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RUSSIAN INVASION IN UKRAINE: A LEGAL ANALYSIS- Diwakar Dhakal¹**Abstract**

This paper focuses on the tensions between Russia and the West over Ukraine, which have been bubbling for many years since the Cold War in light of international law. Russia's unremitting steps in 2021 as it amassed around 100 thousand troops on the border of Ukraine, but unlike 2014's invasion in Crimea, Ukraine hasn't been entirely under Russia's grip yet. A distinct image of a common past and a shared historical background further implies the involvement of nationalistic and geostrategic awakenings. The fallout of the invasion contributed to a broken peace and a shifting political landscape in Ukraine's internal sphere. With the diverse prospect of future Russian or other state transgressions, necessary discussions regarding the fundamental ideas of state sovereignty and territorial integrity remain called for. Is precluding any state from entering into diplomatic relations or alliances permissible? What If Ukraine Joins NATO? Will the West threaten Russia with severe international sanctions for its expansionist tendencies? Are sanctions as effective as highlighted by the West, and can the veto power of the P5 hinder their effectiveness? Examining such questions with the concept of self-defence to guard one's state within a gamut of legal practices has become crucial in recent transnational border affairs.

Keywords: *Invasion, Ukraine, International Law, Sovereignty, Self-Defense*

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Introduction

The propensity for hegemony has led some countries to establish self-delineated boundaries at the present time. The geopolitical climate triumphs over solidarity and harmonious co-existence, where the foundational ideas of territorial integrity, sovereignty, and self-defence get reawakened at every step as per one's comfort.² To a greater extent, international law is subverted or outwitted when it's against the principal state and when the mammoth military of some states laissez-passers them to bend global rules to validate their actions.

When it comes to Russia, ideas of invasion ring louder than ever as it toughens its troops along the Ukrainian border. Though left to chance, the pet theory of invasion cannot be renounced without consideration, as it has sufficient potency to reform the existing structure of states and produce a paradigm of augmentation for one's interests—moreover, international law harbours solutions for the problems postulated by such acts. However, what remains to be seen is how successfully they are executed and to what extent the states stick to them. Therefore, it's paramount to hold on to international law so it holds on to us.³

From Shared History to Conflict: Russia-Ukraine Relations

Ravenous Russia, the largest country in the world, shares affine socio-cultural ties⁴ with Ukraine, as both constituted the retrospective epoch of the Soviet Union as one. The special relationship that these two countries emanate dates back even before the days of the Russian Empire in the 18th century.⁵ Moreover, Ukrainian men played a pivotal role as part of the Soviets in flattening Germany in World War II (1935–1945), where millions of Russian workers worked in Ukraine

² Jean-Marc, Coicaud & Nicholas J, Wheeler. (eds), (2008) *National Interest and International Solidarity: Particular and Universal Ethics in International Life* (United Nations University Press)

³ William R, Slomanson (1990), *Fundamental Perspectives on International Law*, West Publishing Company.

⁴ Krishnadev, Calamur (2014) 'Why Ukraine Is Such A Big Deal For Russia', NPR 21 February available at <https://www.npr.org/sections/parallels/2014/02/21/280684831/why-ukraine-is-such-a-big-deal-for-russia> accessed on 2-22-2024

⁵ *Ibid*

and the other way around, and markedly, the Russia–Ukraine border is the world's second-largest migration corridor.⁶

Unquestionably, Crimea's ethnic composition consists of a Russian-speaking population. The Russian troops crossed the border in 2014 with a justification: “to ensure proper conditions for the people of Crimea to be able to express their will freely.” On March 6, the Crimean parliament decided to secede from Ukraine and join the Russian Federation. But the common concept was that the referendum was rigged and tilted towards Russian interests, as armed personnel were present at the sanctum balloting place, and numerous voting asymmetries were reported. Eventually, on March 21, President Putin formally passed the law (ratified) to fuse Crimea into the Russian Federation.⁷ Subsequently, pro-Russian gunmen besieged government buildings in Luhansk, Donetsk, Horlivka, and Kramatorsk in eastern Ukraine. The death count in this tug-of-war has reached 14,000 since the beginning of the conflict, as per the report given by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). In contrast, the actual death toll is likely to be much higher.⁸

In the contemporary climate, when there is a menace of annexation from the Russian side, notwithstanding that it is not formal, the Ukrainian authorities are assessing the chances of 2014 repeating itself from top to bottom. Moreover, the warning stems from the Russian Federation's opposition to Ukraine's involvement in NATO (1949) in any capacity and its unwillingness to accept the West's aggressive approach and military solace for Ukraine. Ukraine's increased engagement with the West may open doors for NATO to entrench a closer presence near its frontier in what Russia calls "the Near Abroad,".⁹ NATO's military activities in Eastern Europe, especially the 1999 Belgrade bombing,¹⁰ and its attempt to jack up spheres of influence in the

⁶*Ibid*

⁷The crisis in Crimea and eastern Ukraine, *Britannica*, available at <https://www.britannica.com/place/Ukraine/The-Poroshenko-administration> : accessed on 2-19-2024

⁸*Ibid.*

⁹Robert, Kagan ‘*New Europe, Old Russia*’ (Carnegie Endowment for International Peace, 6 February 2008), available at <https://carnegieendowment.org/2008/02/06/new-europe-old-russia-pub-19898> accessed on 2-21-2024

¹⁰J.L, Black (1999), *Russia Faces NATO Expansion: Bearing Gifts or Bearing Arms?* Lanham, MD: Rowman & Littlefield Publishers, p.110-15

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East, especially in Georgia and Ukraine, have vivified Russia to amass troops on the borders of Ukraine.¹¹ To ensure that the chances of an explosive outbreak are slashed, the Russian Federation withheld Ukraine's right to join NATO and wants it to travel back to its pre-1997 borders.¹² Aside from that, recent Russian manoeuvring has inflamed the probability of itself conjoining with the separatist groups of the Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR) to control the Donbas region of Ukraine.¹³ The concept of "Novorossiya" has frightened Ukraine regarding realisable Russian expansion since it's about historically Russian territories in Eastern Ukraine.¹⁴

Fallout of the Crimea Invasion: Broken Peace and Shifting Politics

Following the invasion in 2014, bilateral monetary ties between Russia and Ukraine arrived at a breaking point when Ukraine halted purchasing gas from Russia and began acquiring it on the open European market.¹⁵ After 2014, Russia erected a high-security fence along the Crimean border with Ukraine, initiating a giant quantity of infrastructure; the entire Crimean vicinity is now under Russian dominance. Ukraine's president, Yanukovich, has noted that Crimea is Ukrainian territory and that unchaining it is also Ukraine's chief goal. Putin, on the other hand, believes that it is Russian territory.¹⁶ On September 5, 2014, France, Germany, Russia, and Ukraine came up with the end settlement in Belarus, known as the Minsk I agreement. According to the first Minsk agreement, Ukraine and Russian-backed separatists reached a 12-point cease-

¹¹ Paul, Kirby (2022) "Why is Russia invading Ukraine, and what does Putin want?", BBC, 24 February.

¹²*Ibid.*

¹³Samir, Puri (2021) "Why is Russia amassing troops at its border with Ukraine?", IISS, 3 December available at <https://www.iiss.org/en/online-analysis/online-analysis/2021/12/why-is-russia-amassing-troops-at-its-border-with-ukraine/> accessed on 2-22-2024

¹⁴ Roger, McDermott (2014) *Putin's War for Novorossiya*, The Jamestown Foundation, Eurasia Daily Monitor Volume: 11 Issue: 152, September 2 <https://jamestown.org/program/putins-war-for-novorossiya/> accessed on 2-22-2024

¹⁵"Ukraine halts Russian gas imports over price dispute" France 24, 07 January 2015 available at (<https://www.france24.com/en/20150701-ukraine-russian-gas-imports-price-dispute-ukrtransgaz-gazprom>) accessed on 2-22-2024

¹⁶"Ukraine crisis: Viktor Yanukovich decries Crimea 'tragedy'", BBC, 2 April 2014 available at (<https://www.bbc.com/news/world-europe-26857734>) accessed on 2-22-2024

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fire agreement in Belarus, consisting of a package of measures, including a ceasefire, withdrawal of heavy weapons from the front line, release of prisoners of war, constitutional reform in Ukraine granting self-government to certain areas of Donbas, and restoring control of the state border to the Ukrainian government.¹⁷

Consequently, the settlement fell aside promptly, with each event breaking it. Russia, Ukraine, the Organization for Security and Cooperation in Europe (OSCE), and the leaders of the two pro-Russian separatist areas signed a 13-point agreement in Minsk in February 2015. This agreement also failed indecisively.¹⁸ After all of this, Ukraine's president, Viktor Yanukovich, was impeached on February 20, 2014. The Ukrainian authorities were overthrown.¹⁹ Elections were held again, and Petro Poroshenko was elected Ukraine's new president. The pro-European businessman Petro Poroshenko won a landmark presidential election with 56% of the vote.²⁰ He agreed to apply the Steinmeier formula (proposed by the German Federal President, erstwhile foreign minister Frank Walter Steinmeier, as an alternative to the Minsk Agreement 2014). According to this agreement, Ukraine must grant self-government status to the territories of the Donetsk and Luhansk regions only after holding local elections; however, this did not occur because Ukraine had its own set of conditions. As Ukraine knew that this vicinity included separatists and pro-Russians, if the elections were performed, this location would go to Russia. Ukraine couldn't afford to lose these regions as it had already lost Crimea.²¹ On April 21, 2019, famous television comic actor and political novice Volodymyr Zelenskiy crushed incumbent president Petro Poroshenko in the second round of Ukraine's presidential election by garnering

¹⁷ "Ukraine-Russia crisis: What is the Minsk agreement?" *AL Jazeera*, 9 Feb 2022 available at (<https://www.aljazeera.com/news/2022/2/9/what-is-the-minsk-agreement-and-why-is-it-relevant-now>) accessed on 2-22-2024

¹⁸*Ibid.*

¹⁹"Ukraine President Yanukovich impeached" *AL Jazeera*, 22 February 2014 available at <https://www.aljazeera.com/news/2014/2/22/ukraine-president-yanukovich-impeached> The impeachment, which was backed by 328 of the 447 deputies, argues that Yanukovich abused his powers) accessed on 2-22-2024

²⁰"Petro Poroshenko wins Ukraine presidency, according to exit polls" *The Guardian*, 25 May 2014 available at (<https://www.theguardian.com/world/2014/may/25/petro-poroshenko-ukraine-president-wins-election>) accessed on 2024-02-22

²¹ CS, Christensen (2020) '*Analyzing Political Tensions Between Ukraine, Russia, and the EU*', in Chapter 14: The 'Steinmeier Formula': A Path to Peace? at pp. 299–317

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over 73 per cent of the vote. President Zelensky is thus the first Jewish president of an East European country who is still at the forefront of reinvigorating efforts to combat Russia's invasion.²²

Ukraine, Sovereignty, and the Limits of International Law

The activities around Ukraine do not imply a frozen conflict with no active hostilities. Due to such a landscape, international law must be gazed at from various angles to ensure commitment to uphold universal peace.²³ The laxity of an independent authority in implementing international law is an inadmissible reason to dispense with such norms, as they serve as cognitive and explanatory devices, and their absence would lead to an enormous depreciation in whatever the world has achieved over the last seven decades.²⁴

It all started with the Peace of Westphalia (1648), the foundation of the modern concept of state sovereignty. The treaties proposed "moderation of interstate belligerence by a balance of power in which States endeavour to ensure that no actor within the international system wields a broad measure of power that could upset the equilibrium."²⁵ Further, natural law school theorists and German philosopher Immanuel Kant (1724–1804) adhered to establishing a community of nations to regulate interstate ties by subordinating sovereignty to law.²⁶ However, international relations' military and political might made the goal unreachable. Today, the term in discussion

²²"Ukraine election: Comedian Zelensky wins the presidency by a landslide," *BBC*, 22 April 2019 available at (<https://www.bbc.com/news/world-europe-48007487>) accessed on 2-22-2024

²³ D, Corboy., W, Courtney., & K, Yalowitz (2014) "Hitting the Pause Button: The 'Frozen Conflict' Dilemma in Ukraine", *The National Interest*, 6 November available at (<https://nationalinterest.org/feature/hitting-the-pause-button-the-frozen-conflict-dilemma-ukraine-11618?nopaging=1>) accessed on 2-23-2024

²⁴*Ibid.*

²⁵P.H, Wilson (2009) *Europe's Tragedy: A History of the Thirty Years War*, Harvard University Press, at p. 754

²⁶MR, Mazzanti., '*From State Responsibility to Responsibility to Protect*', Political Science, Institutud'études politiques de Paris - Sciences Po, 2013 available at <https://sciencespo.hal.science/tel-03657509/document> accessed on 2-23-2024

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rests on the principle that the concerned statehood is free to pursue its internal matters without external influence, which indicates that the government controls its people, resources, etc.²⁷

In addition, the principles of international law prescribe a collection of rules and norms to uphold global security, indicating that states are obliged to their acts if they surpass the agreeable boundaries of behaviour and deter other states from exercising sovereignty.²⁸ The UN Charter of 1945, Article 2(4), prohibits threats or using force for general peace.²⁹ The diplomatic arsenal and democratic processes must be exhausted before military use. Further, title to territory and sovereignty hinges on international recognition, which in Ukraine's case is a condition fulfilled by clear validation from countries across the globe, including Russia.³⁰ As a result, Ukraine exercises sovereignty over its territory and legitimate authority over all the illegitimate Russian-occupied territories.

Defending Ukraine: Legitimate Authority and the Fight for Territorial Integrity

The Ukrainian government is democratically elected by the sensible minds of the state, where it clutches power to legitimise its authority. Russian conditions regarding Western arms exports to Ukraine are indefensible, considering that international law permits the transfer of training and weapons from the army or personnel of legitimate authorities.³¹ The Resolution 68/262, titled

²⁷J.R, Crawford (2007), *"The Criteria for Statehood: Statehood as Effectiveness,"* pp. 37–95 available at <https://web.archive.org/web/20150420192351id/http://www.ilsa.org:80/jessup/jessup13/British%20Yearbook%20of%20International%20Law-1977-Crawford-93-182.pdf> accessed on 2-24-2024

²⁸ R, Geiss., & N, Melzer., (Eds.), (2021), *The Oxford Handbook of the International Law of Global Security*, Oxford University Press, pp. 46-51

²⁹Charter of the United Nations, art 2 available at <https://www.un.org/en/about-us/un-charter/chapter-1> accessed on 2-24-2024

³⁰United Nations Security Council, (2014, April 19), *Security Council 7144th meeting* [Meeting record] available at https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7144.pdf accessed on 2-23-2024

³¹ Patrycja, Grzebyk (2022) *Escalation of the Conflict between Russia and Ukraine in 2022 in Light of the Law on Use of Force and International Humanitarian Law*. Polish Yearbook of International Law 2022, vol. XLI, pp. 145-162, DOI 10.24425/PYIL.2022.142344 available at <https://deliverypdf.ssrn.com/delivery.php?ID=58602409000411007109309902011711710503605306704506208709109009511901306408509909110403301601203104804801308608702909708811202000909409400906409009102>

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“Territorial Integrity of Ukraine,” recalls Article 2(4). At the same time, the United Nations General Assembly's (1945) Resolution 2625 (XXV) result, the Friendly Relations Declaration, 1970, debars territories from being assertively acquired by another state and crafts rules and norms that are likeable to international lawyers and states to bolster “friendly relations.”³² The International Court of Justice (1945), in the Corfu Channel case (1947–1949), emphasised that “between independent states, respect for territorial sovereignty is the crux of international relations.”³³ Further, acts like the Helsinki Final Act (1975) and the Treaty on Friendship between Russia and Ukraine (1997) amount to respect for the boundaries of the European states and unqualified acknowledgement of the periphery of the quondam constituents of the Soviet Union, especially Ukraine, inclusive of Crimea.

Moreover, the Russian Federation doesn't hold any cognisable rights over the territory of its neighbours.³⁴ The foreign policy embodied by the Russian government in 2013 castigated coercive and arbitrary actions taken outside the defined fabric of the United Nations Security Council (1945) and disgraced politically motivated interpretation of international laws³⁵ when dealing with the ideas of state sovereignty, territorial integrity, and people's right to self-determination. Further, when an active threat of invasion looms over Ukraine, the G7 countries have warned Russia against using any force to change the international border, as it is carefully prohibited under international law.³⁶

[1126091119082127055062048111124127090102120070001093095026083093023090002022102087017007001111025098101&EXT=pdf&INDEX=TRUE](https://www.ijalr.in/1126091119082127055062048111124127090102120070001093095026083093023090002022102087017007001111025098101&EXT=pdf&INDEX=TRUE) accessed on 2-24-2024

³² JE, Vinuales. (Eds.), (2020) *The UN Friendly Relations Declaration at 50: An Assessment of the Fundamental Principles of International Law*, Cambridge University Press.

³³United Kingdom of Great Britain and Northern Ireland v Albania [1949] ICJ available at <https://www.icj-cij.org/case/1> accessed on 2-25-2024

³⁴Thomas, Grant .(2005), "Russia's Invasion of Ukraine: What does International Law Have to Say?" *Lawfare*, 25 August available at <https://www.lawfaremedia.org/article/russias-invasion-ukraine-what-does-international-law-have-say> accessed on 2-24-2024

³⁵"The Concept of the Foreign Policy of the Russian Federation" *The Ministry of Foreign Affairs of the Russian Federation*, 31 March, 2023.

³⁶Lara, Jakes. (2021) "Diplomats Warn Russia of 'Massive Consequences' if It Invades Ukraine", *New York Times*, 12 December available at <https://www.nytimes.com/2021/12/12/us/politics/g7-russia-ukraine.html> accessed on 2-25-2025

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Beyond Russia's Shadow: Ukraine's Pursuit of Alliances and Self-Preservation

In this era of multi-polar globalisation, countries must interact with one another to sustain peace and realise their needs. The countries shall not be restricted from forging cooperative international relations, where every diplomatic relations approach to international law-making and compliance highlights corresponding foreign policy decision-making.³⁷ In the celebrated case of *Nicaragua v. United States of America* (1984), regarding military and paramilitary activities, the ICJ, concerning an alliance in particular, articulated, "Similar considerations apply. Whatever the impact of individual alliances on regional or international political-military balances, the Court can only deem such questions from the standpoint of international law. From that aspect, it is adequate to say that state sovereignty extends to the ambits of its foreign policy, and there is no rule of customary international law to avert a state from choosing and conducting a foreign policy in coordination with that of another state."³⁸ The particular judgment was hailed by Nicaragua's ally, the USSR. Moreover, a sovereign state infers the freedom to opt for and conduct its foreign policy in coordination with that of another state of its choice.³⁹ Thus, Russian diplomatic quicksand cannot be valid grounds for abjuring Ukraine from forging or entering into alliances with friendly nations or for self-preservation.

Sanctions: The Coercive Tool of International Politics

Sanctions are political and economic tools used against states or organisations to promote general peace, national and international security interests, and international law.⁴⁰ The chief aim of sanctions is not to impose punitive damages on the violating state but to pressure it into returning

³⁷Joel H. Westra. (2017), "International Law and Foreign Policy," *Oxford University Press*, 24 May available at <https://doi.org/10.1093/acrefore/9780190228637.013.439> accessed on 2-27-2024

³⁸*Nicaragua v United States of America* [1986] I.C.J. 14 available at <https://www.icj-cij.org/case/70> accessed on 2-27-2024

³⁹ Lauri, Malksoo. (2022), 'Russia, sanctions, and the future of international law', *Oxford University Press*, 11 September available at <https://blog.oup.com/2017/09/russia-sanctions-international-law/> accessed on 2-28-2024

⁴⁰ Jonathan, Eaton. (1992), "Sanctions," *Journal of Political Economy*, vol. 100, no. 5

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to the status quo and ceasing its unfair conduct.⁴¹ It's a fact that Western countries are sincere stalwarts of the idea of sanctions, where there are two broad sanctions: centralised and decentralised sanctions.

The former refers to the sanctions imposed by the UNSC, and the latter refers to the sanctions imposed by the individual countries. Centralised sanctions carry more weight than decentralised ones since the UN lays out the former, binding on all the member states.⁴² However, when one of the P5 countries (China, France, Russia, the United Kingdom, and the United States) is a party to a conflict, the technicalities of veto power, also called the Yalta formula,⁴³ render minimal prospect of implementing centralised sanctions.⁴⁴ Furthermore, the Russian Federation considers all the sanctions, except those determined by the UNSC, unilateral and illegitimate.⁴⁵ Adding insult to injury, Russia, being a P5 country, incapacitates the UNSC from taking a collective commitment against itself. Moreover, financial sanctions against economic enemies violate the fair play rules of the World Trade Organization (1995) unless the rights of a nation are violated.⁴⁶

To illustrate the incompetence of financial sanctions, the infliction of the Export Control (Sanctions) Order 2014 by Great Britain after the Crimea annexation was argued by Rosneft (1993) as "provisions on financial assistance are inconsistent with Article 52 of the Partnership Agreement, which provides for the free movement of payments and capital between the Russian

⁴¹Antonios, Tzanakopoulos. (2014) "The EU's latest sanctions against Russia: The legal basis and how they will work in practice", *London School of Economics*, 1 August available at <https://blogs.lse.ac.uk/europpblog/2014/08/01/the-eus-latest-sanctions-have-the-potential-to-put-pressure-on-russia-over-ukraine-but-it-is-too-early-to-tell-how-effective-they-will-be/> accessed on 2-28-2024

⁴²*Ibid.*

⁴³See Supra note 32

⁴⁴See Supra note 33

⁴⁵See Supra note 32

⁴⁶ Ken, Silverstein. (2022) "A Russian Invasion Of Ukraine Would Have Profound Implications For International Energy Markets", *Forbes*, 5 January available at [a-russian-invasion-of-ukraine-would-have-profound-implications-on-international-energy-markets](https://www.forbes.com/sites/ken-silverstein/2022/01/05/a-russian-invasion-of-ukraine-would-have-profound-implications-on-international-energy-markets/) accessed on 2-27-2024

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Federation and the EU.” Therefore, such loopholes lessen the likelihood of optimal utilisation of decentralised sanctions.⁴⁷

Self-Defense: An Instrument to Guard the State

It is hard to forget about the inherent right of self-defence of the states against imminent danger. Article 51 of the UN Charter underscores that “nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack takes place against a Member of the United Nations.”⁴⁸ The members are obligated to report to the UNSC and not to take any steps that would influence the responsibility and authority of the organisation.⁴⁹ Further, the act in concern must be a direct repercussion of an imminent pitfall by the aggressor, and the retribution must be proportional to the nature of the transgression.⁵⁰

In addition, certain scholars and governments have contended for pre-emptive self-defence in the face of imminent perils, with no other possible tool to decrease the tensions. The most prominent case vis-à-vis this principle is the 1837 Caroline case, wherein the British soldiers in Canada crossed the Niagara River to onslaught the American steamer Caroline, which assisted a Canadian rebel,⁵¹ in which Britishers classified their actions as a part of legitimate self-defence. However, then-Secretary of State Daniel Webster proclaimed that force before the suffering of an

⁴⁷ Ekaterina, Aksenova. (2015) "Are sanctions against Russia legal under international and EU law? Can they limit trading and maritime services?", *LEXOLOGY*, 2 April available at <https://www.lexology.com/library/detail.aspx?g=9271b30c-2e97-4438-b222-e5fd63d40d30> accessed on 2-28-2024

⁴⁸ Alex, Potcovaru. (2017) "The International Law of Anticipatory Self-Defense and U.S. Options in North Korea" *Law fare*, 8 August available at <https://www.lawfaremedia.org/article/international-law-anticipatory-self-defense-and-us-options-north-korea> accessed on 2-29-2024

⁴⁹Charter of the United Nations, art 39 (1945) available at <https://www.un.org/en/about-us/un-charter/chapter-7> accessed on 2-29-2024

⁵⁰*Ibid.*

⁵¹ Edward Collins Jr. & Martin A. Rogoff (2010) *The Caroline Incident of 1837, the McLeod Affair of 1840–1841, and the Development of International Law*, American Review of Canadian Studies, p. 81-107, available at DOI: [10.1080/02722019009481522](https://doi.org/10.1080/02722019009481522) accessed on 3-10-2024

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attack can only be legitimised as “self-defence” when the need to respond is “instant, overwhelming, leaving no choice of means and no moment for deliberation.”⁵²

The U.N.’s 2004 High-Level Panel on Threats, Challenges, and Change qualified the right to self-defence⁵³ when encountered with imminent danger. Similarly, suppose we apply these principles to the situation at hand. In that case, it can be deduced that Ukraine can retort if it’s directly attacked by Russia or has identified a specific forthcoming threat of aggression from Russia. Seized the fact that Russia is a signatory to the Budapest Memorandum on Security Assurances (1994),⁵⁴ where it is duty-bound not to infringe on any Ukrainian territory, one may find it safe to assume that the Federation can be held blameworthy for its actions. Ukraine can base its claim of self-defence if Russia takes a significant leap in the current situation.⁵⁵

Conclusion

In his book *Art of War*, Chinese philosopher Sun Tzu (771–256 BC) stresses the importance of the art of war in the state, saying that “war is a road either to safety or a ruin.” In contrast, it can be fortunate for the victor and destructive for the defeated, but its domino effects are seen globally. The war Russia unleashed on Ukraine has global ramifications beyond the death toll and the human tragedy in Ukraine itself, including the resulting refugee flows and wider destabilising corollaries in Europe's east.⁵⁶ Today, the world constantly needs healing, and the last thing it calls for is an outbreak of needless wars. The hovering of wolfish Russian troops along

⁵²Michael. N, Schmitt. (2002), “*Counter-Terrorism and the Use of Force in International Law*”, George C. Marshall European Center For Security Studies, No. 005 available at <https://www.marshallcenter.org/en/publications/marshall-center-papers/counter-terrorism-and-use-force-international-law/counter-terrorism-and-use-force-international-law> accessed on 3-10-2024

⁵³United Nations Charter, art 51 (1945)

⁵⁴Mariana, Budjeryn. & Matthew, Bunn. “Budapest Memorandum at 25: Between Past and Future”, *Harvard Kennedy School*, March 2020 available at <https://www.belfercenter.org/sites/default/files/2020-03/budapest/BM25.pdf> accessed on 3-10-2024

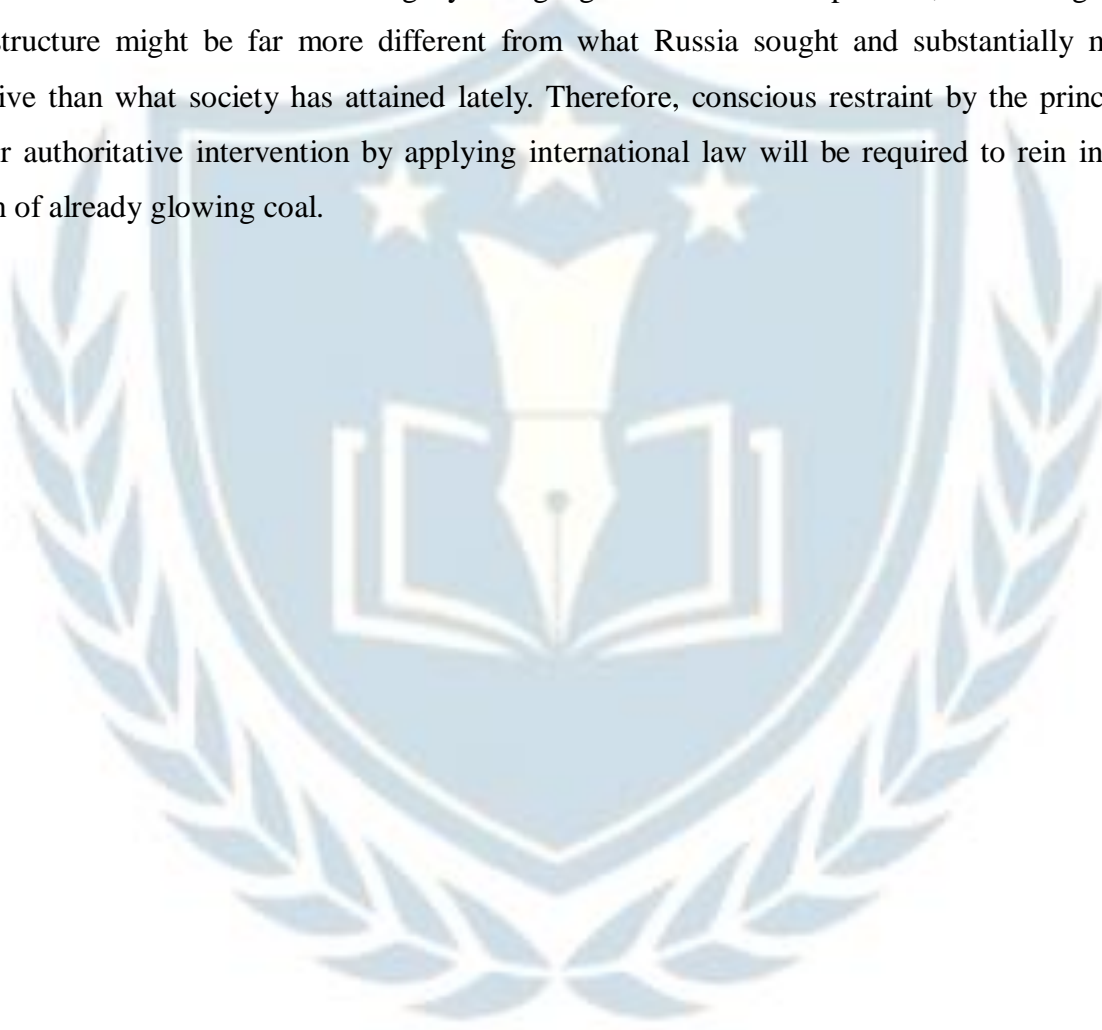
⁵⁵Christopher, Miller. (2024) “Active defence: how Ukraine plans to survive 2024”, *Financial Times*, 18 January available at <https://www.ft.com/content/d2f3b209-22a1-4fb1-bdfe-0ccf7fb0e5fa> accessed on 3-10-2024

⁵⁶ Lasse, Boehm., Elena, Lazarou., & Giulio, Sabbati. (2022) “Domino effects of the war”, *Think Tank European Parliament* available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/729447/EPRS_BRI\(2022\)729447_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/729447/EPRS_BRI(2022)729447_EN.pdf) accessed on 3-10-2024

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the Ukrainian border confrontation has already sent tremors to the West, angering relations to an indeterminable length. Russia must chart its territory sensibly to avoid global fallout, as sleeping dragon China in East Asia, already attempting to integrate Taiwan, is set on how the Ukrainian calamity unravels. International law has served its purpose in a handful of circumstances in the past, and today, its vigour must be harnessed again to break the revisionist tendencies and fortify the weakened norm of territorial integrity. It's gauged that if Russia prevails, the new global order structure might be far more different from what Russia sought and substantially more regressive than what society has attained lately. Therefore, conscious restraint by the principal party or authoritative intervention by applying international law will be required to rein in the ignition of already glowing coal.



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