

Military Aggression against Ukraine:

Russia's Rhetoric and the
International Legal Framework

Abstract:

On 24 February 2022, President Putin announced the beginning of a full-scale military invasion of Ukraine. This blatant act of aggression shocked the international community, with many states condemning Russia's violation of its binding obligations under the UN Charter and the international framework of jus ad bellum. In response, the Russian narrative advances a number of claims using the language of jus ad bellum and the UN Charter to justify its invasion of Ukraine. As this paper aims to show, these claims are not only demonstrably baseless, but also set a dangerous precedent to which Europe must decisively respond. In doing so, the paper provides an analysis of the relevant international legal framework and suggests policy recommendations for EU policymakers.



Majed Dib

The Hague
University of Applied
Sciences

Introduction

In the early morning of 24 February 2022, President Putin delivered a speech in which he announced a 'special military operation' to be conducted in neighbouring Ukraine.¹ After months of military build-up along the border, this speech signalled the beginning of a full-scale military invasion of Ukraine. With this invasion, the Russo-Ukrainian conflict has reached its highest point since the annexation of Crimea in 2014, sending shock waves across Europe and the globe. As the war continues to unfold, so do its repercussions, with massive economic, political, legal, and humanitarian consequences.

On the legal front, the invasion touches on various fields of international law (Law on the Use of Force, Humanitarian Law, State Responsibility, etc.). Given its multifaceted nature, the questions and implication arising out of the conflict are many. Although they each deserve special attention, none of them are perhaps as central to the current dispute as the question of the legitimacy of Russia's use of force against Ukraine. As a party to the United Nation's Charter, Russia has an obligation to comply with the existing legal framework and principles regulating the permissibility of resorting to the use of force (*jus ad bellum*). Paradoxically however, in President Putin's 24 February speech, as well as in other statements made by Russian officials, Russia relies on these very principles to justify its 'special operation' in Ukraine, presenting claims of the necessity of 'self-defence', among others.² To make matters worse, other political leaders have continued to support the Russian rhetoric that justifies the invasion of Ukraine under international law.³

Russia's reliance on international law to justify its actions may not come as a surprise, given that it has repeatedly done so in the past.⁴ Nonetheless, it sets a dangerous precedent by attempting to expand the law on the use of force beyond reasonable confines. It is therefore vital to push back against such rhetoric and shed some light on whether the claim possesses any legal merit, particularly for an audience that may not be familiar with the intricacies of the legal regime regulating the use of force. To that end, this paper seeks to explore the legitimacy of Russia's invasion of Ukraine under the applicable international legal framework of *jus ad bellum*. In doing so, it aims to scrutinise the justifications provided by Russia, demonstrating their baselessness and how, ultimately, Russia's invasion amounts to a violation of the law on the use of force. Lastly, potential policy recommendations are provided by way of conclusion.

¹ See Putin (2022).

² 'Self-Defence' is also the central claim upon which Russia defends its invasion before the International Court of Justice, in the recent case brought against Russia by Ukraine. See ICJ Allegations of Genocide (2022).

³ Among such leaders are the President of Belarus Aleksander Lukashenko, President of Syria Bashaar al-Asaad and Cuban Minister of Foreign Affairs Bruno Roriguez. For more on their statements see Marnin (2022).

⁴ For example, Russia has relied on international legal norms to justify its 2008 military intervention in Georgia and its 2014 military intervention in Crimea. For Georgia see Allison (2009); for Crimea see Kremlin (2014).

The Law on the Use of Force

The body of jus ad bellum is comprised of international treaties, with the UN Charter as the core document, in addition to legal principles that have been derived from state practice under customary international law. Here, it is important to emphasise that jus ad bellum seeks to address questions before engaging in war – that is, it aims to specify the conditions that may justify the transition from peace to armed force. It is therefore independent from questions of how states should conduct themselves after engaging in warfare (International Humanitarian Law/jus in bello).

Traditionally, the use of armed force was justified on grounds of conquering foreign territories or securing strategic territorial interests. However, the post-World War II–UN era saw the revitalisation of the collective security system.

This led to the formalisation of jus ad bellum notions on the international stage, with the central tenet of the modern system being the general prohibition on the use of force as enshrined in article 2 UN Charter. Specifically, article 2 (4) states that:

*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.*⁵

Accordingly, article 2 (4) presents an absolute prohibition against the threat or use of force, outlawing warfare as a legitimate means of conducting state affairs in the international arena.⁶ With the establishment of the UN Charter in 1945, the prohibition against the use of force has become increasingly recognised as the bedrock of public international law, having the status of a jus cogens norm (from which no derogation is permitted).⁷ However, two formal exceptions exist

⁵ Charter of the United Nations (2 October 1945) 1 UNTS XVI, art. 2 (4).

⁶ Notions regarding the prohibition on the use of force were mooted in both customary and treaty form prior to the establishment of the UN Charter. For custom, the ICJ notes that that article 2 (4) can be seen to have codified existing customary norms regarding the prohibition of the use of force: see *Nicaragua v USA (Merits)* [1986] ICJ Rep 1986, para, 181. As for treaty form, the 1928 Kellogg–Briand pact was one of the first instruments to encapsulate a worldwide prohibition on the use of force: see *General Treaty for Renunciation of War as an Instrument of National Policy* (adopted 27 August 1928, entered into force 27 August 1928) 94 LNTS 57, arts. I & II.

⁷ Corten and Koutroulis (2021).

to this prohibition, the first being an authorisation by the United Nations Security Council (UNSC) under article 41 UN Charter and the second being self-defence in response to an armed attack under article 51 UN Charter.⁸

It follows from the foregoing that Russia's invasion of Ukraine is *prima facie* a violation of the prohibition on the use of force, and that it is incumbent on Russia to justify its act of aggression under *jus ad bellum*.⁹

Individual self-defence

Just as criminal systems recognise that individuals have the right to self-defence, the drafters of the UN Charter similarly recognised the need for states to defend themselves against the use of force by other states. This leads to the famous article 51, which reads:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations.

As such, a state that has been the victim of an 'armed attack' can trigger its right to use force in self-defence. However, this right is not absolute and is subject to limitations under customary international law, requiring any lawful use of force to be both *necessary* (as a last resort) and *proportional* (in magnitude).¹⁰ Additionally, the exercise of this right is only temporary until the Security Council has taken the necessary measures to maintain international peace and security.¹¹

In this context, the Russian narrative attempts to paint Russia as a victim of various threats emanating from NATO and Ukraine. President Putin begins his 24 February speech by signalling the encroaching threat posed by the eastwards expansion of NATO. He then goes on to highlight how this 'military machine' is approaching the Russian border, presenting a threat to Russian territory and citizens. Moreover, the Russian delegation at the UN Security Council repeatedly alleged that Ukraine has become host to US/NATO biological facilities that are developing biological weapons programmes to be used against Russia.¹²

What appears to be missing from this formulation is the existence of an actual 'armed attack' against Russian territory, which would then trigger Russia's right to self-defence. While the notion of what constitutes an 'armed attack' under article 51 remains a topic of debate among scholars, it is generally understood to indicate

⁸ UN Charter (n 5) arts. 42 & 51.

⁹ Indeed, the Russian use of force against Ukraine constitutes an act of aggression, defined as 'the most serious and dangerous form of the illegal use of force'. See UNGA Res 3314 (XXIX) (14 December 1974), p. 143.

¹⁰ For more on this see O'Meara (2020).

¹¹ Considering its limited and temporary nature, the right to self-defence can be described as a subsidiary right: see UN Charter (n 5) art. 51. Note that a state which exercises the right to self-defence must immediately report its actions to the Security Council.

¹² Russian delegation at the Security Council (2022).

a grave use of force that occurred or is occurring. On this point, the evidence is plainly clear that no armed attack, grave or otherwise, had been perpetrated by either NATO or Ukraine against Russia prior to the 24 February invasion.

Anticipatory self-defence

President Putin is, of course, aware of this, and therefore relies not on attacks that have occurred, but on impending future threats against which Russia must 'decisively' respond. This notion of anticipatory self-defence in response to an *imminent* threat is not new, and has been emerging in customary international law since the 19th century.¹³ Although the wording of article 51 UNC would seem to suggest that an 'armed attack' must have taken place, there is considerable state practice and scholarship to support the interpretation that a state can use self-defence in response to *temporally imminent* threats, ones that are immediate and instant in nature.¹⁴ Despite this however, anticipatory self-defence remains a controversial *jus ad bellum* notion, and a debate persists to whether article 51 UNC does in fact contain such a right.¹⁵

Nonetheless, if one were to accept the validity of anticipatory self-defence under the Charter, then Russia's claim can be construed as being that NATO's eastwards expansion, together with the presence of biological facilities in Ukraine, present a threat of an *imminent* armed attack against Russia, to which it can defend itself through resorting to anticipatory force. This claim is unfounded, however, as there is no evidence to suggest that either NATO or Ukraine intended to launch an imminent armed attack against Russia prior to the invasion. At the time of invasion, NATO had a very limited number of military assets close to the Russian border, in comparison with the 150,000 plus troops that Russia had amassed close to the Ukrainian border.¹⁶ Even after the invasion took place, NATO members continued to express fears of a possible direct confrontation with Russia, opting to avoid further escalation of the situation.¹⁷ Moreover, while the United States publicly funds biological research in Ukraine, Russia's claims that the US is funding biological weapons programmes in Ukraine are baseless and may well be the result of Russian propaganda. This was confirmed by the UN High Representative for Disarmament Affairs, who made it very clear in the UNSC meeting on 13 May 2022 that the UN had no reason to believe that any such programmes existed.¹⁸

Another anticipatory self-defence argument that deserves special mention is

¹³ The emergence of anticipatory or preemptive self-defence under customary international law can be traced back to the so-called 'Caroline test' or the 'Webster formula' (1837), in which the right to use force against threats which have yet to occur is justified if such threats are 'instant, overwhelming, and leaving no choice of means, and no moment for deliberation'. This formulation of the right to self-defence was later reconfirmed by the Nuremberg Tribunal: see Svarc (2008).

¹⁴ Ibid; see further Duffy (Cambridge, 2005), 153–155.

¹⁵ For more on this debate see: Svarc (2008); Rothwell (2005), pp. 699, 706 and 711.

¹⁶ Schmitt (2022).

¹⁷ Popli (2022).

¹⁸ See UNSC meetings coverage, <https://www.un.org/press/en/2022/sc14890.doc.htm>.

the one advanced by the Russian Ministry of Defence two weeks after the start of the invasion. On 9 March 2022, the Ministry purported that Russian forces had ‘uncovered’ secret documents confirming that Ukraine, supported by NATO, was secretly planning a military operation in the Donbas region in March 2022.¹⁹ The spokesperson of the Russian Defence Ministry later indicated that Russia’s ‘special military operation’ had pre-empted the alleged Ukrainian offensive on the Donbas region.²⁰

What immediately stands out as paradoxical about this argument is that Russia premises its resort to anticipatory self-defence in response to an imminent threat to which it was not yet aware of at the time it responded. Nor could Russia have been aware of this ‘imminent threat,’ since the alleged secret documents were only uncovered *after* the invasion took place. Yet the Russian narrative conveniently creates this circular argument, whereby the documents that justify the action were found because of it. In addition to the incoherency of this line of reasoning, anticipatory self-defence still requires the existence of an *imminent* (specific and demonstrable) threat to be triggered and cannot be premised on a purely speculative threat. In any event, the authenticity of the alleged documents remains dubious and has yet to be verified.

It is therefore clear that no imminent, or even credible, threats of armed force existed that could justify Russia’s resort to anticipatory self-defence.

It is therefore clear that no imminent, or even credible, threats of armed force existed that could justify Russia’s resort to anticipatory self-defence. Interestingly however, President Putin’s reliance on international law does not appear to be confined only to temporally imminent threats, but also to threats that are more distant in nature – threats that NATO’s increasing sphere of influence poses to Russia ‘for decades to come, or maybe forever’.²¹

This notion of self-defence in response to non-imminent threats is known as preventive self-defence, and, like anticipatory self-defence, has been increasingly cited in recent decades.²² Unlike anticipatory self-defence however, preventive self-defence continues to find little support, having been widely rejected by the international community.²³ As such, in the absence of a UNSC resolution, there is currently no basis under article 51 UNC or customary international law for self-defence to be used in response to non-imminent or speculative threats.

¹⁹ See tweet by Russian Ministry of Defence official account: https://twitter.com/mfa_russia/status/1501461950735257602; see further ‘Secret documents ‘surfaced’: Ukraine designed military operation in Donbas for March’ (B92 9 March 2022), https://www.b92.net/eng/news/world.php?yyyy=2022&mm=03&dd=09&nav_id=113234.

²⁰ See, in Russian: В Минобороны России заявили о раскрытии планов Украины о вторжении в Донбасс (gazeta.ru 9 March 2022), <https://www.gazeta.ru/army/news/2022/03/09/17399521.shtml?updated>.

²¹ Putin (2022).

²² Particularly against the war on terror, see Brown (2003).

²³ See Svarc (2008), pp. 42–45; Murphy (2005), pp. 714 and 715; Shirayev (2008), pp. 80, 83.

Even if, for the sake of argument, we assume that there were some grounds in international law for Russia's invasion, then the customary principles of necessity and proportionality would still govern Russia's use of force. It is difficult to see how the scale and intensity of the current Russian offensive can amount to a necessary and proportional response to the threat posed by Ukraine and NATO. If anything, the nature of the Russian offensive clearly indicates that Russia has other motives than defending itself, such as brining about a regime change in Ukraine and bringing the country closer to Russia's sphere of influence.

Collective Self-Defence

Collective self-defence entails the right of all UN countries to use military force to defend other members under attack. For the most part, this type of self-defence is governed by criteria similar to those governing individual self-defence, requiring the presence of an actual (or arguably imminent) threat, in addition to the twin conditions of necessity and proportionality. Unlike individual self-defence however, collective self-defence is only triggered when the government of a state under attack (the victim state) requests military aid from a third state in response to an actual (or imminent) threat of armed attack.

In the present case, President Putin further advances a claim of Russia's right to collective self-defence under international law to justify the operation. However, as with our findings on individual self-defence, Russia's present claim is also baseless according to the current *jus ad bellum* framework. This is borne out by the fact that Russia bases its claim on the 'requests for military assistance' from two separatist-leaning regions in the Donbas area of Ukraine (Donetsk and Luhansk). Following the 2014 Ukrainian revolution, these regions held what is widely recognised as illegitimate and fraudulent status referendums, resulting in their self-proclaimed independence from Ukraine. Since then, the lawfulness of these regions' self-proclaimed independence has remained very much in question, with a majority of the international community rejecting the legitimacy of their statehood.²⁴

However, a few days before the invasion, on 21 February 2022, Moscow recognised these regions as the so-called 'Donetsk People's Republic' (DPR) and the 'Luhansk People's Republic' (LPR), after which the regions immediately signed treaties of friendship and mutual assistance with Russia and requested its military assistance. As President Putin puts it:

*[t]he people's republics of Donbass have asked Russia for help ... we had to stop the atrocity, that genocide of the millions of people who live there and who pinned their hopes on Russia.*²⁵

²⁴ For more on the legal status of the DPR and the LPR, including why they fail to qualify as states under the 1933 Montevideo convention, see Korotkyi & Hendel (2018), p. 146.

²⁵ Putin (2022).

President Putin is therefore attempting to justify the invasion by relying on the requests for military assistance from Donetsk and Luhansk, thereby invoking Russia's right to collective self-defence. This line of reasoning is problematic in several aspects. As mentioned above, a claim to collective self-defence arises when a *state* is the victim of an *armed attack by another state*. In the present case, the illegitimacy surrounding Donetsk's and Luhansk's claims to independence, and the accompanying rejection of these claims by the international community, significantly undermines the proclaimed statehood of these regions.²⁶ Russia's premature and self-serving recognition of these regions does not change this fact, nor does it magically imbue them with an international legal personality. This view is complemented by the Minsk Agreements, signed by Russia, which did not recognise the independence of the regions and which acknowledge, albeit implicitly, Ukrainian sovereignty.²⁷ The invalidity of Russia's claim was made further clear by the UN General Assembly on 2 March, which unequivocally denounced the Russian 2022 recognition of the regions as a violation of the territorial sovereignty of Ukraine and as inconsistent with the principles of international law.²⁸

Even if we are to assume that Donetsk and Luhansk are states (which they are not), then the requirement of an armed attack is still necessary to invoke collective self-defence. As we have previously discussed, there is very little evidence to support that these regions have been the victims of an armed attack within the meaning of article 51. While it is uncontested that a non-international armed conflict broke out in 2014 between Ukraine and pro-Russian separatists in the Donbas region, one which continues to this day, such intra-state conflict is not the same as an armed attack by one state against another. President Putin's 'recognition' of the Donbas regions does not suffice to reframe the ongoing internal conflict as an international one for the purposes of collective self-defence. This point is further reinforced when considering that for a claim to qualify for the purposes of self-defence, there needs to be a degree of proximity between the invocation of the right to self-defence and the occurrence of an armed attack. In the present case, the intra-state conflict that president Putin attempts to invoke has been going on for eight years. Additionally, President Putin's allegations of 'genocide' being perpetrated against the people of the Donbas region remain completely unsubstantiated.²⁹ This lack of evidence is all the more telling in view of the constant monitoring of the region since 2014 by various non-governmental and international organisations, none of whom indicated that the ongoing internal conflict in Ukraine qualifies as genocide. The International Court of Justice conclusively ended these allegations by noting that:

²⁶ The circumstances and means by which these regions claimed independence are considered to be at variance with a number of fundamental principles of international law, such as the principle of territorial integrity, the principle of non-interference, the principle of legitimate self-determination, etc. see Korotkyi & Hendel (2018), p. 148.

²⁷ Pitchford (2022).

²⁸ UNGA Resolution adopted by the General Assembly on 2 March 2022, UN Doc A/RES/ES-11/1, para 5.

²⁹ DW Akademie (2022).

*the Court is not in possession of evidence substantiating the allegation of the Russian Federation that genocide has been committed on Ukrainian territory.*³⁰

Conclusion

As this paper has demonstrated, the Russian reliance on self-defence to justify the invasion of Ukraine is legally and factually unfounded. A majority, if not all, of President Putin's various claims are devoid of legal merit and are incoherent, at best. Under the current international framework of jus ad bellum, the Russian narrative fails at every level of analysis, setting a dangerous precedent by attempting to expand the law on the use of force beyond its breaking point.

It is true, as some readers may be aware, that other countries have previously attempted to expand the law on the use of force through controversial military action. President Putin has capitalised on this, making reference in his speech to the military interventions in Yugoslavia, Iraq, and Syria as examples. However, setting aside the fact that these interventions, like the current one, have also been criticised in legal scholarship, mere reference to past transgressions does not justify present ones. Let us therefore consider these references by President Putin for what they truly are, a distraction from the true atrocity in the present case: the illegal use of force against Ukraine.

Ultimately, the conduct of Russia serves as a valuable reminder to Europe and other states to be more careful and prudent when setting precedent regarding exceptions to the use of force. It is also an important reminder that the ramifications of Russia's illegal transgression go beyond international law, creating serious geopolitical, economic, and humanitarian consequences for the region, as the rest of this study will proceed to detail. The burden of these consequences has inevitably and largely fallen on Europe's shoulders and will continue to do so for the foreseeable future. Russia's blatant and unilateral violation of its obligations to Ukraine under the 1994 Budapest Agreement, Minsk Agreements, as well as the European Convention on Human Rights and various other instruments, poses a serious threat to Europe's stability and, more broadly, the fundamental rules on which the European order is based. Therefore, despite the fact that the use of force is primarily a question of international law, and that the EU has no regulatory hard power in this area, the Union can nonetheless make use of its geopolitical reach and its so-called 'Brussels effect' to sanction Russia's illegal transgression, while further deterring and containing the conflict.

³⁰ ICJ Allegations of Genocide (2022).

Recommendations

(1) Realising the true potential of the EU's geopolitical toolkit

The EU's history as a peace project should not hinder it from acting strategically during war time. To do so, the EU must start taking full advantage of its available toolkit for gaining geopolitical leverage, while mitigating the war's consequences and tackling Russian disinformation. The first step to fully realising this potential begins with the acceptance that a new age in EU–Russian relations is upon us, one where Russia is no longer partially integrated into European political, legal, and economic networks. The Union has so far responded fiercely, enacting sanctions and gradually reducing Europe's reliance on Russian energy. It is vital for the Union to maintain its solidarity and enact further measures, including phasing out EU imports of Russian oil and coal in their entirety and cutting off Russian state-owned networks from broadcasting in the EU.

(2) Widening the scope of sanctions imposed upon Russia and its allies

The EU's sanctions have so far been narrowed by their proportionality to the objectives they aim to achieve and the limitations of EU law. The EU should consider whether imposing sanctions similar to those imposed by the UN against Iraq for its 1990 invasion of Kuwait might prove beneficial under the present circumstances. Such sanctions required UN members to impose a total ban on the import of all Iraqi products, in addition to prohibiting the sale or supply of any products to Iraq and a total ban on financial dealings with Iraq. Of course, the presence of Russia as a permanent member in the Security Council prevents any such actions from being taken on the UN level in the Ukraine situation. Moreover, Russia's possession of nuclear weapons further limits any options of military intervention due to fears of escalation. Since both diplomatic and warfare avenues are severely limited in the present case, the requirement of proportionality for EU sanctions must be construed less narrowly, allowing the EU to adopt effective sanctions of a wider magnitude.

(3) Bolstering European integration in the Common Security and Defence Policy

The EU must be able to emerge as a security actor on the geopolitical plane. This geopolitical awakening has already begun, with various EU countries, most notably Germany, drastically boosting their defence expenditures. However, while increase in defence spending on the national level is an important starting point, it must also be accompanied by coordination at the EU level and, more importantly, unequivocal political unity and leadership. Consequently, member states should be encouraged to make use of available mechanisms, such as the Permanent Structured Cooperation and the European Defence Fund, to ensure that their increased defence budgets are properly coordinated, while bolstering European security and defence capacities. ■

Author bio

Majed Dib is a graduate of The Hague University of Applied Sciences. As research assistant to Dr M. Vagias, he worked on issues relating to Public International Law, International Criminal Law and European Law. His first publications cover topics such as consular protection under international law, the refugee convention and enforcement of EU law. Currently, he is a junior lawyer at RPS Legal, an Amsterdam-based law firm, while he awaits to begin his LLM in European Law at Utrecht University.

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References

- Allison, R.** (2009). *'The Russian Case for Military Intervention in Georgia: International Law, Norms and Political Calculation'*. *European Security* 18, pp 173-200.
- Brown, C.** (2003). *'Self-Defense in an Imperfect World'*. *Ethics & International Affairs* 17, pp. 2-8.
- Corten, O., and Koutroulis, V.** (2021). *'Chapter 22 The Jus Cogens Status of the Prohibition on the Use of Force'*. In D. Tladi (ed.), *Peremptory Norms of General International Law (Jus Cogens), Developments in International Law*, vol. 75, pp. 629–667. Leiden: Brill Nijhoff.
- Duffy, H.** (2005). *Peaceful Resolution of Disputes and Use of Force in the War on Terror and the Framework of International Law*. Cambridge: CUP.
- DW Akademie** (2022). *'Fact check: Russia falsely blames Ukraine for starting war'* <https://www.dw.com/en/fact-check-russia-falsely-blames-ukraine-for-starting-war/a-60999948>.
- International Court of Justice** (2022). *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v Russian Federation)*. 'Document (with annexes) from the Russian Federation setting out its position regarding the alleged "lack of jurisdiction" of the Court in the case', ICJ Rep, 7 March, www.icj-cij.org/public/files/case-related/182/182-20220307-OTH-01-00-EN.pdf.

- International Court of Justice** (2022). *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide* (Ukraine v Russian Federation). Order of 16 March, <https://www.icj-cij.org/public/files/case-related/182/182-20220805-PRE-01-00-EN.pdf>.
- Korotkyi T., & Hendel, N.** (2018). 'The Legal Status of the Donetsk and Luhansk "Peoples' Republics."' In S. Sayapin & E. Tsybulenko (eds), *The Use of Force against Ukraine and International Law: Jus Ad Bellum, Jus In Bello, Jus Post Bellum*, pp. 145–172. The Hague: TMC Asser Press.
- Kremlin** (2014). 'Vladimir Putin Answered Journalists' Questions on the Situation in Ukraine'. <http://en.kremlin.ru/events/president/news/20366>.
- Marnin, J.** (2022). 'Do Countries Friendly to Russia Support Its Ukraine Invasion? What 8 of Them Have Said'. Miami Herald. <https://www.miamiherald.com/news/nation-world/world/article258822748.html#storylink=cpy>.
- Murphy, S.** (2005). 'The Doctrine of Preemptive Self-Defense'. *Vill. L. Rev.* 50, pp. 699-748.
- O'Meara, C.** (2020). *Necessity and Proportionality and the Right of Self-Defence in International Law*. New York: Oxford University Press.
- Pitchford, S.** (2022). 'Russian Recognition of Donetsk and Luhansk: Legal Analysis', *Human Rights Pulse*. <https://www.humanrightspulse.com/mastercontentblog/russian-recognition-of-donetsk-and-luhansk-legal-analysis>.
- Popli, N.** (2022). 'How NATO Is Responding to Russia's Invasion of Ukraine'. *Time*. <https://time.com/6151115/nato-russia-ukraine-article-4/>.
- Putin, Vladimir** (2022). Televised Address on Ukraine. Bloomberg. <https://www.bloomberg.com/news/articles/2022-02-24/full-transcript-vladimir-putin-s-televised-address-to-russia-on-ukraine-feb-24>.
- Rothwell, D.** (2005). 'Anticipatory Self-Defence in the Age of International Terrorism'. *UQLawJl* 24 (2), pp. 337-353.
- Russian delegation at the Security Council** (2022). Security Council on Russian allegations of military biological activities in Ukraine (11 March 2022) https://www.youtube.com/watch?v=olHRu_Ou4WI&ab_channel=UnitedNations.
- Shirayev, Y.** (2008). 'The Right of Armed Self-Defense in International Law and Self-Defense Arguments Used in the Second Lebanon War'. *Acta Societatis Martensis* 3, pp. 80-97.
- Schmitt, M.** (2022). 'Russia's "Special Military Operation" and the (Claimed) Right of Self-Defense' (*Articles of War*) 28 February. <https://lieber.westpoint.edu/russia-special-military-operation-claimed-right-self-defense/>.
- Svarc, D.** (2008). 'Military Response to Terrorism and the Jus ad Bellum'. *Defense Against Terrorism Review* 1, pp. 29-48.
- Russian Ministry of Defence** (2022). Official account of the 'alleged secret documents' found in Ukraine. https://twitter.com/mfa_russia/status/1501461950735257602.

В Минобороны России заявили о раскрытии планов Украины о вторжении в Донбасс (gazeta.ru 9 March 2022) <<https://www.gazeta.ru/army/news/2022/03/09/17399521.shtml?updated>> (available in Russian).

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