rs, ORCID ID: <https://orcid.org/0000-0003-3375-7280>

between the East and the West. The very disintegration of this largest communist federal state is related to the year 1989, and the fall of the Berlin Wall, which symbolically marked the end of this historical period and the transformation of the global hierarchy, which rested on the balance of power between the two leading superpowers - the USSR and the USA - the leader military-political blocs - the Warsaw Pact and the NATO alliance. Disruption of the balance of power between the West and the East was first manifested through the dissolution of the Warsaw Pact in July 1991, and then through the successive expansion of NATO to the countries of Eastern Europe. From a geopolitical point of view, the mentioned changes meant the end of the bipolar world order and the emergence of a new order based on unipolarism in which the USA played the role of the leading hegemon. This wave of changes represented a real political challenge and security threat for Russia. Although, after the fall of the Berlin Wall, Moscow allowed the German Democratic Republic to leave the Warsaw Pact and unite with the Federal Republic of Germany, with firm guarantees from Germany and the USA that NATO would not “expand an inch further to the East”, this did not happen.<sup>2</sup> The situation was further complicated by the unbalanced policy of President Mikhail Gorbachev, who wanted to open the USSR to the liberal and democratic values of the Western world with “glasnost and perestroika” and a comprehensive restructuring of its political, legal and economic system. Instead, there was its collapse, which began with constitutional reforms initiated in order to curb the swelling separatist aspirations of a widely branched network of national movements within the USSR, which demanded a greater extent of territorial-political autonomy through a significant transfer of state competences to federal units. In the case of Ukraine, this meant not only emphasizing the demand for radical constitutional reforms, but also promoting the idea of self-determination and independence. History, however, irrefutably shows that the central authorities of the USSR had a completely different view of reality than the one mentioned. Namely, the Soviet federal government believed that the constitutionally guaranteed right to self-determination of the Soviet republics was conditioned by political, economic, social and legal factors, as well as the needs and interests of the USSR itself. This view was opposed by the three Baltic republics (Estonia, Lithuania and Latvia), which began the process of dissolving the Soviet Federation by making unilateral declarations of sovereignty in 1988 and 1989. In view of them, other federal republics of the USSR passed similar acts, which from a constitutional point of view led to separation from the internal legal order and, consequently, to successive declarations of independence by separation from the federal state. In order to legitimize their actions, the federal republics of the USSR held referendums one after another. With such actions, they made it clear that the proposal on the federal reorganization and renewal of the USSR in the form of a “confederation of democratic states”, which was presented in the meantime, was unacceptable to them. The violent attempt to change the situation by ousting President Gorbachev from power in early August 1991 did not help in this sense. The failure of the coup only accelerated secessionist aspirations, which was demonstrated by the Verkhovna Rada (Ukraine Assembly) on August 24, 1991, passing an act declaring Ukraine’s independence, the validity of which was confirmed in a referendum in December of the same year. At the same time, with the victory of Leonid Kravchuk in the first presidential elections, this act gained additional legitimacy in the international community. After the mentioned events, on December 8, 1991, the presidents of Russia, Belarus and Ukraine (Yeltsin, Shushkevich

---

2 G. Krone-Shmalz, *Russland verstehen: Der Kampf um die Ukraine und die Arroganz des Westens*, München, Germany: Beck C. H., 2015, p. 99; M. K. Wagner, *Das große Rätsel um Genschers angebliches Versprechen*, *Frankfurter Allgemeine Zeitung*, 19.04.2014, retrieved from: <https://www.faz.net/aktuell/politik/ost-erweiterung-der-nato-was-versprach-genscher-12902411.html>.

and Kravchuk) met in Viskuly. The meeting resulted in the adoption of the so-called Beloveška's statement, which states at the political level the new geopolitical reality that arose after the withdrawal of the federal republics from the USSR and the formation of new independent states. In order to overcome possible disputes and confrontations, as well as for the purpose of implementing the necessary political and economic reforms, Russia, Belarus and Ukraine then concluded the Agreement on the Establishment of the Commonwealth of Independent States (CIS). With the Agreement on the Establishment of the CIS, the contracting parties confirmed the end of the validity of the Alliance Agreement from 1922, and *de iure*, the end of the USSR.<sup>3</sup> It completely excludes any federal forms or supranational ties that were inherent in the previously offered proposals for an agreement on the reconfiguration of the USSR between the Soviet federal units.<sup>4</sup> The parties to the Agreement on the Establishment of the CIS emphasized the importance of mutual recognition, respect for sovereignty, equality and non-interference in internal relations, renunciation of the use of force, economic or other types of pressure. States guaranteed each other the right to self-determination and respect for the basic rules and principles of international law. In order to develop stable good-neighborly relations and mutual cooperation, Russia and Ukraine (along with Belarus) confirmed their commitment to respecting the UN Charter, the Helsinki Final Act and other OSCE documents. Standards on the protection of human and minority rights are specifically apostrophized in the Agreement.<sup>5</sup> The Agreement provided for the assumption of international legal obligations from the USSR treaty, which basically accepted the principle of universal succession. Such a solution had particular weight in terms of ensuring international peace and security, which was associated with the obligation to reduce military force and conventional weapons. In this sense, the parties accepted the establishment of a unified command of the joint military-strategic space, while in terms of nuclear weapons, they accepted the obligation of unified control, which was to be regulated by special agreements. The Agreement also agreed on complete nuclear disarmament under strict international control. On the occasion of the conclusion of the Agreement on the Establishment of the CIS, an invitation was sent to all other republics of the former USSR to join the Union. At the meeting in Alma-Ata, on December 21, 1991, the issue of accession was resolved by the conclusion of a special Protocol, which confirmed that the Agreement on the Establishment of the CIS will enter into force at the moment when all contracting parties ratify it.<sup>6</sup> At the same time, in the declaration made on that occasion, it is noted that with the establishment of the CIS, the USSR ceased to exist. In order to ensure international strategic stability and security, the special Protocol confirmed the decision to maintain unified control over nuclear strategic forces and unified control over nuclear weapons. With the agreement of Russia, Belarus, Ukraine and Kazakhstan on joint measures related to nuclear weapons, the four nuclear states confirmed their determination to liquidate nuclear weapons on their territories. That obligation did not apply to Russia, which took over most of the contingents of their nuclear weapons, which was regulated by a series of significant documents signed in 1991 and 1992.<sup>7</sup> Before that, the members of the CIS passed a decision supporting

3 Declaration by the Heads of State of the Republic of Belarus, the Russian Soviet Federative Socialist Republic; Agreement on the Establishment of the Commonwealth of Independent States, between the Republic of Belarus, the Russian Federation (RSFSR) and Ukraine of 8 December 1991, *International Legal Materials*, 1992, No. 31, pp. 138-142.

4 S. Đukić, *Kraj SSSR-a i Rusija*, Službeni glasnik, Beograd, 2011.

5 S. Voitovich, *The Commonwealth of Independent States: An Emerging Institutional Model*, *European Journal of International Law*, 1993, Vol. 4, No. 3, pp. 403, etc.

6 Alma-Ata Declaration, *International Legal Materials*, 1992, No. 31, p. 147.

7 R. Goncharenko, *Ukraine's forgotten security guarantee: The Budapest Memorandum*, *Deutsche Welle*, 5.12.2014.

Russia's international legal continuity in the United Nations, including permanent membership in the Security Council, as well as other international organizations. The process of recognition of states ended with their admission to the United Nations in 1992 (with the exception of Belarus and Ukraine, which retained their membership earlier).<sup>8</sup> The following year, at the CIS summit in Minsk, a decision was made that adopted the CIS Charter. The Charter establishes the institutional framework of the CIS on the basis of voluntary unification, respect for historical similarities, equality and equality of the parties and their sovereignty, territorial integrity and political independence. For Ukraine, this act was unacceptable for political reasons, but it refused to ratify it citing the alleged inconsistency with the constitution.<sup>9</sup> The passage of time has shown that the CIS cannot respond to all the breadth and depth of the processes taking place in the post-Soviet space. Except for the three Baltic republics, all other federal republics, when withdrawing from the USSR, referred to the provision from Article 72 of the last Soviet Constitution from 1977. Given that the USSR represented an "integral, federal and multinational state created on the principle of socialist federalism, as a result of the free self-determination of peoples and the free association of equal Soviet Socialist Republics", the right to secession was interpreted in practice as a declarative principle without valid institutional and legislative mechanisms necessary for its realization in practice.<sup>10</sup> The federal law adopted in April 1990, which prescribed the procedure for holding a referendum on withdrawal from the federation, did not in this respect represent a sufficient guarantee for the exercise of the people's right to self-determination until secession, as it provided for the holding of a referendum in which a two-thirds majority had to be achieved of the electorate in the republics, with the initial referendum initiative of the Supreme Soviet or one-tenth of the Soviet citizens living in the republic and with the final confirmation of the resignation by the Congress of People's Deputies of the USSR in a transitional period of five years (during which all open questions related to exit).

The secession process itself was limited by the possibility that autonomous areas within the republics have the right to remain in the USSR if the rest of the republic opts for secession. This legislative solution, along with the inconsistent definition of the "people" who have the right to self-determination within the republics, left room for arbitrary interpretations and practically prevented the realization of the right to self-determination, which was in contradiction with international legal standards. Moreover, the legal solutions exacerbated the existing political crisis, which generated successive secessions of federal republics from the USSR. Ukraine, as previously mentioned, held a referendum in December 1991 in order to legitimize the process of gaining independence. The referendum was supposed to have the meaning of the way in which the right to self-determination is realized.<sup>11</sup> However, the realization of this right through a referendum in Ukraine, as well as in other Soviet republics, left certain doubts since these declarations did not take enough account of the will of various ethnic and national communities that did not represent the majority peoples in the republics, but which according to under international law, they also had the right to demand a declaration on their future political status, form of government, economic, social and cultural development and individual participation in the exercise of power. This fact should be taken into account when

8 Y. Z. Blum, Russia takes over the Soviet Union's Seat at the United Nations, *European Journal of International Law*, Vol. 3, No. 2, 1992, pp. 345, etc.

9 I. Ponomarenko, Ukraine withdraws all envoys from CIS bodies, *Kyiv Post*, 19.5.2018.

10 J. N. Hazard, Soviet Republics in International Law, in: R Bernhardt (ed.), *Encyclopedia of Public International Law*, Amsterdam, North-Holland: Max Planck Institute for Comparative Public Law and International Law, 2002, para. 10.

11 D. Dimitrijević, Međunarodnopravni tokovi secesije država, in: Jelena Perović Vujačić, *Unifikacija prava i pravna sigurnost*, Beograd, Srbija: Kopaonička škola prirodnog prava – Slobodan Perović, 2020, , pp. 353, etc.

assessing the ultimate causes of the current crisis in Ukraine, because after the collapse of the USSR, several million members of the Russian people and the Russophone population remained within its borders and were not given the opportunity to exercise their right to self-determination. According to international law, the principle of equality and the principle of self-determination of peoples are two mutually complementary parts of the same norm, the significant element of which is the free expression of the will of the people. In the context of maintaining and strengthening international peace and security, these two principles must remain complementary. This is also the case in cases of the emergence of new independent states in the post-Soviet space. But in Ukraine (as in other former federal republics) effectiveness and reasons for preserving political stability played a decisive role in achieving independence. This is evidenced by the fact that the international recognition of the successor states of the USSR was conditioned by respect for the principles of territorial integrity and inviolability of borders.<sup>12</sup> Conditioning the acceptance of the territorial status quo, that is, the immutability of the existing inter-republic borders at the time of the independence of the former Soviet republics, practically led to the recognition of the right of the majority people to external self-determination, i.e. to the determination of their own international legal status, without consistent respect for the same right of all other “peoples” “which they “found” within the framework of the new state borders. The right to self-determination of these “peoples” should have been satisfied by accepting standards on the protection of human and minority rights, which was “overlooked” to put it mildly, and which is also evidenced by the historical events in Ukraine that took place after its independence.<sup>13</sup>

### **Historical circumstances that preceded the armed conflict in Ukraine**

Since gaining independence, Ukraine has been under constant pressure from foreign factors, primarily the USA and Russia. This situation was most visibly manifested during the election of presidential candidates. Thus, the first Ukrainian president - Leonid Kravchuk, before the collapse of the USSR, was a member of the Communist Party and Agitprop. His political determination was decisive for his victory in the 1991 elections. His successor was Leonid Kuchma, who won the presidential elections on two occasions in 1994 and 1999, adhering to a pro-Russian political platform. Admittedly, in one period, Kuchma came under serious pressure from the West, so in 2002, he signed a decree on the integration of Ukraine into NATO structures. After the “Orange Revolution” and repeated presidential elections in 2005, by the decision of the Constitutional Court of Ukraine, the American favorite Victor Yushchenko won the presidential elections. Yushchenko, along with the implementation of “Ukrainization” measures, that is, the linguistic assimilation of the Russian-speaking population, also unquestioningly opted for Ukraine’s membership in NATO. This internal and foreign policy course caused great dissatisfaction in the pro-Russian part of Ukraine. With the election of Viktor Yanukovich as the President of Ukraine, in the presidential elections of 2010, there was a political turn. Yanukovich first publicly renounced Ukraine’s membership in NATO, and then the Ukrainian Parliament passed the Law on the Basics of Internal and Foreign Policy, which expressed the intention to preserve Ukraine’s neutrality in relation to

---

12 Declaration on the Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union of 17 December 1991, Annex II (1992), International Legal Materials, Vol. 31, p.1486; R. Rich, Recognition of States: The Collapse of Yugoslavia and the Soviet Union, European Journal of International Law, 1993, Vol. 4, No. 1, p. 36.

13 D. Dimitrijević, Secesionistički procesi - faktori očuvanja ili narušavanja mira i bezbednosti na prostoru bivšeg SSSR-a”, u: Dragan Petrović (ur.), Konfliktna zona na post-sovjetskom prostoru i regionalna bezbednost, Beograd, Srbija: Institut za međunarodnu politiku i privredu, 2021, pp. 23-52.

military-political alliances. In November 2013, President Yanukovych refused to sign the Association Agreement with the European Union, after which mass protests took place in Kyiv's Independence Square (Maidan). By the subversive actions of the USA, Yanukovych was overthrown from power, and his place was replaced by the acting president Oleksandr Turchynov, who held this position for only a few months in the first half of 2014. The violent coup in Kiev caused a reaction from the Russian side, which responded by "returning" (by retrocession) Crimea to Russia. Since Crimea was part of the Soviet Socialist Republic of Russia until 1954, and was then ceded to Ukraine by decree, Russia considered that by concluding a mutual agreement, Crimea together with the strategically important city of Sevastopol could be legally retroceded to Russia. In this sense, the annexation of Crimea to the Russian Federation was first justified by holding a referendum on March 16, 2014, in which even 97% of the inhabitants of Crimea declared in favor of this act. The very next day, Russia, by decree of President Putin no. 147, recognized the independence of Crimea, so that Crimea would sign the Agreement on Accession to Russia on March 18, which the Russian Duma ratified on February 21.<sup>14</sup> Essentially, this act meant the secession of Crimea (with Sevastopol) and was justified by the fact that the Crimean "people" freely chose to determine their own political system and ensure their economic, social and cultural development by exercising the right to self-determination recognized by international law. A further conclusion is that the accession of Crimea to Russia was a sovereign decision of an independent state that cannot be considered a violation of the territorial integrity of Ukraine.<sup>15</sup> However, this point of view was rejected by Ukraine and most of the international community. After the mentioned event, there was a serious armed conflict that was fueled by the use of violence by the new and illegitimate government in Kyiv against the eastern pro-Russian regions of Ukraine - Donetsk and Luhansk. Under the influence of Russia, these two Ukrainian regions unilaterally declared the Donetsk and Luhansk People's Republics - on April 7 and 27, 2014, and after the independence referendums held on May 11, and on May 12, 2014, they also declared independence from Ukraine. After that, Donetsk and Luhansk hastily concluded an Agreement on Unification and the formation of the "Novorussia confederation", which did not receive international recognition. This crisis then escalated, and Russia reacted by supporting the Russian ethnic and Russian-speaking population of these areas from the background. NATO, on the other hand, did not stop helping the Ukrainian armed forces. As the conflict gradually crossed state borders, the wider international community reacted and participated in the conclusion of the Armistice Protocol through the OSCE. After much hesitation, the Protocol was signed in Minsk on September 5, 2014 (so-called Minsk 1), and it provided for a twelve-point plan for a ceasefire along the line of armed conflict with an agreement on the withdrawal of heavy weapons and the formation of a security zone along the Ukrainian-Russian border. In the absence of an agreed political solution, the conflicts in Ukraine were exacerbated. With the mediation of Germany and France (in the figurative sense of the European Union), on February 15, 2015, an Armistice Agreement (so-called Minsk 2) was concluded in Minsk, by which the parties to the conflict, together with international mediators, gave certain guarantees for constitutional reform and decentralization of Ukraine, including a special autonomous status for the disputed areas of Donetsk and Luhansk (Donbas), which was supposed to lead to the cessation of hostilities. However, that did not happen, because the truce was never fully respected. Other points of the

---

14 T.D. Grant, *Aggression against Ukraine: Territory, Responsibility and International Law*, London UK: Palgrave MacMillan, 2015.

15 M. Sterio, *Secession in International Law - A New Framework*, Cheltenham, UK: Edward Elgar, 2018.

Agreement were not respected either, such as those related to the withdrawal of heavy weapons, the exchange of prisoners, the withdrawal of foreign armed troops, the provision of humanitarian aid and the re-establishment of severed economic ties. With the Minsk 2 Agreement, the authorities in Kyiv were “buying time” to carry out a new regrouping and strengthening of the armed forces. Since the US was not a guarantor of the Minsk 2 Agreement, the “frozen conflict” did not last long. The hostilities continued, and during 2018, Ukraine withdrew from the work of all executive bodies of the CIS. After the 2019 presidential election, in which the pro-Western candidate Volodymyr Zelensky won, Ukraine found itself in a new phase of political crisis. Due to the lack of support from the residents of the eastern regions, and due to the secession of Crimea and its annexation to the Russian Federation, the central authorities in Kiev were largely left without political legitimacy. This did not prevent the Ukrainian president from showing his loyalty to the Western allies on September 14, 2020, and approving Ukraine’s new national security strategy, which envisages the development of a special partnership with NATO in order to join this military-political organization.<sup>16</sup> After on March 24, 2021, Zelensky signed Decree no. 117/2021 approving the “strategy of de-occupation and reintegration of the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol”, Ukrainian-Russian relations collapsed. Russia began to build up troops along the border with Ukraine and in Crimea, which indicated the beginning of an international conflict. In December 2021, Russia proposed two draft agreements that contained demands for “security guarantees,” including a legally binding promise that Ukraine would not join NATO. It also demanded a reduction in NATO military contingents in Eastern Europe, threatening an unspecified military response if those demands were not met in full. NATO rejected these demands, and the US warned Russia of “swift and severe” economic sanctions if it invades Ukraine.<sup>17</sup> The crisis escalated after Russia officially recognized the Luhansk and Donetsk People’s Republics on February 21, 2022. A day after this event, Russian President Vladimir Putin declared that the Minsk Agreements “no longer exist” and that Ukraine, not Russia, was to blame for their collapse. Already on February 24, Putin announced that Russia was launching a “special military operation” in Donbas.<sup>18</sup>

### **The beginning of armed conflicts in Ukraine**

The Russian army began an armed intervention on the territory of Ukraine from the direction of the Russian Federation and Belarus.<sup>19</sup> The intervention launched by Russia from land, air and sea caused the biggest humanitarian disaster in Europe since World War II. The international conflict manifested itself on the diplomatic, economic and media levels, raising a number of issues related to violations of general international law and the rules and principles of international humanitarian law. As mentioned before, the reasons for the conflict date back to the end of the Cold War, when Russia was promised that with the withdrawal of military troops from Eastern Europe, NATO would not expand there, and what happened with the numerous interventions of this military-political alliance along the line of the geostrategic corridor along the North Atlantic, and

---

16 A. Getmanchuk, Russia as aggressor, NATO as objective: Ukraine’s new National Security Strategy, Atlantic Council, 30.09.2022, retrieved from: <https://www.atlanticcouncil.org/blogs/ukrainealert/russia-as-aggressor-nato-as-objective-ukraines-new-national-security-strategy/>

17 M. Crowley, E. Wong, U.S. Sanctions Aimed at Russia Could Take a Wide Toll, The New York Times, 29.1.2022.

18 Council on Foreign Relations, Conflict in Ukraine, Global Conflict Tracker, 13.02.2024.

19 A. Rahaman Sarkar, C. Marcus, J. Giordano, Dozens dead and airports bombed after Putin invades Ukraine - live, The Independent, 24.02.2022.

then more visibly in Georgia and Afghanistan, which is why Russia sought to renew its sphere of influence in Europe. Its request to establish a sphere of influence, originally presented at the Munich Security Conference held in 2007, was repeated several times, but was never accepted, which is why Russia felt that it was facing cynical deceptions and lies, and even attempts at pressure and blackmail that they represent a completely unacceptable threat to its national security. In this sense, Russia has begun to change its security strategy by ensuring a higher level of readiness of its armed forces in accordance with existing and foreseeable military dangers and threats, in order to strategically deter and secure its, as it interprets it - "sovereign rights".<sup>20</sup> NATO's efforts to gain a military foothold on Ukrainian territory, in its view, serve to expand the American sphere of influence to the very borders with the Russian Federation. Therefore, the decision of the puppet-controlled President Zelensky from September 14, 2020, which strategically foresees the development of a special partnership with NATO with the ultimate goal of joining this military-political organization, represents a policy of containing Russia, with obvious long-term "geopolitical dividends". Since Russia's attempt to reach an agreement with the USA and NATO on the "principle of equal and indivisible security in Europe" was not achieved, nor were its demands regarding the provision of "security guarantees", including a legally binding statement that Ukraine will not enter NATO, Russia undertook a "special military operation" on February 24, 2022, with the aim of "neutralizing" and "denazifying" Ukraine. This "operation" continues to this day with variable outcomes claiming tens of thousands of lives, causing a mass exodus and material damage on a grandiose scale.<sup>21</sup> Although a significant part of the eastern Ukraine in which the Russian population in the meantime was occupied, with significant western military assistance, Ukraine managed to penetrate the border Russian areas (Kursk and Belgorod oblasts), which increasingly exceeded the international armed conflict. However, despite this latest negative development of the war situation between Ukraine and Russia, it is necessary to notice that it is immediately after the beginning of this armed conflict in the area of Donetsk and Luhansk People's Republic and Kherson and Zaporozhye regions held referendum from September 23 to 27, 2022. Based on referendum statements, agreements have been signed on the accession of these Ukrainian territorial-administrative units to the Russian Federation. The State Duma ratified these agreements on October 3 and they entered into force the same year.<sup>22</sup>

### **International legal assessment of the Russian-Ukrainian armed conflict**

The international legal assessment of the "special military operation" against Ukraine presupposes, first of all, an analysis of the Russian arguments for undertaking such an act. Namely, Russia stated that taking this action implies its right to collective self-defense based on Article 51 of Chapter VII of the United Nations Charter. According to the Russian point of view, this provision covers the military operation in Ukraine since it was approved by the Federal Council of the Russian Federation in accordance with the Treaty of Friendship, Cooperation and Mutual Assistance concluded with the Donetsk and Luhansk People's Republics. From this, it could be concluded that Russia starts

20 Y. Kogan, Russia's national security strategy—Strengthening confrontational sentiment and siege mentality, Reichman University, August 2021, retrieved from: <https://www.runi.ac.il/en/research-institutes/government/ips/activities/newsletter/kogan-1-8-21/>

21 S. Neuman, A. Hurt, The ripple effects of Russia's war in Ukraine continue to change the world, NPR, 22.02.2023, retrieved from: <https://www.npr.org/2023/02/22/1157106172/ukraine-russia-war-refugees-food-prices>

22 The State Duma, The State Duma ratified treaties and adopted laws on accession of DPR, LPR, Zaporozhye and Kherson regions to Russia", 3.10.2022, retrieved from: <http://duma.gov.ru/en/news/55407/>

from the point of view that these two areas achieved remedial secession from Ukraine based on the right to external self-determination of the majority Russian communities. Secession came as a measure of compensation for the violation of the rights of the Russian ethnic community and as a last-ditch corrective measure to right the wrongs committed by the central Ukrainian authorities due to the alleged genocide.<sup>23</sup> The fact is that President Putin by Decree no. 71 and 72 on February 21, 2022, recognized the Donetsk and Luhansk People's Republics, accepting their independence based on the freely expressed will of the local "people".<sup>24</sup> In order to provide peace support, Russia referred to the aforementioned Treaty on Friendship, Cooperation and Mutual Assistance, which is a sufficient legal basis for its armed forces to be located on their territory, without the consent of the central Ukrainian authorities, which, in Russia's opinion, have lost all political legitimacy. Consequently, the violent actions carried out by the central Ukrainian government against the people of the Donetsk and Luhansk People's Republics are for Russia only additional evidence of the "fundamental threat that comes from the expansion of NATO to the East", that is, a sufficient reason to carry out a pre-emptive strike on aggression against which, according to the Charter of the United Nations, the exercise of the right of self-defense is allowed. If we also take into account that before the declaration of independence of the Donetsk and Luhansk People's Republics, Russian President Putin described the situation in Donbas as "horror and genocide, faced by almost four million people", and that after the recognition, he stated that he sympathized with their suffering, justifying the intervention by "protecting people who have faced humiliation and genocide committed by the Kiev regime for eight years", then it is clear what was the main motive for his decision for Russia to undertake a "special military operation" on the territory of Ukraine. When assessing the reasons that should justify such an action, one must not lose sight of the fact that in the period preceding the intervention, Russia extended its personal jurisdiction to pro-Russian residents of disputed areas by issuing approximately 720 thousand passports, which is why President Putin in his speech from February 24, 2022, specifically apostrophized the need to demilitarize and de-Nazify Ukraine and to "bring to justice all those who have committed numerous and bloody crimes against civilians, including citizens of the Russian Federation."

On the other hand, the representatives of Ukraine, led by President Zelensky, did not recognize the annexation of Crimea, nor the secession of the Ukrainian regions of Donetsk and Luhansk, and after the Russian military intervention, the regions of Kherson and Zaporozhye, which were annexed to the Russian Federation. By launching the Russian "special military operation", Ukraine, like Russia, invoked the right to self-defense from Article 51 of the United Nations Charter; only in its case the reference to this right included the inherent right to individual self-defense. The use of force by Russia was the reason for filing a lawsuit at the International Court of Justice in The Hague, on two grounds: The first ground concerns accusations of violation of the provisions of the Convention on Genocide, while the second ground refers to accusations of violation of the Convention for the Suppression of the Financing of Terrorism and the Convention on the Elimination of all Forms of Racial Discrimination. According to the first claim, the International Court of Justice declared itself *prima facie* competent by issuing an order on temporary measures requiring the immediate suspension of the military operation

---

23 S. Sayapin, *An Alleged Genocide of Russian-Speaking Persons in Eastern Ukraine: Some Observations on the Hybrid Application of International Criminal Law by the Investigative Committee of the Russian Federation*, in: S Sayapin, E. Tsybulenko (eds), *The Use of Force against Ukraine and International Law*, Berlin/Heidelberg, Germany: Springer, 2018, pp. 313-328.

24 J. Miklasová, *Russia's Recognition of the DPR and LPR as Illegal Acts under International Law*, *Völkerrechtsblog*, 24.2.2022

in Ukraine.<sup>25</sup> Regarding the second request, the International Court of Justice issued a judgment on January 31, 2024, in which it stated that the Russian Federation, by not taking measures to prosecute suspected persons, violated its obligations from the Convention on the Suppression of the Financing of Terrorism, and that with regard to the introduction of the education system on Crimea after 2014 regarding school education in the Ukrainian language, violated its obligations under the Convention on the Elimination of all Forms of Racial Discrimination.<sup>26</sup> It is interesting that, regarding the accusations of violation of the Convention on Genocide, Russia did not present evidence to prove the genocide committed against members of the Russian ethnic community in Donetsk and Luhansk, although it justified the reasons for military intervention in Ukraine by exercising the right to self-defense. The Ukraine denounced Russia about the violation of the Convention on Genocide before the International Court of Justice, challenging “any attempt to use such manipulative accusations as an excuse for illegal aggression of Russia.” The International Court of Justice stated that the acts complained of by Ukraine may fall under the provisions of the Genocide Convention, as well as other acts or omissions may lead to a dispute falling within the scope of more than one international treaty. In this sense, the Court expressed doubt that the Convention on Genocide, in light of its aim and purpose, allows the unilateral use of force by a contracting party on the territory of another, for the purpose of preventing or punishing the alleged genocide. This should also be mentioned that clear evidence is not indicated that Ukraine committed genocide over the Russian ethnic population, and what the International Court of Justice pointed out in its latest Judgment of February 2, 2024. Namely, the International Court of Justice found that he was competent to examine the request Ukraine that there is no credible evidence that Ukraine is responsible for violating the Convention on Genocide in Donetsk and Luhansk oblasts.<sup>27</sup>

In the context of extremely tense political situation, the International Court of Justice took into consideration the United Nations General Assembly Resolution ES-11/1 adopted at the emergency special session on March 2, 2022. The Resolution expresses regret for the Russian military intervention in Ukraine, which, according to the General Assembly, led to a violation of the territorial integrity and sovereignty of Ukraine, and also resulted in civilian casualties and significant material damage caused by the destruction of Ukrainian military and civilian infrastructure. For these reasons, the General Assembly asked Russia to withdraw its armed forces and to change the decision on the recognition of the self-proclaimed Donetsk and Luhansk People’s Republics. A similar wording was used a little earlier by the Secretary General of the United Nations, Antonio Guterres, pointing out that Russia’s decision to recognize the “independence” of Ukrainian areas is a direct violation of Ukrainian sovereignty and integrity, which leads to a “distortion of the concept of peacekeeping”. After that, on April 7, 2022, the General Assembly voted Resolution A/RES/ES-11/3, which suspended Russia’s membership in the Human Rights Council. Finally, at an emergency special session held on October 12, 2022, the United Nations General Assembly adopted Resolution 12458, which condemned Russia’s attempted annexation of the Donetsk, Kherson, Luhansk and Zaporozhye regions following the September referendums held in these regions in

---

25 ICJ, Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation) Request for the indication of provisional measures, ICJ, Summary, 16.03.2022.

26 ICJ, Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all Forms of Racial Discrimination (Ukraine v. Russian Federation), Judgment, 31.01.2024.

27 ICJ Press Release, Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), No. 2024/59, 6.08.2024.

Ukraine. After the reaction of the United Nations due to the Russian attack on Ukraine, and the gradual deterioration of the political situation after the provision of considerable military aid to Ukraine and the introduction of sanctions against the Russian Federation by the EU and Western countries led by the USA, the International Court of Justice suspended the proceedings on the merits following Russia's previous objections. 32 countries intervened in the proceedings before the ICJ, which was a sign that the international community is seriously concerned about the escalation of the conflict in Ukraine.<sup>28</sup> This also calls into question the Russian argument about the right to use force in Ukraine. However, it should be taken into account that international law does not exclude this possibility in exceptional situations. As a reminder, in the Covenants on Human Rights from 1966, as well as in the Declaration on the Principles of International Law on Friendly Relations and Cooperation between States in accordance with the Charter of the United Nations adopted with General Assembly Resolution 2625(XXV) of October 24, 1970, the possibility of exercising the external right to self-determination as a "right to secession" is foreseen, provided that the states do not act in accordance with the principle of equality according to which all peoples are guaranteed "equal access to the government", i.e. the right to exercise internal self-determination. In other words, international law prohibits invoking the right to self-determination for the purpose of dismemberment or violation of territorial integrity or independence, but this prohibition applies only to states that behave in accordance with the principle of equality and the right to self-determination and in which there is a government that represents the entire people without making distinctions in terms of race, religion or skin color. Where this is not the case, i.e. where the government does not represent the entire people or where the government discriminates and represses, international law does not exclude the exercise of the external right to self-determination, i.e. the "right to secession".<sup>29</sup> The basis of this interpretation is the ineffective behavior of the state on the internal political level, where a certain group is denied the free determination of its own political status, which creates the possibility of realizing the "right to secession" which represents the ultima ratio, i.e. the last corrective tool or compensation for the injustice committed. In this sense, although the secessions of Crimea, Donetsk and Luhansk were not foreseen by the Ukrainian constitution nor did they result from a political agreement with the central authorities in Kyiv, this does not mean that these territories, where the predominantly ethnic Russian population lives, did not have the right to external self-determination, i.e. "right to secession". All the more so, since in unstable socio-political circumstances such as those in Ukraine, starting in 2014, all attempts to peacefully resolve the dispute with the installed government in Kyiv failed, which is why these territories were declared independent after referendums were held, and in the case of Crimea, until joining the Russian Federation. This process continued even after the start of the "special military operation", to end with the annexation of the Ukrainian regions of Donetsk, Luhansk, Kherson and Zaporozhye to Russia. The aforementioned territorial changes should be seen in the context not only of the general international law rule on the prohibition of the use of force, but also in the context of the exercise of the external right to self-determination. In the situation of invoking the right to self-defense for the sake of "demilitarization" and "denazification", the interpretation of this right is quite complex, since the alleged legal use of force is directed directly against the sovereignty, territorial

---

28 ICJ, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* 32 States intervening, Judgment, 2.02.2024.

29 K. Doehring, *Self-Determination*, in: Bruno Simma (ed.), *The Charter of the United Nations: A Commentary*, Vol. I, Oxford UK: University Press, 2002, para. 29; C. Tomuschat, *Secession and Self-Determination*, in: Marcelo G. Cohen (ed.), *Secession, International Law Perspectives*, Cambridge, UK: University Press, 2006.

integrity and political independence of Ukraine. Hence, it is very difficult to determine the legal reasons by which the “special military operation” would be justified, even within the framework of the flexibly set legal concept of remedial secession. The claims about genocide, repression and discrimination committed by the illegitimate Ukrainian authorities against the Russian ethnic community are not convincing in this sense either. Consequently, the intervention that Russia undertook in Ukraine without a decision of the Security Council with the intention of providing alleged humanitarian aid to the inhabitants of the Donbas and other Ukrainian areas, in the conditions of an internal armed conflict, and in order to provide armed support to the legitimate representatives of the secessionist authorities, represents a prelude to a gross violation of the principle of non-intervention and rules on the sovereign equality of states provided for in the UN Charter. Therefore, regardless of the fact that this military operation in Ukraine was approved by the Federal Council of the Russian Federation and is in accordance with the Treaty of Friendship, Cooperation and Mutual Assistance concluded with the Donetsk and Luhansk People’s Republics, it does not justify Russian armed intervention from the point of view of international law. All the more, because the use of force, even in self-defense according to current international law, is not justified by any reason of any nature, be it political, economic, and military or some other such as “pro-democratic goals” or the protection of human rights. The right to self-defense cannot be interpreted *latu sensu*, because then such an “exception” would relativize the cogent basis (*jus cogens*) of the positive international order, which prohibits the unilateral use of force in international relations. Finally, the International Court of Justice in the case concerning Military and Paramilitary Activities in and against Nicaragua clearly indicated that there is no rule of customary international law according to which states have the right to exercise self-defense based on their own assessment of the situation.<sup>30</sup>

## **Conclusions**

Following the findings from the previous considerations, it could be concluded that Russia has very little room for maneuver to invoke the legal use of force, that is, the use of the right to (collective) self-defense in accordance with the UN Charter. All the more so, because the argument that the expansion of NATO represents an “immediate threat” to Russian security, which is why Russia must react preventively (through the so-called pre-emptive or anticipatory self-defense) in order to deter, has a political rather than an international legal meaning and justification.<sup>31</sup> If it is taken into account that this “policy of deterrence” includes deterrence through the use of nuclear weapons, then such an interpretation is in clear contradiction with the spirit and letter of Article 51 of the Charter and the general prohibition on the use of force and the threat of force in international relations. This and because in international practice there is a “more or less” reasonable opinion that necessity and proportionality can constitute a good test for determining whether the use of force in a specific case also means self-defense.<sup>32</sup> The question of

---

30 ICJ, Case concerning Military and Paramilitary Activities in and against Nicaragua, International Court of Justice Report, 1986.

31 D. Dimitrijević, Sukob u Ukrajini i pravo na upotrebu sile, *Međunarodna politika*, 2022, No. 1186, pp. 7-34; Y. Dinstein, *War, Aggression and Self-Defence*, Cambridge UK; University Press, 2005; L. Van den Hole, Anticipatory Self-Defence under international Law”, *American University International Law Review*, 2003, Vol. 19, No. 1, pp. 69-106; S. D. Murphy, *Contemporary Practice of the United States relating to International Law*, *American Journal of International Law*, 2002, Vol. 96, pp. 579-609; G. K. Walker, Anticipatory Collective Self-Defense in the Charter Era: What the Treaties Have Said, *Cornell International Law Journal*, 1988, Vol. 31, No. 2, pp. 325-374.

32 N. M. Feder, Reading the UN Charter connotatively: Toward a New Definition of Armed Attack, *New York University Journal of International Law and Politics*, 1987, Vol. 19, pp. 395-432; J.P. Cot, A.

necessity and proportionality helps states to distinguish between unlawful reprisals and internationally permissible self-defense. Also, necessity and proportionality allow states to reject claims for “quasi-legal” self-defense. If in the specific case it is established that there was an armed attack on Russia, then there would be no possibility on the part of Ukraine to deny the legality of the use of force by Russia. On the other hand, if the use of force would mean retaliation or punishment, then the use of force would not mean self-defense. Then the interpretation of the Ukrainian authorities regarding the exercise of its right to individual self-defense against Russian aggression would be correct. That thesis, however, corresponds more to the aspirations of the USA and other Western powers to expand their spheres of influence, than to Ukraine itself, since it does not ensure greater freedom of individual action, but rather its exercise is directly conditioned by the obligation of the mostly illegitimate authorities in Kiev that Ukraine accede for NATO, what *stricto sensu* is, the playing out of the original will of the creators of the Charter to centralize the right to use force through the collective security system of the United Nations. Finally, one could conclude that frequent extensive interpretations of the right to self-defense in the modern period of the development of international relations have led to an obvious deformation of the collective security system of the United Nations. This is evidenced by the tenacious persistence of the great powers in the belief that they have a global mission to interfere in the internal affairs of other countries. The manifested tendency to “re-absolutize” the policy of force is most visibly manifested precisely in the application of the right to self-defense, where the great powers, permanent members of the Security Council (above all, the USA and Russia), contribute to its further relativization. The mentioned developments reflect the reactionary period of the development of international relations in which numerous changes are introduced through the institutional system of the United Nations to the concept of “inherent” rights of states, which *inter alia* includes the right to self-defense, which consequently leads to numerous deviations in international practice.<sup>33</sup>

### **Bibliography**

1. Alma-Ata Declaration (1992). International Legal Materials, No. 31.
2. Blum, Y.Z. (1992). Russia takes over the Soviet Union’s Seat at the United Nations”, *European Journal of International Law*, Vol. 3, No. 2.
3. Cassese, A. (1999). *Ex iniuria ius oritur: Are We Moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community*, *European Journal of International Law*, Vol. 10, No. 2.
4. Combacau, J. (1986). The Exception of Self-Defence in UN Practice”, in: A. Cassese (ed.), *Current Legal Regulation of the Use of Force*, Dordrecht, Boston, London.
5. Cot, J.P., Pellet, A. (1991). *La Charte des Nations Unies: Commentaire article par article*, Paris: Economica.
6. Council on Foreign Relations (2024). *Conflict in Ukraine*, Global Conflict Tracker, 13.02.2024.

---

Pellet, *La Charte des Nations Unies: Commentaire article par article*, Paris: Economica, 1991, p. 772.

33 L. Henkin, *How Nations Behave: Law and Foreign Policy*, New York, USA: Columbia University Press, 1979; O. Schachter, *Self-Defence and the Rule of Law*, *American Journal of International Law*, 1989, Vol. 83, pp. 259-277; J. Combacau, *The Exception of Self-Defence in UN Practice*”, in: A. Cassese (ed.), *Current Legal Regulation of the Use of Force*, Dordrecht, Boston, London, 1986; A. Cassese, *Ex iniuria ius oritur: Are We Moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community*, *European Journal of International Law*, 1999, Vol. 10, No. 2, pp. 23-30.

7. Crowley, M., Wong, E. (2022). U.S. Sanctions Aimed at Russia Could Take a Wide Toll, *The New York Times*, 29.1.2022.
8. Declaration by the Heads of State of the Republic of Belarus, the Russian Soviet Federative Socialist Republic; Agreement on the Establishment of the Commonwealth of Independent States, between the Republic of Belarus, the Russian Federation (RSFSR) and Ukraine of 8 December 1991 (1992). *International Legal Materials*, No. 31.
9. Declaration on the Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union of 17 December 1991, Annex II (1992), *International Legal Materials*, Vol. 31 (UN Security Council Document S/23293).
10. Dimitrijević, D. (2020). „Međunarodnopravni tokovi secesije država”, u: Jelena Perović Vujačić, *Unifikacija prava i pravna sigurnost*, Beograd, Srbija: Kopaonička škola prirodnog prava – Slobodan Perović.
11. Dimitrijević, D. (2021). „Secesionistički procesi - faktori očuvanja ili narušavanja mira i bezbednosti na prostoru bivšeg SSSR-a”, u: Dragan Petrović (ur.), *Konfliktne zone na post-sovjetskom prostoru i regionalna bezbednost*, Beograd, Srbija: Institut za međunarodnu politiku i privredu.
12. Dimitrijević, D. (2022). Sukob u Ukrajini i pravo na upotrebu sile, *Međunarodna politika*, No. 1186.
13. Dinstein, Y. (2005). *War, Aggression and Self-Defence*, Cambridge UK: University Press.
14. Doehring, K. (2002). Self-Determination”, in: Bruno Simma (ed.), *The Charter of the United Nations: A Commentary*, Vol. I, Oxford UK: University Press.
15. Đukić, S. (2011). *Kraj SSSR-a i Rusija*, Beograd, Srbija: Službeni glasnik.
16. Feder, N. M. (1987). Reading the UN Charter connotatively: Toward a New Definiton of Armed Attack, *New York University Journal of International Law and Politics*, Vol. 19.
17. Getmanchuk, A. (2022). Russia as aggressor, NATO as objective: Ukraine’s new National Security Strategy, Atlantic Council, 30.09.2022, retrieved from: <https://www.atlanticcouncil.org/blogs/ukrainealert/russia-as-aggressor-nato-as-objective-ukraines-new-national-security-strategy/>
18. Goncharenko, R. (2014). Ukraine’s forgotten security guarantee: The Budapest Memorandum, *Deutsche Welle*, 5.12.2014.
19. Grant, T. D. (2015). *Aggression against Ukraine: Territory, Responsibility and International Law*, London UK: Palgrave MacMillan.
20. Hazard, J. N. (2002). Soviet Republics in International Law, in: R Bernhardt (ed.), *Encyclopedia of Public International Law*, Amsterdam, North-Holland: Max Planck Institute for Comparative Public Law and International Law.
21. Henkin, L. (1979). *How Nations Behave: Law and Foreign Policy*, New York, USA: Columbia University Press.
22. ICJ (1986). Case concerning Military and Paramilitary Activities in and against Nicaragua”, *International Court of Justice Report*.
23. ICJ (2022). Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation) Request for the indication of provisional measures, ICJ, Summary, 16.03.2022.
24. ICJ (2024). Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation) 32 States intervening, Judgment, 2.02.2024.

25. ICJ Press Release (2024). Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), No. 2024/59, 6.08.2024.
26. ICJ (2024). Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all Forms of Racial Discrimination (Ukraine v. Russian Federation), Judgment, 31.01.2024.
27. Kogan, Y. (2021). Russia's national security strategy– Strengthening confrontational sentiment and siege mentality, Reichman University, August 2021, retrieved from: <https://www.runi.ac.il/en/research-institutes/government/ips/activities/newsletter/kogan-1-8-21/>
28. Krone-Shmalz, G. (2015). Russland verstehen: Der Kampf um die Ukraine und die Arroganz des Westens, München, Germany: Beck C. H.
29. Miklasová, J. (2022). Russia's Recognition of the DPR and LPR as Illegal Acts under International Law, Völkerrechtsblog, 24.2.2022.
30. Murphy, S. D. (2002). Contemporary Practice of the United States relating to International Law, American Journal of International Law, Vol. 96.
31. Neuman, S., Hurt, A. (2023). The ripple effects of Russia's war in Ukraine continue to change the world, NPR, 22.02.2023, retrieved from: <https://www.npr.org/2023/02/22/1157106172/ukraine-russia-war-refugees-food-prices>
32. Ponomarenko, I. (2018). Ukraine withdraws all envoys from CIS bodies, Kyiv Post, 19.5.2018.
33. Press Conference United Nations Secretary-General, 22.02.2022., retrieved from: <https://www.un.org/sg/en/content/sg/press-encounter/2022-02-22/secretary-generals-pressencounter-ukraine>.
34. Protocol to the Agreement on the Establishment of the Commonwealth of Independent States signed on December 8, 1991 at the city of Minsk, by the Republic of Belarus, the Russian Federation (RSFSR) and Ukraine, between the Republic of Azerbaijan, Republic of Armenia, Republic of Belarus, Republic of Kazakhstan, Russian Federation, Republic of Tajikistan, Turkmenistan, Republic of Uzbekistan and Ukraine (1992). Alma-Ata, 21 December 1991, International Legal Materials, No. 31.
35. Rahaman Sarkar, A., Marcus, C., Giordano, J. (2022). Dozens dead and airports bombarded after Putin invades Ukraine - live, The Independent, 24.02.2022.
36. Roland R. (1993). Recognition of States: The Collapse of Yugoslavia and the Soviet Union, European Journal of International Law, Vol. 4, No. 1.
37. Sayapin, S. (2018). An Alleged Genocide of Russian-Speaking Persons in Eastern Ukraine: Some Observations on the Hybrid Application of International Criminal Law by the Investigative Committee of the Russian Federation", in: S Sayapin, E. Tsybulenko (eds), The Use of Force against Ukraine and International Law, Berlin/Heidelberg, Germany: Springer.
38. Schachter, O. (1989). Self-Defence and the Rule of Law, American Journal of International Law, Vol. 83.
39. Sterio, M. (2018). Secession in International Law - A New Framework, Cheltenham, UK: Edward Elgar.
40. The State Duma (2022). The State Duma ratified treaties and adopted laws on accession of DPR, LPR, Zaporozhye and Kherson regions to Russia", 3.10.2022, retrieved from: <http://duma.gov.ru/en/news/55407/>
41. Tomuschat, C. (2006). Secession and Self-Determination", in: Marcelo G.

- Kohen (ed.), *Secession, International Law Perspectives*, Cambridge, UK: University Press.
42. Van den Hole, L. (2003). "Anticipatory Self-Defence under international Law", *American University International Law Review*, Vol. 19, No. 1.
  43. Voitovich, S. (1993). "The Commonwealth of Independent States: An Emerging Institutional Model", *European Journal of International Law*, Vol. 4, No. 3.
  44. Wagner, M. K. (2014). "Das große Rätsel um Genschers angebliches Versprechen", *Frankfurter Allgemeine Zeitung*, 19.04.2014, retrieved from: <https://www.faz.net/aktuell/politik/ost-erweiterung-der-nato-was-versprach-gensch-12902411.html>.
  45. Walker, G. K. (1988). "Anticipatory Collective Self-Defense in the Charter Era: What the Treaties Have Said", *Cornell International Law Journal*, Vol. 31, No. 2.
  46. Yehuda Z. B (1992). "Russia takes over the Soviet Union's Seat at the United Nations", *European Journal of International Law*, Vol. 3, No. 2.

### MEĐUNARODNI PRAVNI PREGLED RATA U UKRAJINI

*Apstrakt: Pošto pokušaj Rusije da postigne dogovor sa SAD i NATO o „principu jednake i nedeljive bezbednosti u Evropi” nije realizovan, kao ni njeni zahtevi u vezi sa davanjem „bezbednosnih garancija”, uključujući pravno obavezujuću izjavu da Ukrajina neće ući u NATO, Rusija je preduzela „specijalnu vojnu operaciju” 24. februara 2022. U analizi koja sledi polazi se od teze da je pozadina ovog sukoba konkurencija velikih sila – SAD i Rusije, za proširenjem, odnosno zadržavanjem sfera uticaja. Da bi se dala realna međunarodnopravna ocena sukoba u Ukrajini, u radu je najpre data istorijsko-politička pozadina ukrajinsko-ruskog spora koja potiče iz doba Hladnog rata i procesa raspada Sovjetskog Saveza (SSSR) koji je doveo do ozbiljnog narušavanja ravnoteže snaga u svetu. Globalna neravnoteža dovela je do globalne političke podele i polarizacije, koja se i danas ogleda u rusko-ukrajinskom oružanom sukobu, a što je prema autorovom mišljenju, ozbiljna opomena za još uvek važeći pravni sistem Ujedinjenih nacija, čija se osnovna vrednost održavanje međunarodnog mira i bezbednosti.*

*Ključne reči: Rusko-ukrajinski sukob, Povelja Ujedinjenih nacija, međunarodna pravna zabrana upotrebe sile, međunarodna bezbednost*