

Review Article

The Roots of Russian Naked Aggression (RRNA) Versus Unjust Shortsighted Support to Ukrainian Secessionists (USSUS): Constituent Tools of Re-Emerging to the Position of New International Hyper Hegemonic Power (NIHHP) in the Unipolar World of 1991-2022

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Abstract: This paper brings out arguments concerning the unjust and naked aggression inflicted by Russia over the Ukraine why sorting out why the International Community as the Global mechanism for World peace and security remains partially inactive to impose immediate sanctions in view of the United Nations(UN) charter with the Security Council rising with strong standing orders. The prohibition on the unjustified use of force is the cornerstone of contemporary international law and requires the implications of the International Court of Justice (ICJ) not only on press released but full action to stop the aggressor from its continuance aggression. The ICJ which deals with disputes between states, can only intervene in cases where the countries involved agree that it should have a role is unbearable. In, fact, any country which gives total support to divide another country from its unity requires serious sanctions in view of the violation of territorial integrity and state's sovereignty. The question of bouncing back to the position of NIHHP is very challenging to the recent aggressor Russian. Therefore, it is not possible to pass through the former Satellite States of the Soviet Union to gain that position and Western European countries will never give the Russia a full ticket to once more rise to that position in international affairs of the 21st Century is what the Russian leaders failed to know. The scrutiny of specialized sources and related valuable documentaries called for our attention to adopt a historical approach in our analyses. This paper is very important to specialist of international relations concerning the strength and weaknesses of the global and continental International Organisations engagements of resolving the Russo-Ukrainian War of the 21st Century.

Keywords: Roots, Naked Aggression, Secessionists, Hyper Hegemonic, Unipolar, Unjust, Sanctions. ICJ, International Law.

INTRODUCTION

The degree of Russian criminalities by encouraging secessionist activities in the former Soviet Ukraine which regained her full sovereignty in December 1991 following the disintegration of the Union of the Soviet Socialist Republic (USSR) requires effective multiple international sanctions of the 21st Century in order to check continuous ambitions in the 13 other independent states of Eastern Europe. If this situation is not taking into higher consideration to check Russian aggression, the World may once more be plaque into another Global World War (GWW) just like the provocations of the 20th Century which aggressors and aggressive Statesmen's realized their agendas of the two World Wars whose impacts are so heavy to Third World countries European colonized. They used the advantages of the wars to manifest all type of evils, genocide, massacred, tortures, exploitation and manipulation of the rest of the World especially Africans and South East Asians in the name of colonial masters even in countries larger than their European geographical sizes. If Russian successfully go through with her disorder over Ukraine, the impacts will not only be limited to human

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and economic losses, but Great Fear and several uncertainties will put the rest of the World in total chaos as multiple camps will likely crop up to the detriments of African countries which depend on Ukrainian and Russian products in terms of imports and exports. The paper considers Russian actions as naked aggression, unjust and reasonable quest to split one country into three unequal parts of self-determination towards independent is fake and totally wrong. Why were the two secessionist regions not considered as the satellites states of the former USSR? Does it mean that the Russians did not longer know their own history and that of the Soviet Union? Does it means that the Russian want to multiple and create new independent countries and cause the United Nations to accept them as new members in the UN General Assembly? We hoped that Ukraine is an independent country like Russia out the disintegrated Soviet Union. In fact, the Russian wars in Ukraine since 2014 has being totally unjust and disrespect of the law of war, sovereignty and violation of international law which requires the International Court of Justice to take such matters serious and sanction as well to curtain Russian overwhelming gross naked aggression as the war is not a just war but unjust (Rengger, N, 2013). which are the blink of an eminent World War of the 21st Century. The prize of Russian terrors have been the loss of human beings and destruction of properties which could have being profitable to the citizens and economic development and growth of the country as well as her bilateral and multilateral partners. However, the World historians are washing Russia in her naked aggression just like jurists and other international actors in their own reflections will certainly give the way forward to discourage Russian gross ambitions in another country by supporting secessionist of the two regions Donetsk and Luhansk regions.

According to Crawford (2022), those who initiate wars often begin with an overly optimistic assumption that the fighting will be quick, controllable and that casualties will be low. When many bodies start coming home or are left on the battlefield, it is a sign that the war is none of those things that treasurers of war primitively took into consideration in their miscalculations with open violation of the requirements of international law (Neta C. Crawford, April 4, 2022). This expression overwhelmingly holds true with Russian naked aggression towards Ukraine by bringing out several unjust justifications and worsening by supporting the fabricated purported two Republics as sovereign states within the main Ukraine which was the only legitimate satellite state of the former Union of the Soviet Socialist Republic (USSR) throughout the entire period of the Cold War. This called for the attention of any researcher in this field of history and adjacent domains to go back to the era of the Cold War, revisit the brief historical disintegration of Lenin's creation of USSR, found out whether there were some clauses binding the fifteen independent republics into the Commonwealth of Independent States (CIS) or in the Post-Communist disappearance in Eastern Europe, the Russian leaders have never been in peace or breathing with difficulties in the unipolar World dominated by the United States of America since 1991 as the only policeman of the World and standing firm to hit who ever attempt to challenge her New International Hyper Hegemony (NIHH).

The prohibition on the unjustified use of force is the cornerstone of modern international law. However, that does not necessarily mean that there is any tribunal that can pass judgment on Russia's violation. The International Court of Justice, which deals with disputes between states, can only intervene in cases where the countries involved agree that it should have a role. Ukraine has already brought a case against Russia for its attacks since 2014, but it was only able to do so for breaches of conventions on terrorist financing and racial discrimination rather than for a violation of the UN Charter. Aggression is also a crime incurring individual responsibility. Defendants were prosecuted for aggression in the Nuremberg and Tokyo trials after the Second World War. The statute of the International Criminal Court (ICC), which was established in 1998 to prosecute individuals for violations of international criminal law, was amended in 2010 to establish its jurisdiction over aggression. The crime is defined in the ICC statute as the planning, preparation, initiation, or execution by a senior political or military leader of an act of aggression that manifestly violates the UN Charter. Russia's invasion of Ukraine is a clear act of aggression and a manifest violation of Article 2.4 of the UN Charter, which prohibits the "use of force against the territorial integrity or political independence of any State". In his speech announcing the attack on Ukraine, President Vladimir Putin made various attempts to justify Russia's actions. He pointed to what he described as Western violations of international law in Kosovo, Iraq, and Libya. But, leaving aside the differences between these cases, they have no bearing on the illegality of Russia's moves. Countries that have condemned Russia's actions are not only trying to protect Ukraine and its citizens, but also defending the principle that relationships between states should be shaped by legal principles (Anthony Dworkin, February 25, 2022). Russia and Ukraine are embroiled in a crisis involving Donetsk and Luhansk in Ukraine's East. Separatists backed by Russia in the regions broke away from Ukraine in 2014 and the two became self-proclaimed "People's Republics." Putin claims that eastern Ukraine is ancient Russian land, and on Feb. 21 decided "to immediately recognize the independence and sovereignty of the Donetsk People's Republic and the Luhansk People's Republic." On Feb. 22, Russia ordered "peacekeeping" forces into Donetsk and Luhansk, fueling fears of war in Europe. Until 1991, Russia and Ukraine were part of the Soviet Union, a socialist state that had spanned Eurasia since 1922. The two countries and 13 others emerged from the dissolution of the Soviet Union in 1991. According to Martin Kimani, Kenya's permanent representative to the United Nations the Donetsk People's Republic (DPR) and Luhansk People's Republics (LPR) are self-proclaimed and can be recognized.

On 24 February 2022, eight years after seizing Crimea, Russia began a 'special military operation' in Ukraine with the apparent aim of acquiring the whole of Ukraine and (re-) absorbing it into the Russian Federation. While almost universally condemned as an unambiguously unlawful act of aggression, the conflict raises an unusual number of issues of international law. This article outlines just some of those issues, including the various justifications claimed by Vladimir Putin, issues of secession, statehood and recognition, the conduct of hostilities, and the participation of foreign fighters (Alison Pert, April 08, 2022). Ukraine has a long and complicated history but a few points should be noted here. In the middle ages Kiev was at the heart of 'Kievan Rus', a federation that included parts of present-day Russia and Belarus, and which is regarded as a key part of their common cultural heritage. Ukraine became part of the Russian Empire and later the USSR, becoming independent in 1991. Its eastern region of Donbas has long had a predominantly Russian-speaking population; when Russia invaded Crimea in 2014, pro-Russian separatist groups in Donbas declared the independence of the Donetsk and Luhansk People's Republics (DPR and LPR), and with Russian military support have been fighting the Ukraine government ever since. Three days before the 2022 invasion, Putin recognised the two Republics as independent states (Alison Pert, April 08, 2022). As is well-known, the use of armed force is prohibited by art. 2(4) of the United Nations Charter and customary international law, except in lawful self-defence, or when authorised by the UN Security Council. There was clearly no Security Council authorisation here so the focus is on self-defence, considered below. But Putin initially justified the action on another ground – the prevention of genocide. On several occasions in February 2022, Putin and his ministers accused Ukraine of committing genocide in Donbas, and declared that Russia's military action was necessary to protect the population there.^[3] Ukraine is challenging this in the International Court of Justice, arguing that under the Genocide Convention, a false allegation of genocide provides no lawful excuse for Russia's actions. On 16 March 2022, the ICJ found this argument 'plausible' for the purposes of indicating provisional measures, ordering Russia to suspend its operation.^[5] It is far too early to tell how the Court will rule on the merits of the case, but as it noted: 'it is doubtful that the Convention, in light of its object and purpose, authorizes a Contracting Party's unilateral use of force in the territory of another State for the purpose of preventing or punishing an alleged genocide (Martin Kimani, 2022).

Collective self-defence – defending another state – is lawful if the other state is the victim of an armed attack and requests assistance. Putin is claiming that the DPR and LPR have been attacked by Ukraine and have requested assistance from Russia's recognition of the two entities as independent states on 21 February was clearly designed to support this claim. However, only one other state appears to have formally recognised the putative republics, which continue to be regarded by the rest of the international community as part of Ukraine. Putin also seems to be making a wider claim that Russia is acting to protect all 'Russians' in Ukraine, whether in the so-called DPR and LPR or not (Anne Peters, 2022). 'Russians' in this context include not only Russian nationals but all those of Russian ethnicity, who form a substantial minority in eastern Ukraine. In the 19th century, the forcible protection by a state of its nationals abroad was commonplace and accepted, but few jurists argue that its legality survived the restrictions placed on the use of force by the UN Charter. Others view it as one aspect of self-defence, where the object of the armed attack is not the territory of the victim state but its nationals abroad, but there is no settled position. And even on this view, to be lawful, Russia would have to show that there had been an armed attack by Ukraine; given that the attacks alleged by Russia are in response to an insurgency and a continuing civil war that might be difficult to establish. In addition, it could only apply to attacks on Russian nationals – there is no support for the view that it could justify defence of anyone who was ethnically Russian. Russia's recognition of the two Republics as independent states raises other issues of international law. As a general rule, states are free to recognise or not recognise a new state. But where, as here, the putative state is formed through secession from a parent state without that state's consent, and then recognition may be a violation of Ukraine's sovereignty. The legality of secession in international law is hotly contested, but even those states that admit the possibility tend to confine it to exceptional cases of 'remedial' secession, where an identifiable people has been subjected to appalling treatment by the parent state. Putin seems to be claiming that the Russian-speaking population of Donbas is a 'people' entitled to self-determination and to remedial secession because of, for example, the alleged genocide against it committed by Ukraine. But all the available evidence suggests that the conditions for remedial secession, assuming it exists, are not met in eastern Ukraine (Anne Peters, 2022).

On the negative side, international law (specifically, Article 41(2) of the 2001 Draft Articles on State Responsibility which reflects customary international law) imposes obligations on states not to recognize situations resulting from the use of force. This includes the obligation not to recognize the independence of the two breakaway republics. Putin complains in his 23 February speech about past violations of international law by the West – and his reference to the invasion of Iraq in 2003 is telling. But the naked aggression exhibited against Ukraine cannot be justified by any violations of international law in the past. Russia has presented itself as a defender of international law – in 2016, Russia and China made a joint declaration 'on the Promotion of International Law'. Russia would do well now to call to mind the reaffirmation in its declaration of 'the principle that States shall refrain from the threat or use of force in violation of the United Nations Charter' as well as the statement that 'sovereign equality is crucial for the stability of international relations' (Elizabeth Wilmshurst CMG2nd part, 2022).

Russia is entitled to self-defence under the Charter. That is not up for debate. This being said, it has been acknowledged by a number of legal scholars that the crucial quality of Article 51 lies in the term 'armed attack'. Following precedent, the immanence of an attack must be so overt that defensive action is required in the name of existential sovereign self-preservation; in turn this delegitimizes the use of force in regards to a 'perceived' threat, lacking the factual clarity and evidence of a truly existential hazard (Schachter, 1995; Wheeler, 2000). Therefore, in order to claim that a state is acting in-step with Article 51, both support and immanent bellicosity is required to be 'active' as opposed to 'passive', otherwise widening the scope of legitimate self-defence risks a full and total erosion of the Charter's purpose and central principles (Glennon 2002, 542; Paoletti 2011). Such a widening should accordingly be avoided for the sake of the international legal order itself, and applicable to all. How does this relate to the current crisis in Ukraine? There have been no threats of force against Russia from Ukraine, nor from NATO member states – being a defensive alliance (Wilmshurst, 2022). In this case, there is a distinct lack of 'clarity', 'immanence' and 'active bellicosity' towards Russia from Ukraine. Although some may claim that Article 51 entitles Donetsk and Luhansk to legitimate self-defence, this is not so. Neither Donetsk nor Luhansk are recognised sovereign states on any legal or widespread basis, not being UN member-states and subsequently not provided for in international law. As such to recognise either the Donetsk or Luhansk People's Republics is to infringe upon the sovereignty of Ukraine. Consequently, Article 51 does not apply in this case, except to Ukraine in their self-defence against clear aggression from the Russian Federation that is an 'armed attack' and commonly perceived as such. The focus of the current investigation will now shift its attention from the UN Charter to a brief exposition of the 1994 Budapest Memorandum on Security Assurances, unpacking this commonly cited agreement in regards to the Russian invasion so to provide a greater sense of clarity and understanding, following the objectives of this exploration as a whole. In addition, Belarus Can be held responsible for the invasion of Ukraine. The International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts (IWA) provide that 'A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: (a) that State does so with knowledge of the circumstances of the internationally wrongful act; and (b) the act would be internationally wrongful if committed by that State.' Therefore, although Belarusian armed forces appear not to have invaded Ukraine yet, providing Russia with its territory and logistical support, Belarus can be held responsible under international law. While the current government of Belarus is not recognised by many States around the world because of rigged presidential elections in 2020, under international law recognition is not a necessary element for being held responsible for committing an internationally wrongful act.

According to Article 2.4 of the UN Charter all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. The only exceptions to those provisions are self-defence and where such use of force is authorised by the UN Security Council (Chapter VII of the UN Charter). None of these exceptions applies in case of the attack against Ukraine, which makes Russia's actions unlawful under international law. The Articles on Responsibility of States for Internationally Wrongful Acts adopted by the International Law Commission in 2001 provide guidance in this regard. According to Article 1, 'every internationally wrongful act of a State entails the international responsibility of that State'. The characterisation of an act of a State as an internationally wrongful act is governed by international law, and the qualification of that act as lawful by domestic law is irrelevant (Abdulqawi Ahmed Yusuf, 2020). The responsible State is under an obligation to: first, cease the wrongful act if it is continuing and offer guarantees of non-repetition; and second, make full reparation for the injury caused by the internationally wrongful act, including any material or moral damage (Articles 30-34). Both states and individuals can be held accountable for the commission of crimes against humanity. However, states can only be held accountable when those crimes are prohibited under treaty or customary law. While the International Law Commission has adopted the Draft articles on Prevention and Punishment of Crimes Against Humanity in 1998, they have not yet become part of a binding treaty. However, certain specific crimes against humanity, including genocide and torture, have already been enshrined in treaties and have reached the statute of customary international law, which means that their prohibition is already binding on all states. It would be up to a court or tribunal to determine whether Russia has committed those crimes in Ukraine. With regard to individual criminal responsibility at the international level, individuals can be held accountable for more types of crimes against humanity, including all those defined in the 1998 Rome Statute establishing the International Criminal Court (Rome Statute), which includes, inter alia, murder, extermination, imprisonment, torture, or persecution against any identifiable group or collectivity on political, cultural or national grounds, when those acts have been committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Although neither Russia nor Ukraine are party to the Rome Statute, the ICC has jurisdiction over crimes against humanity committed on the territory of Ukraine; an investigation into the Situation in Ukraine has now been opened by the ICC Prosecutor (Yarik Kryvoi *et al.*, 2022).

However, President Vladimir Putin insisted that Ukraine should remove sea mines from areas near its ports to allow safe shipping. While the Finance Minister Anton Siluanov emphasized on the needs of huge financial resources for its military operation in Ukraine, putting the amount of budget stimulus for the economy at 8 trillion rubles equivalent to 120 U.S billion dollars. Russia sent tens of thousands of troops into Ukraine on February 24, 2022 which prompted

the West to impose sanctions against Moscow that have already fanned inflation to near 18 percent and pushed the country to the brink of recession. "Money, huge resources are needed for the special operation," Siluanov said in a lecture at a Moscow financial University (VOA News, May 27, 2022).

1. Tracing the Recognition of United Independent Ukraine as a Full Nation-State in the Post-Soviet Union

The Soviet Socialist Republics, which existed from 1922 to 1991, was a socialist nation. From the Baltic to the Pacific, it lies on more than 22,402,200 sq km (8,649,500 sq mi), making it the largest country in the world by area. With a population of 100 nationalities living within its borders and 11 of the world's 24 time zones, Moscow is the capital. While the USSR was nominally a federation of multiple national republics, its economy and government were highly centralized in its final years. Union of Soviet Socialist Republics was established in 1922 through an agreement between Russia, Ukraine, Belarus, and Transcaucasus (modern G In 1917, the Russian Revolution gave rise to the USSR. On the territory of the former Russian Empire, the Bolsheviks created a socialist state.

Table 1: The following is a list of the major regions that separated from the USSR to form Commonwealth of Independent States with full status of Nation-State

No	Formerly USSR Sub-Divisions	Full Independent Names	Date, Month and Year Successfully Seceded from Soviet Union
1	Lithuanian SSR	Lithuania	8 May 1990
2	Latvian SSR	Latvia	4 May 1990
3	Estonian SSR	Estonia	8 May 1990
4	Georgian SSR	Georgia	9 April 1991
5	Ukrainian SSR	Ukraine	24 August 1991
6	Moldavian SSR	Moldova	27 August 1991
7	Azerbaijan SSR	Azerbaijan	30 August 1991
8	Kirghiz SSR	Kyrgyzstan	31 August 1991
9	Uzbek SSR	Uzbekistan	31 August 1991
10	Tajik SSR	Tajikistan	9 September 1991
11	Armenian SSR	Armenia	21 September 1991
12	Turkmen SSR	Turkmenistan	27 October 1991
13	Byelorussian SSR	Belarus	10 December 1991
14	Russian SFSR	Russian Federation	12 December 1991
15	Kazakh SSR	Kazakhstan	16 December 1991

Source: Countries in Soviet Union - USSR Countries List & Status. <https://dmerharyana.org/countries-...> Upon the proclamation of Ukrainian independence from the Soviet Union on 24 August 1991, the title was changed to the "President of Ukraine. Putin Orders Troops to Separatist Regions and Recognizes ... <https://www.nytimes.com/ukraine-russia-putin-biden>.

Table 2: Presidents of Independent Ukraine 1991-2022

No.	Names	Date of Birth	Tenure in Office	Age
1	Leonid Kravchuk	1934	1991–1994	88
2	Leonid Kuchma	1938	1994–2005	83
3	Viktor Yushchenko	1954	2005–2010.	68
4	Viktor Yanukovych	1950	2010–2014	71
5	Oleksandr Turchynov	1964	2014 (Acting)	58
6	Petro Poroshenko	1965	2014–2022	56

Source: Upon the proclamation of Ukrainian independence from the Soviet Union on 24 August 1991, the title was changed to the "President of Ukraine. Putin Orders Troops to Separatist Regions and Recognizes ... <https://www.nytimes.com/ukraine-russia-putin-biden>

In fact, Donetsk and Luhansk were never separately belonging to USSR during its existence since 1917 but were part of the Ukrainian belonging to the fifteen Countries which formed the Soviet Union. Internal division and disgruntleness among different provinces in Ukraine with separatist claiming their full rights as supported by the Federation of Russia is a total miscalculated planned attacked. The Ukrainian Soviet Socialist Republic (Ukrainian SSR, UkrSSR), also known as Soviet Ukraine, was one of the constituent republics of the Soviet Union from the Union's inception in 1922 until its breakup in 1991. In the anthem of the Ukrainian Soviet Socialist Republic, the republic was referred to simply as Ukraine (Subtelny Orest 2000). The Republic was governed by the Communist Party of the Soviet Union through its republican branch, the Communist Party of Ukraine, as a union republic of the Soviet Union, which existed as a highly centralized one-party state. The first Bolshevik Ukrainian republic was founded in December 1917, as Ukrainian Soviet Republic, after the Bolshevik Revolution started in Russia. The Ukrainian civil war was fought among

the different Ukrainian republics founded by Ukrainian nationalists, Ukrainian anarchists, and Ukrainian Bolsheviks, with the help or against neighboring states. The Ukrainian SSR was established by the Bolsheviks following the defeat of the Ukrainian People's Republic in the Soviet–Ukrainian War during the Russian Civil War. As a Soviet proto-state, the Ukrainian SSR became a founding member of the United Nations along with the Byelorussian SSR, even though they were legally represented by the All-Union state in its affairs with countries outside of the Soviet Union. Upon the Soviet Union's dissolution, the Ukrainian SSR was transformed into the independent state of Ukraine, although the constitution remained in use until the adoption of the new constitution in June 1996.(how have relations soured since the fall of the Soviet Union? <https://www.ft.com> › content).

Throughout its 72-year history, the republic's borders changed many times, with a significant portion of what is now Western Ukraine being annexed by Soviet forces in 1939 from the Republic of Poland, and the addition of Carpathian Ruthenia from Czechoslovakia in 1945. From its establishment, the eastern city of Kharkov served as the republic's capital. However, the seat of government was subsequently moved in 1934 to the city of Kiev, Ukraine's historic capital, which remained the capital for the rest of the Ukrainian SSR's existence and remained the capital of independent Ukraine after the breakup of the Soviet Union. Geographically, the Ukrainian SSR was situated in Eastern Europe to the north of the Black Sea, bordered by the Soviet republics of Moldavia, Byelorussia, and Russia. The Ukrainian SSR's border with Czechoslovakia formed the Soviet Union's westernmost border point. According to the 1989 Soviet Census, the republic had a population of 51,706,746 inhabitants, which fell sharply after the breakup of the Soviet Union (Subtelny Orest, 2000).

Following the failed August Coup in Moscow from 19 to 21 August 1991, the Supreme Soviet of Ukraine declared independence on 24 August 1991, which renamed the Ukrainian Soviet Socialist Republic to Ukraine. The result of the 1991 independence referendum held on 1 December 1991 proved to be a surprise. An overwhelming majority, 92.3%, voted for independence. The referendum carried in the majority of all oblasts. Notably, the Crimea, which had originally been a territory of the RSFSR until 1954, supported the referendum by a 54 percent majority. Over 80 percent of the population of Eastern Ukraine voted for independence. Ukraine's independence was almost immediately recognized by the international community. Ukraine's new-found independence was the first time in the 20th century that Ukrainian independence had not been attempted without either foreign intervention or civil war. In the 1991 Ukrainian presidential election 62 percent of Ukrainians voted for Leonid Kravchuk, who had been vested with presidential powers since the Supreme Soviet's declaration of independence.¹ The secession of the second most powerful republic in the Soviet Union ended any realistic chance of the Soviet Union staying together even on a limited scale (Magocsi, Paul R. 2010). A week after Kravchuk's victory, on 8 December, he and his Russian and Belarusian counterparts signed the Belovezha Accords, which declared that the Soviet Union had effectively ceased to exist and forming the Commonwealth of Independent States as a replacement. They were joined by eight of the remaining 12 republics (all except Georgia) on 21 December in signing the Alma-Ata Protocol, which reiterated that the Soviet Union had ceased to exist. The Soviet Union formally dissolved on 26 December 1991 as seen on table No.1 above.

A bloody civil war lasted for many years in the following years. “We have entered a new era,” Gorbachev announced on Christmas Day 1991, and the Soviet Union was dismantled. Gorbachev resigned. USSR collapsed for a variety of reasons. According to historians, the reforms Mr Gorbachev carried out, including glasnost and perestroika, would eventually accelerate the Soviet Union’s demise. Glasnost, which began in the late 1980s, aimed to make government more transparent. Perestroika included economic reforms to revive the struggling economy. However, the result of these reforms was the emergence of more shortages and economic hardship, which ultimately led to the breakup of the Soviet Union (<https://www.nytimes.com> › ukraine-russia-putin-biden). On the international front, the Ukrainian SSR, along with the rest of the 15 republics, virtually had no say in their own foreign affairs. It is, however, important to note that in 1944 the Ukrainian SSR was permitted to establish bilateral relations with countries and maintain its own standing army. This clause was used to permit the republic's membership in the United Nations. Accordingly, representatives from the "Ukrainian Soviet Socialist Republic" and 50 other nations founded the UN on 24 October 1945. In effect, this provided the Soviet Union (a permanent Security Council member with veto powers) with another vote in the General Assembly. The latter aspect of the 1944 clauses, however, was never fulfilled and the republic's defense matters were managed by the Soviet Armed Forces and the Defense Ministry. Another right that was granted but never used until 1991 was the right of the Soviet republics to secede from the union, which was codified in each of the Soviet constitutions. Accordingly, Article 69 of the Constitution of the Ukrainian SSR stated: "The Ukrainian SSR retains the right to willfully secede from the USSR" (Manning Clarence A. March 1, 2022). However, a republic's theoretical secession from the union was virtually impossible and unrealistic in many ways until after Gorbachev's perestroika reforms. The Ukrainian SSR was a member of the UN Economic and Social Council, UNICEF, International Labour Organization, Universal Postal Union, World Health Organization, UNESCO, International Telecommunication Union, United Nations Economic Commission for Europe, World Intellectual Property Organization and the International Atomic Energy Agency. It was not separately a member of the Warsaw Pact, COMECON, the World Federation of Trade Unions and the World Federation of Democratic Youth, and since 1949, the International Olympic

Committee. Legally, the USSR and its fifteen union republics constituted a federal system, but the country was functionally a highly centralised state, with all major decision-making taking places in the Kremlin, the capital and seat of government of the country. The constituent republics were essentially unitary states, with lower levels of power being directly subordinate to higher ones. Throughout its 72-year existence, the administrative divisions of the Ukrainian SSR changed numerous times, often incorporating regional reorganisation and annexation on the part of Soviet authorities during World War II. The most common administrative division was the oblast (province), of which there were 25 upon the republic's independence from the Soviet Union in 1991. Provinces were further subdivided into regions (districts) which numbered 490. The rest of the administrative division within the provinces consisted of cities, urban-type settlements, and villages. Cities in the Ukrainian SSR were a separate exception, which could either be subordinate to either the provincial authorities themselves or the district authorities of which they were the administrative center. Two cities, the capital Kiev, and Sevastopol in Crimea, treated separately because it housed an underground nuclear submarine base, were designated "cities with special status." This meant that they were directly subordinate to the central Ukrainian SSR authorities and not the provincial authorities surrounding them (Manning Clarence A. March 1, 2022).

1.1. The Challenges of the The Budapest Memorandum on Security Assurances (1994)

Ukraine, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America... Taking into account the commitment of Ukraine to eliminate all nuclear weapons from its territory within a specified period of time, (i) Reaffirm their commitment to Ukraine...to respect the independence and sovereignty and the existing borders of Ukraine. (ii) Reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations (United Nations 1994).

Signed at the December 1994 Organization for Security and Co-operation in Europe (OSCE) conference in Budapest, the 'Budapest Memorandum on Security Assurances' details a milestone for Russia-Ukraine relations in the post-cold war era. In return for surrendering their stockpile of nuclear weapons to the Russian Federation and thereby engaging with the international programme of nuclear non-proliferation, Ukraine was to receive recognition of sovereignty over existing borders and an obligation to refrain from the use of force, except such right ensured by Article 51 of the UN Charter. The first clause of the memorandum was breached in 2014 with the February Revolution of Dignity and the annexation of the Crimean Peninsula; whereby the limitations of the Memorandum were revealed to be unable to account for the problem in status of Russian military forces in a Ukrainian region that had been annexed with a referendum (Sakwa, 2015). Hence, in regards to the conflict in 2022, the Memorandum can be clearly said to have been wholly undermined with the recognition of Ukrainian sovereign territory reneged on and the aggressive use of force employed. Although the assertion that Russian aggression has breached the Budapest Memorandum is salient, it must be declared that the Budapest Memorandum is not legally binding, despite the claims of a number of commentators. The purpose of the memorandum was to provide a reaffirmation of commitment to certain security assurances. Even though the document cites the UN Charter at a number of points as part of such a re-affirmation, this does not make it an international legal treaty. In such a regard, Moscow's transgression of the Memorandum may not be a strict legal infringement, but it does represent a landmark in the breakdown of international order and the very worth of security assurances broadly according to Yost in 2015. Subsequently, the Budapest Memorandum as a phenomenon in itself has frequently been mentioned at the emergency sessions of the UN. Nevertheless, for the sake of understanding and clarity, it should not be forgotten that breaking the Budapest Memorandum is not a violation of international law and should only contribute to evidencing a breakdown in the norms underpinning the international order. The breach of the Budapest Memorandum is an erosion of a propensity towards the cordial and trusted relations between states, as opposed to a contravention of a binding legal code. As such, breaking the Budapest Memorandum is not a significant enough source to singlehandedly claim the Russian invasion of Ukraine is illegal. To do so would be to misunderstand the distinction between laws and assurances (Kieran O'Meara, Mar 13 2022). In this examination of the UN Charter and the 1994 Budapest Memorandum on Security Assurances, it can clearly be stated that the Russian Federation and its Belarussian stalwart have committed a twofold assault on the rules based international order. In the first sense, it is nothing but abundantly clear that Russia's invasion of Ukraine is illegal. As this investigation has shown, Russia's actions contravene a plethora of both legally binding resolutions and articles within the UN Charter – the lynchpin of obligatory international law that it has a very clear and concrete lawful duty to uphold. Although Russia has both undermined and breached the 1994 Budapest Memorandum on Security Assurances also, it has been emphasised that this was never a legally binding treaty and so does not testify in isolation to the legal illegitimacy of Russia's aggression. It does however demonstrate the breakdown in normative reciprocity within international society. In discussing the collapse of the norms that underpin international society, this brings us to the secondary manner in which we can conclude that Russia's use of force has assaulted the rules based international order. The Russian Federation have sought only to hamper the ability of the UN system to achieve its chief function of maintaining international peace and security (Michael Kelly, Mar 4, 2022). Consequently, not only has the Russian Federation clearly violated binding international law with their invasion, but have added insult to injury by abusing the legal word of the Charter in bad faith, such as in the case of Article 51 or Article

27(iii); seeking to undermine the very principles upon which the Charter and the UN were forged to maintain (Kieran O'Meara, Mar 13 2022).

2. First Phase of Russo-Ukrainian Challenges and Initiation of Minsk Agreements with Conundrum between the Protagonists

Minsk I, September 2014

Ukraine and the Russia-backed separatists agreed on a 12-points ceasefire deal in September 2014.

Its provisions included prisoner exchanges, deliveries of humanitarian aid and the withdrawal of heavy weapons. However, the agreement quickly broke down, with violations by both sides.

Minsk II, February 2015

Representatives of Russia, Ukraine, the Organisation for Security and Cooperation in Europe (OSCE) and the leaders of separatist-held regions Donetsk and Luhansk signed a 13-point agreement in February 2015.

The leaders of France, Germany, Russia and Ukraine gathered in Minsk to mark the occasion and issued a declaration of support.

The deal's 13 points were:

- Immediate, comprehensive ceasefire.
- Withdrawal of heavy weapons by both sides.
- OSCE monitoring.
- Dialogue on interim self-government for Donetsk and Luhansk, in accordance with Ukrainian law, and acknowledgement of special status by parliament.
- Pardon, amnesty for fighters.
- Exchange of hostages, prisoners.
- Humanitarian assistance.
- Resumption of socioeconomic ties, including pensions.
- Ukraine to restore control of state border.
- Withdrawal of foreign armed formations, military equipment, mercenaries.
- Constitutional reform in Ukraine including decentralisation, with specific mention of Donetsk and Luhansk.
- Elections in Donetsk and Luhansk.
- Intensify Trilateral Contact Group's work including representatives of Russia, Ukraine and OSCE.

The 2015 agreement failed to end fighting in Eastern Ukraine because of the following reasons. The Minsk II deal set out military and political steps that remain unimplemented.

A major blockage has been Russia's insistence that it is not a party to the conflict and therefore is not bound by its terms. In general, Moscow and Kyiv interpret the pact very differently, leading to what has been dubbed by some observers as the "Minsk conundrum".

With the 'Minsk conundrum,' Ukraine sees the 2015 agreement as an instrument to re-establish control over the rebel territories. It wants a ceasefire, control of the Russia-Ukraine border, elections in the Donbas, and a limited devolution of power to the separatists – in that order. While Russia views the deal as obliging Ukraine to grant rebel authorities in Donbas comprehensive autonomy and representation in the central government, effectively giving Moscow the power to veto Kyiv's foreign policy choices. Only then would Russia return the Russia-Ukraine border to Kyiv's control.

The agreement is in focus recently because it can help to resolve the Russo-Ukrainian war of 2022. The Minsk II deal offers a vehicle for direct talks between Ukraine and Russia and, due to France's mediating role in the agreement, provides Macron with the opportunity to play the peacemaker on the world stage as he gears up for re-election at home. Moscow may see Minsk II as a way to guarantee its central security demand which Ukraine is never allowed to join NATO. Washington and NATO have already rejected that demand. For ex-Soviet state Ukraine, the deal could present an opportunity to wrest back control of its border with Russia and end the threat of Moscow ordering another invasion, at least for now. Kyiv says it will never allow Russia to have a de facto veto on Ukrainian foreign policy decisions, and many in Ukraine see the fulfillment of Minsk II as a concession to Russian aggression. But there may be room for compromise – all parties have expressed willingness for dialogue. According to the French President Emmanuel Macron "envoys from France, Germany, Russia and Ukraine will meet in Berlin for so-called "Normandy Format" talks on Thursday, two weeks after a previous round in Paris."

That meeting marked the first in-person gathering of political advisers from the four countries which were involved in the Minsk II accord for more than two years. Separately, the United Nations Security Council (UNSC) is set to hold a discussion next week on the implementation of the peace deal. The February 17 meeting will become the latest in a string of regularly scheduled UNSC talks on the agreement, which was endorsed by the council in 2015 (Al Jazeera and News Agencies). Ukrainian forces have been fighting Russian-backed rebels in eastern Ukraine for eight years. Moscow wants the West to promise Ukraine will never join the NATO alliance - in which members promise to come to another's aid in the event of an armed attack - but the US has rejected that demand. NATO's 30 members include the US and UK, as well as Lithuania, Latvia and Estonia - former Soviet republics which border Russia. Moscow sees NATO troops in Eastern Europe as a direct threat to its security. President Putin has long argued the US broke a guarantee it made in 1990 that NATO would not expand further east, though interpretations differ over exactly what was promised. Russia annexed Ukraine's southern Crimea peninsula in 2014. It is also backing rebels who seized large swathes of the eastern Donbas region soon afterwards, and some 14,000 people have died in fighting there. A woman in St. Petersburg, Russia, watching President Vladimir Putin address the nation on Monday (Credit...Anatoly Maltsev/EPA, via Shutterstock).

4. Unjustified Russian Support of the Purported Donetsk People's Republic' (DPR) and 'Luhansk People's Republic' (LPR)

But his veiled threat against Kyiv appeared to signal that he was prepared to threaten Mr. Zelensky's government directly — a scenario that American officials have said is a possibility given the size of Mr. Putin's troop buildup to Ukraine's north, east and south. Russia's recognition of the two regions, the so-called DPR and LPR, could allow separatist leaders to request military help from Russia, further easing a path for a military offensive, Ukrainian officials say. Ukraine would likely interpret that as Russian troops entering Ukrainian territory. The conflict in the separatist regions began in 2014, when rebels loyal to Russia seized government buildings in Donetsk and Luhansk, beginning a long trench war with Ukrainian forces. More than 13,000 people have died in fighting in the region since (Andrés R. Martínez). "President Putin's recognition of the 'as independent states show's flagrant disregard for Russia's commitments under the Minsk Agreements. This step represents a further attack on Ukraine's sovereignty and territorial integrity, signals an end to the Minsk process and is a violation of the U.N. charter. It demonstrates Russia's decision to choose a path of confrontation over dialogue. Liz Truss, Britain's foreign secretary. We will coordinate our response with the allies. We will not allow Russia's violation of its international commitments to go unpunished." Putin Orders Troops to Separatist Regions and Recognizes Their Independence. He hinted at the possibility of a wider military campaign and laid claim to all of Ukraine as a country "created by Russia." It was a seminal, hour-long speech that threatened to clear the way for war. On Monday night President Vladimir V. Putin said he would recognize the independence of two Russia-backed territories in eastern Ukraine, setting the stage for the possibility of Russian military action against Ukraine. Here are excerpts from his address, which he said was also directed to his "compatriots" in Ukraine. These were accompanied with series of questions posed by the Russian President Putin Vladimir which neither the West nor the Ukrainians could not bear such challenges as follows: "Why was it necessary to make an enemy out of us?" Mr. Putin asked, repeating his long-held grievances about NATO's eastward expansion. "They didn't want such a large, independent country as Russia. In this lies the answer to all questions." "We clearly understand that in such a scenario, the degree of military threat to Russia will rise cardinally, by multiple times," Mr. Putin said of the potential of Ukraine joining NATO. "If our ancestors heard about this, they would probably not believe it. And we don't want to believe it. But that's how it is. "Let me emphasize once again that Ukraine for us is not just a neighboring country. It is an integral part of our own history, culture, spiritual space," Mr. Putin said, referring to Ukraine's importance to Russia. "These are our comrades, relatives, among whom are not only colleagues, friends, former colleagues, but also relatives, people connected with us by blood, family ties." "We are being blackmailed; they are threatening us with sanctions. But I think they will impose those sanctions," he said referring to possible repercussions of Russian action. "A new pretext will always be found or fabricated. Irrespective of the situation in Ukraine," he added. "The purpose is single: to keep Russia behind, to prevent it from developing. And they will do it before even without any formal pretext. Just because we exist. We will never give up our sovereignty, national interest, and our values." "The so-called civilized world, the representatives of the self-proclaimed western colleagues, they act as if they do not notice anything. As if nothing is happening, as if this nightmare did not exist" (Valerie Hopkins, 2022).

The speech was followed with the appointment of Army General Aleksandr Dvornikov as Commander of the Ukraine War shows the realities of Ukrainian resistance and Russia's pre-war planning forcing it to reassess its operations according to the British military intelligence. To that effect, Ukrainian forces are "surrounded and blocked" in Mariupol as Russian forces push to take the southeastern port city, Mykhailo Podolyak, an official from Ukraine's presidential office said. Ukraine also fended off six Russian attacks in the southeastern regions of Donetsk and Luhansk, collectively known as Donbas, Ukraine's General Staff of Armed Forces said. The in terms of World diplomatic panicking agenda on the course of the blink of the Third World World, the United States President Joe Biden qualified Russian aggression as invasion as "amounts to genocide". On his part, Russian President Vladimir Putin has reappeared after a rare public silence to say the invasion was a "noble" cause and that peace talks were at a dead end. While Ukraine

told Russia to release prisoners of war if it wants the Kremlin's top political ally Viktor Medvedchuk to be freed. Continuously, Washington is expected to announce \$750m in military assistance for Ukraine. Polish President Andrzej Duda and presidents of Lithuania, Latvia and Estonia are on their way to Kyiv to meet Ukraine's President Volodymyr Zelenskyy. A planned visit by German President Frank-Walter Steinmeier was not welcomed by Ukraine, he said on Tuesday, following a report that Zelenskyy was critical of Steinmeier's historic advocacy of Western rapprochement with Russia. During the Russian annexation of Crimea from 23 February through 19 March 2014, (Kim, Lucian, 4 November 2014). Six people were killed. The dead included three protesters (two pro-Russian and one pro-Ukrainian), two Ukrainian soldiers and one Russian Cossack paramilitary (Finley, JC (27 February 2014). On 10 August 2016, Russia accused the Special Forces of Ukraine of conducting a raid near the Crimean town of Armiansk which killed two Russian servicemen. The government of Ukraine dismissed the report as a provocation. Ten people were forcibly disappeared between 2014 and 2016 and were still missing as of 2017. The overall number of confirmed deaths in the war in Donbas, which started on 6 April 2014, was estimated at 14,200–14,400 () through 31 December 2021, including non-combat military deaths. Most of the deaths took place in the first two years of the war between 2014 and 2015, when major combat took place before the Minsk agreements (Casualties of the Russo-Ukrainian War, (Wikipedia, the free encyclopedia).

At the beginning of June 2015, the Donetsk region's prosecutors reported 1,592 civilians had gone missing in government-controlled areas, of which 208 had been located. At the same time, a report by the United Nations stated 1,331–1,460 people were missing, including at least 378 soldiers and 216 civilians. 345 unidentified bodies, of mostly soldiers, were also confirmed to be held at morgues in the Dnipropetrovsk Oblast or buried. In all, as of late October, 774 people were missing according to the government,^[36] including 271 soldiers. By the end of December 2017, the number of confirmed missing on the Ukrainian side was 402, including 123 soldiers. The separatists also reported 433 missing on their side by mid-December 2016, and 321 missing by mid-February 2022. As of mid-March 2015, according to the Security Service of Ukraine (SBU), 1,553 separatists had been released from captivity during prisoner exchanges between the two sides. Subsequently, Ukraine released another 322 people by late February 2016 while by September, 1,598 security forces members and 1,484 civilians had been released by the rebels. 1,110 separatist fighters and supporters, including 743 civilians, were reportedly still being held by Ukrainian forces as of late March 2016 (Vlasova, Anastasia *et al.*, 25 January 2015). The figure of separatist prisoners was updated to 816, including 287–646 civilians, in December. At the end of May 2015, the Ukrainian commander of Donetsk airport, Oleg Kuzminykh, who was captured during the battle for the complex, was released. In December 2017, a large prisoner exchange took place where the rebels released 73 out of 176 prisoners they were holding, while Ukraine released 306 out of 380 of their prisoners. Out of those that were released by Ukraine, 29 brought to the exchange point refused to go back to separatist-held territory, while 40 who were already previously released did not show up for the exchange. Meanwhile, out of those released by the rebels, 32 were soldiers. This brought the overall number of prisoners released by the rebels to 3,215. Among those still held by the separatists, 74 were soldiers. The number of released prisoners was updated to 3,224 in late June 2018, while the number of those still held by the rebels was put at 113. At the end of December 2019, a new prisoner exchange took place, with Ukraine releasing 124 separatist fighters and their supporters, while 76 prisoners, including 12 soldiers, were returned to Ukraine by the rebels. Another five or six prisoners released by the separatists decided to stay in rebel-controlled territories. Foreign volunteers have been involved in the conflict, fighting on both sides. The NGO Cargo 200 reported that they documented the deaths of 1,479 Russian citizens while fighting as part of the rebel forces. The United States Department of State estimated 400–500 of these were regular Russian soldiers. Two Kyrgyz and one Georgian have also been killed fighting on the separatist side. Additionally, at least 233 foreign-born Ukrainian citizens and 19 foreigners died on the Ukrainian side. One of those killed was the former Chechen rebel commander Isa Munayev. In late August 2015, according to a reported leak by a Russian news site, Business Life (Delovaya Zhizn), 2,000 Russian soldiers had been killed in Ukraine by 1 February 2015 (Lawrence Hill-Cawthorne, 2019).

As a consequence of the conflict, large swathes of the Donbas region have become contaminated with landmines and other explosive remnants of war (ERW). According to the UN Humanitarian Coordinator in Ukraine, in 2020 Ukraine was one of the most mine-affected countries in the world, with nearly 1,200 mine/ERW casualties since the beginning of the conflict in 2014. A report by UNICEF released in December 2019 said that 172 children had been injured or killed due to landmines and other explosives (Lawrence Hill-Cawthorne, 2019). The overall number of confirmed deaths in the war in Donbas, which started on 6 April 2014, was estimated at 14,200–14,400 through 31 December 2021, including non-combat military deaths. Most of the deaths took place in the first two years of the war between 2014 and 2015, when major combat took place before the Minsk agreements. 6,517 DPR and LPR forces killed, (United Nations, DPR & LPR, 2021) 400–500 Russian armed forces killed (US State Department, 2021). UAF, NGU and volunteer forces stood at 4,400 killed (United Nations, 2021). Civilians losses were 3,404 killed with 306 foreign, (United Nations, 2021). Some of the above statistical records of death extended to 23 February 2022. Initially, the known number of Ukrainian military casualties varied widely due to the Ukrainian Army drastically understating its casualties, as reported by medics, activists and soldiers on the ground, as well as at least one lawmaker. Several medical officials reported they were overstretched due to the drastic number of casualties. Eventually, the Ukrainian Defence Ministry stated that the numbers recorded by the National Museum of Military History were the official ones, although

still incomplete, with 4,629 deaths (4,490 identified and 139 unidentified) cataloged by 1 December 2021. The European Council on Foreign Relations does not take collective positions. ECFR publications only represent the views of its individual authors. On 25 March, Russia's Ministry of Defence confirmed that 1,351 Russian soldiers had been killed in combat, with another 3,825 being injured. It also claimed 14,000 Ukrainian soldiers had been killed and 16,000 wounded by this point. Additionally, the DPR claimed 979 Ukrainian soldiers were killed and 1,150 wounded in the Donbass region by 11 March. On 16 April, Russia updated the number of Ukrainian military fatalities to 23,367. In contrast, on 29 April, Ukraine claimed Russian combat losses were around 23,000, while its forces suffered between 2,500 and 3,000 dead and around 10,000 wounded by 15 April. The Ukrainian government has reported more than 200 children to have been killed during the conflict with hundreds of others injured, by 18 April 2022. A month prior, on 18 March, Ukrainian authorities had announced that 109 children had been killed and more than 130 wounded, with the largest known number of casualties from Kyiv oblast where 55 children died, while 34 were killed in Kharkiv. Chernihiv Oblast, Kharkiv Oblast, Kramatorsk, Kreminna, Kyiv Oblast, Luhansk Oblast, Mariupol, Mykolaiv Oblast, Odesa Oblast, Sumy Oblast, total 9,487–24,487 plus killed as of 24 February – 28 April 2022 (Ukrainian Government, April 2022).

Not only was Ukraine rejecting its shared past with Russia, he said, but it was enabling American ambitions of weakening Russia by aspiring to membership in the NATO alliance. “Why was it necessary to make an enemy out of us?” Mr. Putin said, repeating his long-held grievances about NATO’s eastward expansion. “They didn’t want such a large, independent country as Russia. In this lies the answer to all questions.” Beyond his intensive history lesson — which would be disputed by many Ukrainians, who see themselves as a separate country with their own identity — the Russian president said little about his next steps. And he did not address the fact that the separatist “people’s republics” claim about three times as much territory as they currently control. Some analysts have speculated that Mr. Putin could use Russian troops to capture more Ukrainian territory on behalf of those republics. The U.S. and E.U. said they would begin imposing limited sanctions (February 21, 2022, Updated March 30, 2022). Moscow orders troops to Ukraine’s separatist regions after Putin recognizes their independence. A column of Russian armored vehicles, military trucks and supply units about 60 miles away from the border with Ukraine on (Monday.Credit...Sergey Ponomarev for The New York Times). President Vladimir V. Putin ordered troops into two Russia-backed separatist territories in Ukraine and hinted at the possibility of a wider military campaign and laid claim to all of Ukraine as a country “created by Russia” in an emotional and aggrieved address to the Russian people. Russian state television then showed Mr. Putin signing decrees late Monday recognizing the so-called Donetsk and Luhansk People’s Republics and directing the Russian Defense Ministry to deploy troops in those regions to carry out “peacekeeping functions.” “The order was condemned as a violation of international law and Ukraine’s sovereignty by several nations at an emergency meeting of the United Nations Security Council on Monday night. “He calls them peacekeepers,” said Linda Thomas-Greenfield, the U.S. ambassador to the United Nations. “This is nonsense. We know what they really are.” It was not immediately certain whether the Russian troops would remain only on the territory controlled by the separatist republics, or whether they would seek to capture the rest of the two Ukrainian enclaves whose territory they claim. And so it was unclear if a long-feared Russian full-scale invasion of Ukraine had begun (). The separatists might have invited Russian forces in, but neither Ukraine nor the rest of the world views the so-called republics as anything but Ukrainian territory. The threat was clear to the government of President Volodymyr Zelensky, which denies that it is responsible for the escalating shelling on the front line between Ukrainian forces and Russian-backed separatists in recent days. Russian state television has broadcast extensive reports claiming, without evidence, that Ukraine is preparing an offensive against the separatist territories. Mr. Zelensky, in a televised statement, urged Ukraine’s allies to take action immediately and called for the Ukrainian people to remain calm. “We are on our own land,” he said. “We are not afraid of anything or anyone.”



Map No.1: Specific Zones of Russian launching of her Aggression in Ukraine

Sources: Press Association Images. This map shows the extent of the Russian invasion of Ukraine and the two secessionist regions.

Mr. Zelensky spoke to President Biden and called a meeting of his Security and Defense Council. White House officials said Mr. Biden would impose sanctions against people doing business in the separatist regions and that the White House would soon announce more. Condemnations of Russia's actions rang out around the continent, with British and European Union leaders vowing to impose sanctions on those involved. "Putin just put Kafka and Orwell to shame: no limits to dictator's imagination, no lows too low, no lies too blatant, no red lines too red to cross," Prime Minister Ingrida Šimonytė of Lithuania said. "What we witnessed tonight might seem surreal for the democratic world. But the way we respond will define us for the generations to come." Mr. Putin went so far as to describe Ukraine's elected pro-Western leaders as stooges and cast them as the aggressors even though Russia has an estimated 150,000 to 190,000 soldiers surrounding Ukraine (Tomohiro Mikanagi, 2018). While Mr. Putin's ultimate plans remain a mystery, a full invasion would constitute the largest military action in Europe since World War II. Now edging toward the twilight of his political career, Mr. Putin, 69, is determined to burnish his legacy and to correct what he has long viewed as one of the greatest catastrophes of the 20th century: the disintegration of the Soviet Union. Asserting Moscow's power over Ukraine, a country of 44 million people that was previously part of the bloc and shares a 1,200-mile border with Russia, is part of his aim of restoring what he views as Russia's rightful place among the world's great powers, the United States and China (Dan Bilefsky).

5. The Place of International Law in the RRNA and USSUS

One of the prominent actors in the investigation of the Russo-Ukrainian War damages is known as SARFAN which is a community effort working to expose Russia's unjustified attacks against Ukraine and their history of aggressive actions all over the world. According to their declaration, "We are focused on highlighting Russia's efforts to craft a narrative through their sophisticated propaganda machine that they use to orchestrate and justify their violent actions. Both international law and the United Nations Charter say that countries should not invade each other. But who has the ability to enforce those rules? Therefore, Hurst Hannum, International law put that "Putin's war against Ukraine is illegal. Does that matter? Professor of International Law, Fletcher School of Law & Diplomacy, (Tufts University, February 25, 2022). U.N. Secretary-General António Guterres put them to the test on February 24, 2022, when he called on Russia to stop its fast-moving ground invasion of Ukraine. The use of force by one country against another is the repudiation of the principles that every country committed to uphold. This applies to the present military offensive. It is wrong. It is against the U.N Charter. It is unacceptable. But it is not irreversible," Guterres told reporters at U.N. headquarters in New York. "Stop the military operation. Bring the troops back to Russia. We know the toll of war. Guterres has said that Russia's invasion of Ukraine, a sovereign nation, directly conflicts with the United Nations Charter, an agreement that guides the work of the U.N. and its 193 member states. As a professor of international law, I believe it is important to remember that Putin's invasion of Ukraine is illegal. But enforcing the law is challenging, as armed conflicts around the world demonstrate all too clearly. This enables us to know what entails the respect of International Law in terms of war of aggression as such below.

International law is a set of rules and standards that governs relations between different countries. Countries jointly develop international law and often pass their own national legislation that holds them accountable to these standards. International law addresses almost any subject, ranging from protecting children's rights and preserving the environment to regulating international trade and investment. Much international law is laid out in international treaties sometimes also called conventions, pacts and covenants. International law is also reflected in the legally binding commitments that countries make when they join international organizations, like the U.N. While not every country joins every treaty, all U.N. members are legally bound by the Charter. The first quasi-serious attempt to prohibit war in the past 100 years happened in 1928, when the U.S. and France developed the Kellogg-Briand Pact. Dozens of countries agreed to settle their disputes peacefully and to "condemn recourse to war for the solution of international controversies, and renounce it, as an instrument of national policy in their relations with one another." Some of the world's most powerful countries, including Germany, the United Kingdom, Italy, India and Japan, also ratified this very short treaty in Paris (). But the countries' willingness to abide by the treaty lasted less a decade, and crumbled entirely when World War II erupted in September 1939. Another major international initiative that addresses conflict led to the adoption in 1949 of the four Geneva Conventions, as they are known. These conventions have specific rules that help protect combatants and civilians during war and are accepted by all countries. The conventions prohibit torture and ensure soldiers' and civilians' rights to proper medical treatment. They also prevent countries from using torture to extract information from prisoners of war and from attacking wounded or sick soldiers. But these conventions only deal with how war should be conducted, not when use of armed force is legal. The most important contemporary rule on conflict is found in the U.N. Charter, which states, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations "This wording is significant. The term "use of force" means what it says. Countries cannot avoid their international obligations by pretending their actions are peacekeeping missions, as Putin has said ().

Under no scenario is Russia's armed invasion of Ukraine legal under contemporary international law and norms. Self-defense is the only justification for use of force against another country, according to international law. This

condition is found in the U.N. Charter and is binding for all 193 U.N. member countries. The charter's only clear exception to prohibiting the use of force is self-defense, "if an armed attack occurs" against a country. Rescuing citizens who are trapped or in danger in another country is recognized as a form of self-defense. But these interventions are strictly limited to evacuating citizens, not overthrowing governments. Nothing that Ukraine has done to date could be construed as an "armed attack" on Russia and justify any Russian claim to self-defense. Even if Putin's false claim that Ukraine is targeting Russian-speakers in eastern Ukraine were true, it would not justify the countrywide attacks he has unleashed (Marko Milano Vic *et al.*, 2018). Intervening for humanitarian reasons, such as trying to prevent large-scale loss of life or suffering, has been asserted by a few countries and activists as another rationale for use of force. But this justification has not yet been widely accepted, unless the U.N. Security Council authorizes the intervention. It did so when it authorized a U.S.-led military force in Somalia in 1992 to help prevent famine. (Diplomats like Syrian ambassador Bashar Jaafari, U.N. in 2018). "Almost all nations observe almost all principles of international law ... almost all of the time," a highly respected U.S. law professor, Louis Henkin, wrote in 1979. There is no standing international police force to enforce international law. Compliance is primarily in the hands of countries themselves. The International Court of Justice, created by the U.N. and located in the Hague, Netherlands, decides disputes between countries, including alleged violations of the U.N. Charter. But only 73 countries out of 195 have accepted the court's jurisdiction. The U.N. Security Council also has the authority to authorize the use of force under the U.N. Charter in order to maintain international peace and security. This option is unrealistic in the situation of Ukraine because Russia has a permanent seat on the council along with the other four permanent members: the U.S., U.K., France and China and thus holds veto power over any decision. Finally, either the U.N. Security Council or individual countries may impose economic or diplomatic sanctions if necessary, as the U.S. and European countries have done. But such actions can have only an indirect impact on deterring or ending a war. There is probably no law, international or domestic, that enjoys universal compliance. The challenge to enforce international law remains a challenge laid bare most recently and blatantly by Russia's invasion of Ukraine. Presiding judge Joan Donoghue is seen on a screen at The Hague as the court orders Russia to halt its invasion of Ukraine (Piroschka van de Wouw, March 16, 2022).

The court president, US judge Joan Donoghue, said the court "is not in possession of evidence substantiating" Russian allegations of genocide on Ukrainian territory. In any case, she said it was "doubtful" the Genocide Convention gives any authority for the "unilateral use of force in the territory of another state". Consequently, she said "the court considers that Ukraine has a plausible right not to be subjected to military operations by the Russian Federation". ICJ rulings are binding under the UN Charter, and the court order noted they "create international legal obligations for any party to whom the provisional measures are addressed", but it has no means of enforcement. It is unlikely to influence Putin's choices, but it does provide an authoritative refutation of his frequently used pretext for starting the war. "Ukraine gained a complete victory in its case against Russia at the international court of justice," the Ukrainian president, Volodymyr Zelenskiy, said in a tweet. "The ICJ ordered to immediately stop the invasion. The order is binding under international law (ICJ Order of 16 March 2022 ; Memorial and Counter, March 2022). Russia must comply immediately. Ignoring the order will isolate Russia even further." The order was in response to a Ukrainian appeal to the court on 26 February, 2022 asking for an urgent ruling on Russia's unsupported claims that Ukrainian forces were committing genocide in Russian-backed enclaves in Luhansk and Donetsk, regions in eastern Ukraine, as a justification for the attack. Russia did not attend an initial hearing of the case on 4 March, nor did its lawyers turn up to hear the ruling on Wednesday. Instead they sent a letter to the court claiming the ICJ did not have jurisdiction over the case, because Russia had formally justified the attack in a letter to the UN Secretary General on grounds of self-defence, not on genocide. Donoghue ruled that "the non-appearance of one of the states concerned cannot in itself constitute an obstacle to" a provisional ruling. She also rejected Russia's argument on jurisdiction under the Genocide Convention, pointing out the frequent occasions that Vladimir Putin and other senior Russian officials had claimed the alleged genocide was the reason for the attack. "The court concludes that prima facie it has jurisdiction pursuant to article nine of the Genocide Convention to entertain the case," Donoghue said. Marko Milanovic, professor of public international law at the University of Nottingham, said: "The court essentially accepted all of the arguments made by Ukraine." Writing on the European Journal of International Law blog, Milanovic argued: "Russia's failure to comply with the order will have the same effect as its non-appearance – a showing of disrespect for international law and institutions, causing it reputational harm while presenting Ukraine as a state using legal methods of peaceful dispute settlement"(International Court of Justice, Orders of 16 March 2022; 23 March 2022).

The Kremlin has rejected an order by the United Nations' highest court to cease its attack on Ukraine, saying both sides had to agree to end the hostilities for the ruling to be implemented. Speaking to reporters on March 17, the day after The Hague-based International Court of Justice (ICJ) announced the decision saying it was "profoundly concerned" by Moscow's unprovoked invasion, Kremlin spokesman Dmitry Peskov told reporters on March 17 that Russia "cannot take this decision into account." ICJ justices voted 13-2 in favor of the order, which stems from a case filed by Kyiv over Russian allegations of genocide by Ukraine, which Moscow used as one of its pretenses to launch the invasion on February 24. But Peskov said that "no consent [from both sides] can be obtained in this case," thus the ruling was not valid. The ICJ justices also ruled by a 13-2 vote that Moscow must ensure that "any military or irregular armed units

which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of the military operations referred to in point. "Both rulings were ordered pending a final decision in the case. The court also said both parties must "refrain from any action which might aggravate or extend the dispute before the court or make it more difficult to resolve. "The ICJ resolves legal complaints submitted by states over alleged breaches of international law. It is the supreme judicial institution of the United Nations. While its decisions are binding, Moscow was not expected to heed the court's decision after it boycotted a hearing on the case earlier this month and argued in a written filing that the court didn't have jurisdiction. It also said it was acting in self-defense with the invasion (Current Time, April 28, 2022). In an application to the Court filed in January, Ukraine alleged that Russia had violated its obligations under two international treaties on terrorism financing and racial discrimination. Russia responded in September by raising five preliminary objections concerning the Court's jurisdiction and the admissibility of the application. The ICJ judges on Friday found the Court can entertain Ukraine's claims under the International Convention for the Suppression of the Financing of Terrorism.

Ukraine had alleged that Russia supplied funds, weapons and training to illegal armed groups that engage in acts of terrorism in its territory. Relatedly, that Russia also allegedly caused or supported the July 2014 downing of Malaysia Airlines Flight MH17, among other violent acts. ICJ judges also decided the court could move ahead on Ukraine's claims concerning violation of the International Convention on the Elimination of All Forms of Racial Discrimination. Ukraine has accused Russia of discrimination and mistreatment of Crimean Tartar and ethnic Ukrainian communities in Crimea, which was annexed by Russia in 2014. (ICJ November 8, 2019). The ICJ is the principal judicial organ of the United Nations It settles legal disputes submitted by States, and also gives advisory opinions on legal questions referred by UN organs and agencies. The Court is composed of 15 judges and is based in The Hague, in the Netherlands. Countries that have condemned Russia's actions are not only trying to protect Ukraine and its citizens, but also defending the principle that relationships between states should be shaped by legal principles (Anthony Dworkin, 25 February 2022). Russia's UN Ambassador Vasily Nebenzya leaves the UN Security Council before the addresses by Ukraine's Ambassador Sergiy Kyslytsya on 31 January Image by Richard Drew / Associated Press / picture alliance. Russia's invasion of Ukraine is a clear act of aggression and a manifest violation of Article 2.4 of the UN Charter, which prohibits the "use of force against the territorial integrity or political independence of any State". In his speech announcing the attack on Ukraine, President Vladimir Putin made various attempts to justify Russia's actions. He pointed to what he described as Western violations of international law in Kosovo, Iraq, and Libya. But – leaving aside the differences between these cases – they have no bearing on the illegality of Russia's moves. Referring directly to the UN Charter, Putin also argued that the invasion was an act of self-defence – one designed to protect both Russia and the separatist enclaves in Donbas from an assault by Ukraine and NATO. These claims are nonsense. Neither Ukraine nor NATO had launched or was about to launch any such attack. And, as the enclaves are not independent states (despite the fact that Russia recognised them as such), they cannot ask another state to defend them. In any case, in the run-up to the invasion, there was much more force directed outwards from the enclaves than against them. Russian soldiers could face charges if they deliberately target civilians, use disproportionate force in attacking military targets, or summarily execute prisoners (Anthony Dworkin, 2022, online).

The prohibition on the unjustified use of force is the cornerstone of modern international law. However, that does not necessarily mean that there is any tribunal that can pass judgments on Russia's violation. The International Court of Justice, which deals with disputes between states, can only intervene in cases where the countries involved agree that it should have a role. Ukraine has already brought a case against Russia for its attacks since 2014, but it was only able to do so for breaches of conventions on terrorist financing and racial discrimination rather than for a violation of the UN Charter. Aggression is also a crime incurring individual responsibility. Defendants were prosecuted for aggression in the Nuremberg and Tokyo trials after the Second World War (Meagan S .Wong, (2021). The statute of the International Criminal Court (ICC), which was established in 1998 to prosecute individuals for violations of international criminal law, was amended in 2010 to establish its jurisdiction over aggression. The crime is defined in the ICC statute as the planning, preparation, initiation, or execution by a senior political or military leader of an act of aggression that manifestly violates the UN Charter. Ukraine has accepted the jurisdiction of the ICC, even though it is not formally a member of the court. However, there is a catch: in this case, the amendments incorporating the crime of aggression set restrictions on the court's reach that do not apply to other international crimes. One of these limitations is that the ICC can only prosecute cases of aggression when both the attacking state and the victim state are members of the court. Russia has not joined the ICC. And Ukraine has accepted ad hoc jurisdiction but has not ratified the court's statute. Accordingly, Putin and senior officials need not fear prosecution before the ICC for this crime. However, some countries allow prosecution of the crime of aggression in their national law under the principle of universal jurisdiction. While Putin and senior Russian officials might be immune from such prosecution as long as they remain in office, they could face prosecution if they visited certain countries after leaving power (Anthony Dworkin , 2022, online). Meanwhile, Russian commanders and troops could face prosecution for any war crimes they commit during the invasion. In the case of war crimes, crimes against humanity, and genocide, the ICC has jurisdiction if the act in question takes place on the territory of a state that has accepted this jurisdiction, even when it is committed by a citizen of a state that has not joined the court. The ICC is

already examining possible crimes in Ukraine since 2013, including those committed by Russian troops. Russian soldiers could face charges if they deliberately target civilians, use disproportionate force in attacking military targets, or summarily execute prisoners. This could be a real concern given the record of Russian forces in Syria, where monitoring organisation Airwars has documented 4,621 incidents in which Russian attacks killed civilians. Shortly after the Russian invasion of Ukraine started, the ICC's prosecutor stated that he would be monitoring the situation closely, and noted that ordering or inciting crimes made individuals liable to prosecution. Every effort should be made to document and preserve evidence of any crimes that forces commit during the course of hostilities. Russia and Putin may be breaking international law without immediately facing legal proceedings, but this does not mean international law is irrelevant. Countries that have condemned Russia's actions and taken measures to sanction it are not only trying to protect Ukraine and its citizens, but also defending the principle that relationships between states should be shaped by legal principles rather than merely the balance of power. The justification for sanctions is that the targeted individual or entity is responsible for a breach of international law. The references to international law that so many leaders have made in their statements on the crisis show its importance as a reference point and a standard to guide responses to Russia's actions (Anthony Dworkin, 2022, online).

The Kremlin has rejected an order by the United Nations' highest court to cease its attack on Ukraine, saying both sides had to agree to end the hostilities for the ruling to be implemented. Speaking to reporters on March 17, the day after the Hague-based International Court of Justice (ICJ) announced the decision saying it was "profoundly concerned" by Moscow's unprovoked invasion, Kremlin spokesman Dmitry Peskov told reporters on March 17 that Russia "cannot take this decision into account. "ICJ justices voted 13-2 in favor of the order, which stems from a case filed by Kyiv over Russian allegations of genocide by Ukraine, which Moscow used as one of its pretenses to launch the invasion on February 24. But Peskov said that "no consent [from both sides] can be obtained in this case," thus the ruling was not valid. The ICJ justices also ruled by a 13-2 vote that Moscow must ensure that "any military or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of the military operations referred to in point." Both rulings were ordered pending a final decision in the case. The court also said both parties must "refrain from any action which might aggravate or extend the dispute before the court or make it more difficult to resolve. "The ICJ resolves legal complaints submitted by states over alleged breaches of international law. It is the supreme judicial institution of the United Nations. While its decisions are binding, Moscow was not expected to heed the court's decision after it boycotted a hearing on the case earlier this month and argued in a written filing that the court didn't have jurisdiction. It also said it was acting in self-defense with the invasion. (Current Time, April 28, 2022). People demonstrate in support of the Ukraine outside the United Nations' top court Wednesday, in a preliminary decision that appeared to have largely symbolic significance (Peter Dejong/AP). Ukraine initiated the case at the International Court of Justice in The Hague to contest President Vladimir Putin's official explanation for entering the country as an effort to end "genocide" of pro-Russian separatists. (Rick Noack, U.N. March 16, 2022). The court voted 13 to 2 in favor of ordering Russia to "suspend" military operations in Ukraine and to prevent armed units that are directed or supported by Russia from taking further action. Of the two judges in opposition, one was from Russia, the other from China. Ukrainian President Volodymyr Zelensky said in a tweet that the order constituted a "complete victory in its case against Russia" and that "ignoring the order will isolate Russia even further." But while the court's preliminary order is in theory binding under international law, there were no signs that Moscow would comply. No Russian representatives showed up when Ukraine argued its case last week. They subsequently submitted a document asserting that the court lacked jurisdiction to decide the case. A final ruling, potentially years away, would also be expected to have negligible impact. United Nations Development Program Administrator Achim Steiner said March 15 that if Russia's invasion persists, Ukraine could "free-fall into poverty" (Video: Reuters). The ICJ does not appear to have a viable path to enforce the decision. Sanctions could be imposed only by the U.N. Security Council, of which Russia is a permanent member and where it has a veto power. The court's mission is to settle disputes between sovereign nations, and it cannot charge presidents or military leaders with war crimes, for example. If one of the conflict parties is "ignoring basic principles of law, there's a question about the utility of invoking the law vis-a-vis that party when you don't have a strong enforcement power," said Yuval Shany, an international law expert at Hebrew University in Jerusalem. But Shany added that a ruling could still have "some value," for example by debunking the Russian explanation for the invasion. The proceedings center on Russia's official explanation for its invasion of Ukraine, which Russian President Vladimir Putin has said is intended to achieve the "denazification" of Ukraine and end "genocide" in the country's east. There is no evidence to support Russia's claims. Representatives of Ukraine argued that the Russian accusations represented a pretext for an illegal invasion. In its order Wednesday, the court did not rule directly on the facts of the case and whether genocide was taking place but said Ukraine was "asserting a right that is plausible under the Genocide Convention." To not impose preliminary measures now would open people to "irreparable harm," the court said. In the current case, Ukraine argued that the court has jurisdiction because both Russia and Ukraine have signed the 1948 treaty on the prevention of genocide (Rengger, N. 2013).

Article 2(4) of the UN Charter prohibits the threat or use of force with the only two Charter exceptions to this prohibition being self-defence and action mandated by the UN Security Council. In his speech on 23 February, Putin points to two grounds on which Russia relies on self-defence – defence in aid of the two breakaway republics and self-defence in the light of threats against Russia itself. Donetsk, Luhansk, and collective self-defence Putin said ‘the people’s republics of Donbass turned to Russia with a request for help’ and went on to seek to justify his military action under Article 51 of the Charter. But it is only in respect of states that the right of collective self-defence exists – humanitarian intervention on behalf of individuals in a state has not gained a place in international law. And it is only Russia which has recognized the statehood of the two regions. Putin repeated on 23 February his earlier allegation that the people of the two breakaway republics are being repressed by the Ukraine government, and even that genocide is being committed against them (Elizabeth, 2022). This baseless allegation is relevant not only to the claim of self-defence on behalf of these regions but also to Russia’s ‘recognition’ of them as separate states. International law does not give the inhabitants of a part of a state the right to secede from that state. The aspect of self-determination which allows for independence of a ‘people’ applies to peoples in colonies and other overseas territories under the occupation of another state. The other aspect of self-determination is ‘internal’ and comprises the right to freely choose political status and pursue economic, social, and cultural development within the state – as the Minsk accords sought to provide for Donetsk and Luhansk. There is a somewhat controversial theory in international law that would give a right of secession from a state if the people in question were subject to extreme abuse of human rights and systematic oppression. This is the theory of remedial secession, which some countries, such as Switzerland, used in the International Court of Justice (ICJ) in relation to Kosovo’s declaration of independence from Serbia – an independence still not recognized by Russia. But the theory has no support from the international courts and, even if it did, Russia itself has stated previously that a right of remedial secession is ‘limited to truly extreme circumstances, such as an outright armed attack by the parent State, threatening the very existence of the people in question’ (Russia’s submissions to the ICJ in the Kosovo case, para 88, Elizabeth, 2022). Within the UN, it is the Security Council which has the mandate to uphold international peace and security, and act when there is a threat to the peace. But there will be no help from there with Russia’s status as a permanent member holding a veto. The UN General Assembly may act instead. Since 2014 it has adopted a series of resolutions (the latest on 9 December 2021) requiring Russia to withdraw immediately and unconditionally from Crimea. But the General Assembly does not have the powers of the Security Council, and cannot mandate peacekeepers or the use of force. In due course there may be the need for a UN Human Rights Commission of Inquiry to be launched if there are breaches of human rights law and international humanitarian law, and human rights cases may be brought against Russia at the European Court of Human Rights. But international institutions do not have the necessary powers to stop what is going on right now. International law gives the right to Ukraine, being attacked, to call for support from other states. And as well as imposing sanctions, states may wish to consider cyber countermeasures. Some of the recent cyber activity against Ukraine has been attributed by the US, UK, and Australia to the Russian Main Intelligence Unit (GRU) (Elizabeth, 2022).

CONCLUSION

In this matter of an unjust war of aggression in support of the two secessionist regions of Ukraine and other unjustified justifications raised by the aggressive actor like Russia, the World needs to mobilise as soon as possible to check Russian actions around the World. It is imminent that the Russian Federation may be hoping to return to the position of Hyper- Power like the U.S which is practically impossible. The Chinese economic power vis-à-vis the U.S are in the balance with Russia having no place in that competition. China is likely going to obtain an upper hand in her political economy policy of As the primary responsibility of the UNSC is to ensure and maintain international peace and security, the UN Charter makes it necessitous for member-states to adhere to UNSC resolutions. Consequently, Article 25 is commonly interpreted as certifying the legal and binding nature of such resolutions. In this regard, the Russian invasion of Ukraine breaks international law by violating Resolution 2202 and therefore Article 25. Resolution 2202 was unanimously adopted in 2015 with all fifteen members of the council voting in favour of its implementation. This resolution holds broad significance, concerning itself only with the Ukrainian crisis that came as a result of the 2014 Revolution of Dignity and the annexation of Crimea. In its responsibility to uphold both Article 25 of the Charter and the wider convention that agreements one makes must be kept (*pacta sunt servanda*), the Russian Federation is breaching its legal obligations in a three-fold manner with regards to UNSC Resolution 2202 (United Nations Security Council 2015). Firstly, the resolution reiterated that all signatories reaffirm ‘full respect for the sovereignty, independence and territorial integrity of Ukraine’ (Anne Peters, 2022). Secondly, although Russian diplomats now claim to have not been a participating signatory of the 2015 Minsk agreements, the Russian Federation has clearly signed an obligation to withdraw all ‘armed formations, military equipment, as well as mercenaries from the territory of Ukraine’ under the annex of this legally binding agreement. And lastly, as part of the Resolution, Vladimir Putin himself is listed alongside other world leaders as personally reiterating their full respect for the sovereignty and territorial integrity of Ukraine, by which ‘They firmly believe that there is no alternative to an exclusively peaceful settlement.’ It subsequently appears that there has been a five-pronged violation by Russia in this regard alone. By the use of such force against Ukraine, the Russian federation has firstly disregarded a legally binding resolution that it willingly agreed to uphold in the manner discussed above. In doing so, such action thus flouts Article 25 of the Charter, renegading on its legal obligations to a

load-bearing pillar of international law. Finally, in defying such responsibility and ignoring their own active commitment to Resolution 2202, the Russian Federation has diluted the very sanctity of the legal convention that states are obliged to uphold the agreements that they willingly have a hand in forging. As such, Russia has chosen to overturn and disrupt the common norms and law of international society (Hurd, I. 2021). Such a violation of the Charter was consequently sought to be circumnavigated through appeal to the General Assembly, under resolution 377(V) 'Uniting for Peace'. As passage of the draft resolution to the General Assembly under resolution 377(V) is a procedural matter, the process for which is accounted for within Article 27(ii) above, no unanimity of the permanent members was required. The issue passed to the General Assembly with 11 votes in favour, three abstentions and Russia alone in its resistance (United Nations Meetings Coverage and Press Releases 2022a). It has been claimed that both Russian aggression and its resultant action to block the draft resolution in the UNSC go some way to undermine the attempt at achieving a peaceful outcome to the crisis (United Nations Meetings Coverage and Press Releases 2022b). This goes against Article 33, which obliges states to peacefully settle disputes by way of negotiation and judicial settlement prior to engaging in the use of force. No such avenue was taken prior to Russia's invasion. Ultimately, this will be the longstanding goal of the UN until any conclusion to the conflict arises: to facilitate a peaceful settlement of dispute. The Russian diplomatic defence for the invasion of Ukraine rests with Article 51 of the Charter. Nebenzya throughout several of the emergency sessions in the UNGA and UNSC, has commented on the precedence of Article 51 to the Russian case, making it the prime legal defence of the Russian diplomatic corps. Article 51 entitles any member state to individual or collective self-defence until measures are taken for peace. As briefly cited above, this creates a central contradiction with the prohibition of the use of force and reinforcement of non-intervention eschewed out in Article 2(iv).

The security-based pieces of international law that fall around this conflict like so much recently dusted up ash from Chernobyl's nuclear cemetery also lead to unsatisfactory applications. The U.N. Charter's Security Council is frozen from action by Russia's veto. NATO's article 5 collective military response trigger won't be tripped until Russian forces cross into the Baltic states, Poland, or Romania, unless of course cyber attacks are deemed attacks. And the Budapest Memorandum signed by the United States, United Kingdom, Russia, and Ukraine in 1991, providing security assurances to Ukraine for its territorial integrity, political independence, and border inviolability in exchange for Kyiv giving up the nuclear arsenal it inherited from the defunct Soviet Union, has been rolled over by Putin's tanks, leaving the Americans and British emphasizing to the Ukrainians the legal difference between "assurances" and "guarantees." International criminal law and the Geneva Conventions may, however, yield better legal results. There is no doubt that Putin can be prosecuted as a war criminal for how this invasion has been executed against civilians and their property without military necessity, just as Serbia's Slobodan Milosevic was prosecuted for his role in orchestrating the Balkan civil wars. The International Criminal Court's prosecutor confirmed that the court has jurisdiction over war crimes committed by Russian forces in Ukraine. Due to Ukraine's acceptance of the ICC's jurisdiction to investigate and prosecute crimes committed on its territory from 2014 onwards, key legal hurdles that stymie the court in other situations are cleared in this case. That said, because of limitations on the court's ability to pursue the crime of aggression, which Russia clearly committed as well, no case could be brought on that basis. Frustratingly, international law doesn't provide answers so much as frameworks, but they are frameworks within which the world agrees to operate. When great powers depart from such norms, the rules must be enforced against them where possible. If this means unsealing an arrest warrant against a sitting head of State, as the ICC did previously against the president of Sudan for genocide, then all the better for deterrence. It would be yet one more factor for Mr. Xi to consider as he eyes doing the same thing to Taiwan (Marco Sassoli, March 3, 2022).

To this end, it emphasised that the global order was based on the sovereignty of states) (article 2(1)) and outlawed the use of force by one state against another (article 2(4)). There are only two, narrowly defined exceptions in the United Nations Charter, the world body's founding document, to the prohibition on the use of force. These are met when states act either in self defence or under the authorisation of the UN Security Council. Russia's invasion of Ukraine can, therefore, be legal only if it falls within one of those exceptions. It is completely uncontroversial that sending armed forces across the border of a state, without its consent, is a use of force. This happened when Russia sent tanks and infantry across the internationally recognised borders of Ukraine. President Putin's recognition of two breakaway regions in southeast Ukraine before this move does not affect their status as Ukrainian territory under international law. Indeed, it violates a separate rule protecting state sovereignty: that affairs. Apologists for the invasion have focused on the West's 'provocation' of Russia, particularly through its expansion of NATO to include Eastern European states such as Poland. But focusing on the reasons why Russia feels threatened by the West confuses causation with justification. In addition, by referring only to the reasons why Russia supposedly feels threatened, and failing to address the legal position at all, the South African government, the governing African National Congress – and other apologists – undermine the most cardinal rule of our international legal order. It is a rule on which the South Africa's own survival as a state depends (Michael Kelly, Mar 4, 2022).

More than 1,300 Russian troops have been killed during what Russian President Vladimir Putin insists on calling a "special military operation" in Ukraine that began on Feb. 24, according to Col. Gen. Sergei Rudskoy, first

deputy chief of the general staff at the Russian Ministry of Defense. He said the state would take over supporting these soldiers' families, including paying for higher education, loan forgiveness and housing stipends. NATO this week estimated that 7,000 to 15,000 Russians have died this month from fighting. Kyiv on Friday said its accounting puts that number in excess of 16,000. Russian state news deleted a post earlier this week suggesting troop deaths at roughly 10,000 with officials claiming the article's publication originated from a cyber attack. Reports of at least a half-dozen deaths among Russian general officers have also wrought widespread attention and criticism over tactics. Regardless of the disparity, even the Russian accounting presents a staggering acknowledgement of battlefield carnage for a supposedly contemporary military. The U.S., by contrast, lost 7,000 troops in both Iraq and Afghanistan across two decades of at-times intense, grinding combat (Paul D. Shinkman, March 25, 2022). Friday's announcement represents the first clear accounting from Russia since it began operations in Ukraine, where supposed lightning warfare has since bogged down into a burgeoning stalemate with entrenched Russian positions suffering from poor command, logistics and reinforcements. A depletion of Russian armaments combined with surprisingly effective Ukrainian defenses preceded Putin's decision to begin the use of more indiscriminate weaponry and siege tactics against dense civilian centers, such as Mariupol and the capital Kyiv, causing widespread civilian casualties. Western officials have become increasingly concerned Russia may also turn to using chemical or biological weapons to gain a battlefield advantage, as Putin himself has appealed to foreign fighters from Syria and elsewhere to join his cause. Russia is likely now looking to mobilise its reservist and conscript manpower, as well as private military companies and foreign mercenaries, to replace these considerable losses," the British Ministry of Defense assesses, according to a statement released Thursday night of Russia's battlefield losses. "It is unclear how these groups will integrate into the Russian ground forces in Ukraine and the impact this will have on combat effectiveness.

Ukrainian military officers on the ground have told U.S. News they have witnessed increased presence of Russian conscripts and reserve forces in their operations around the country. Indeed, the deadliness of the fighting in Ukraine has forced Russia's military to shift from offensive operations to more entrenched fighting, as Western military officials observed this week. Myhailo Podolyak, an adviser to Ukrainian President Volodymyr Zelenskyy, assessed this week that the Kremlin had changed its tactics toward more defensive operations "to an acceptable level" from a propaganda perspective. The Ukrainian general staff has also concluded that Russia is "beginning to realize that the available forces and means are not enough to maintain the temporarily occupied territories of Ukraine and are conducting defensive operations," according to the Institute for the Study of War, which has tracked Russia's movements in near daily reports. There is another, more subtle, problem with understanding the wages of war: the difference between counting direct deaths in war and counting indirect deaths. Direct deaths are those that occur when people are killed by violent means such as bombs, bullets and the collapse of buildings that result from an attack. Indirect deaths occur when people die because their access to essentials such as food, water, medicine and medical care has been disrupted or lost in a war zone, or when power has been cut or they have been forced to flee and they are left exposed to the elements. Ukraine is making use of weapons such as Javelin antitank missiles and Switchblade "kamikaze" drones, provided by the United States and other allies. Russia has used an array of weapons against Ukraine, some of which have drawn the attention and concern of analysts. The deaths of Russian officers on the front line has been attributed to a number of Russian vulnerabilities in Ukraine, including the use of unsecured communications and the movement of officers to the front line to boost flagging morale and address discipline issues, such as looting. The use of unsecured phones has been attributed to the failure of Russia's secure telephone technology system, Era [42]. In March 2022, two American military officials told The New York Times that Russian generals in Ukraine frequently had conversations on unsecured phones and radios, and that in at least one instance, a general and his staff were killed after the Ukrainians intercepted a call, geo-located it, and attacked the location (Booth, William; Dixon *et al.*, 26 March 2022). The International Court of Justice (ICJ) has agreed to hear claims by Ukraine related to the conflict in the east of the country, where Government forces have been fighting mostly pro-Russian separatists, for more than five years. In an application to the Court filed in January, Ukraine alleged that Russia had violated its obligations under two international treaties on terrorism financing and racial discrimination (ICJ (CIJ_ICJ) November 8, 2019). The International Court of Justice (ICJ) delivers its judgment on the preliminary objections raised by the Russian Federation in the case concerning two international treaties on terrorism financing and racial discrimination (Ukraine v. Russian Federation, 8 November 2019).

Speaking at the European Parliament on February 28, 2022, Michael Scannell, deputy director-general of the EU's Directorate-General for Agriculture and Rural Development, painted a picture of the repercussions of the invasion for global food markets, explaining that Ukraine and Russia account for more than 30% of world trade in wheat. "That clearly is going to have a huge impact as traders rush to try to find alternative markets, but it is not just wheat," he said. "The situation is similar for a range of other commodities. For barley, for example, these two countries account for 32% of international trade. For corn, it is 17 percent and sunflower oil and seeds and meals is over 50%." Thus, EU countries will not only be affected by the halt in wheat imports from Ukraine and Russia, the meat and dairy industries are also poised to take a hit, as Ukrainian maize is essential for livestock feed, on top of the hike in prices caused by the reliance on Russian gas and fertilisers (Marina Leiva, 2 March, 2022). Russia produces about 10 per cent of global wheat while Ukraine accounts for 4 per cent. Combined, this is nearly the size of the European Union's total wheat production. The

wheat is for domestic consumption as well as export markets Together, the two countries account for a quarter of global wheat exports. In 2020 Russia accounted for 18 percent, and Ukraine 8 per cent. Both countries are also notable players in maize, responsible for a combined maize production of 4 per cent. Another key cereal, wheat, is a staple crop used to make flour and is vital to many vulnerable countries. With Russia being the leading global exporter of wheat in 2020 and Ukraine the fifth largest, some countries will be particularly vulnerable if they rely heavily on both for their wheat imports. Some of the main importers from both Russia and Ukraine are: Egypt, where a total of \$3.02bn worth of wheat was imported in 2019, \$1.44bn came from Russia, and \$773.4m from Ukraine. Ethiopia, where a total of \$458,42m worth of wheat was imported in 2019, \$142.01m came from Ukraine and \$64.77m from Russia. Yemen, where a total of \$549.89m worth of wheat was imported in 2019, \$145.81m came from Russia and \$79.8m from Ukraine (Wandile S, 2022). Lebanon, where a total of \$148.49m of wheat was imported in 2020, \$119.1m came from Ukraine and \$22.93m from Russia. Palestine, where a total of \$10.98m worth of wheat was imported in 2020, \$5.61m came from Israel (mostly via Ukraine and Russia) and \$3.57m direct from Russia. Also, in 2019, Israel imported a total of \$364.48m of wheat, of which \$102.55m came from Ukraine and \$90.43m from Russia. 2 March, 2022. In recent months, the United States and its allies have warned that Russia – which has 100,000 soldiers massed on the border with Ukraine – could invade at any moment. Russia has denied that and opposes NATO bases near its borders. In the event of outright aggression, the flow of wheat and grain could be disrupted. Economic sanctions or military action could have a significant effect on the cost of food as importers seek to find alternatives. The creation of ports and the devaluation of the rouble have also contributed to Russia gaining the lion's share on wheat sales. Today, Russia ships more than 18 percent of the world's supply, followed by the US (16 percent), Canada (14 percent), France (10 percent) and Ukraine (70 percent) (Hanna Duggal and Mohammed Haddad, 17 Feb 2022). In fact, because of the present situation in Ukraine which the Russian leader is still promising more heal to other World powers and NATO, the blink of the Third World War is likely inevitable.

BIOGRAPHY OF THE AUTHOR

Dr. Njuafac Kenedy Fonju is a holder of a Doctorate / Ph.D in History with specialisation in the History of International Relations obtained from the University of Yaounde I, Cameroon in 2012. He has been lecturing since 2007, as a Part-Time Lecturer (2007-2015), Assistant Lecturer (2015-2017) and presently a Senior Lecturer in the University of Dschang, Faculty of Letters and Social Sciences, Department of History and Archeology since November 2017. He delivers lectures in the History of International Relations and Political History in the Post-Graduate and undergraduate levels. Dr. Kenedy has been lecturing courses such as Africa in International Relations, China from the Communist Revolution to Market Economy, Communist World in International Relations, Inter-American Relations and Black Problems in the Americas, Conflict Resolution and the Culture of Peace, Issues and Challenges of the Commonwealth of Nations and Political Elites in Colonial Black African Countries, the Politics of empowerment of Minorities in the World since the 20th Century, and History of Political Thought since Machiavelli. He is also lecturing Introduction to Bilingualism, Introduction to language and Nation-Building, the History of Bilingualism in the World, National and International Business in Bilingualism in the Department of Bilingual Letters of the University of Dschang. In addition, He also delivers lectures concerning scientific English in the Departments of Physics and Earth Sciences in the Faculty of Sciences of the same institution. His broader research interests include emerging powers and their foreign policy strategies and strength in the 21st Century specifically China and United States as hyper-economic powers of the 21st Century with the Super Stars of Asia. He is the author of twenty five scientific articles focusing on Asia, China, Eastern and Western Europe, U.S.A, Africa and the Challenges of international terrorism in the World with two scientific international communication papers presented and have also edited three books on the African Gulf of Guinea with two prefaces written in the two volumes of 2017, 2018 and 2021. He has also served as the Divisional Secretary of the former Cameroon National Elections Observatory of Lebialem Representation, Elections Supervisor, Election Monitor, and Trainer of Trainers of Polling Stations Delegate from 2002 to 2007. He was also appointed Secretary of Alou Council Tenders Board for the Awards of Public Contract in the municipality from July 20, 2016 to April 2, 2019. Presently, he is a Municipal Councilor of Dschang Urban Council since February 9, 2020 Municipal Elections in Cameroon, spokesman of the Municipal Group, appointed Referral in the implementation of Bilingualism (English and French) in the Dschang Municipality and recently, Rapporteur of the Commission of National, International Decentralised Cooperation of Development and Communication within the forty-one (41) Councillors of Dschang Council since December 2020. Presently, Team Leader of Diaspora Studies in the Research Unit for African Studies and the Diaspora (RUASD) and Secretary. Have successfully organized two international conference scheduled for November 2021 on Migration challenges of Africa-America and Africa-Europe Diasporas in the 21st Century and on February 9, 2022 on Bilingualism, Multiculturalism, Multi-lingualism and the Emergence of Cameroon.

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