

# Security and Peace in an Uncertain World

## Case Study 2: Legal Case Study - Ukrainian-Russian War

### The Method and the Platform

The course employs a mixed learning approach, with online preparation (colored items) and offline classroom seminar (grey item) utilizing digital solutions, employing the flipped classroom concept. The online solutions are hosted on the Moodle LMS supplied by the University.



### Legal Claims

Collect together the legal arguments of all sides!

You can find the timeline of the conflict here:



*New York Times: How Russia's war in Ukraine has unfolded, month by month.*

Claims of the Russian Federation:



*René Värk: Russia's Legal Arguments to Justify its Aggression Against Ukraine, Analysis, International Centre for Defence and Security.*

Ukraine's position:



*Ukrainian President Zelenskyy addresses the 2022 United Nations General Assembly*

Interest of the rest of the world:



*Jonathan Masters: Ukraine: Conflict at the Crossroads of Europe and Russia*

### The Conflict - Areas of Russian Military Control in Ukraine



### Legal Background

#### CHARTER OF THE UNITED NATIONS, ARTICLE 2

1. The Organization is based on the principle of the sovereign equality of all its Members.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. 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. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

Other legal sources:

- Convention on the Prevention and Punishment of the Crime of Genocide, General Assembly resolution 260 A (III) of 9 December 1948
- The North Atlantic Treaty, Washington D.C., 4 April 1949,
- Treaty on the European Union, Arts 23-41,

### Analysis Framework

Legal assessment framework	State level	Regional int'l orgs (if any)	UN (and UN family)	Other stakeholders
Applicable legal sources				
Legal assessment of the involved parties				
Actions taken				
YOUR legal assessment				

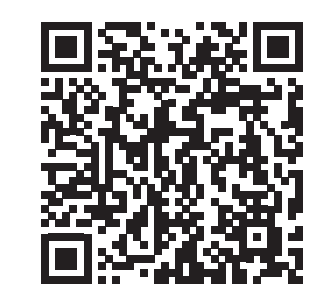
### UN Reaction

Watch these videos and explain the following question (in connection with both videos):

- What could be the legal impact of these decision?



Read the order of the ICJ on the request for interim measures! Mark the articles of the Genocide Convention analysed by the Court. List the intervening states!



### EU Reaction

The EU adopted several sanction packages since 2014. Which do you think affects the Russian government and the Russian population the most? Why?



### Class Discussion Topics and Tasks

- Looking at the claims of both parties, which is based on a jus cogens legal source?
- What is the consequence of the violation of a jus cogens norm in public international law?
- What is the weakness of the Security Council of the United Nations? Do you know of any other conflicts, when this inherent weakness seemed to paralyse the organization?
- If the Security Council is incapable of act, what can the UN do?
- What does self-defense mean in terms of allowed actions, proportionality of actions and means (see e.g.: ICJ: Legality of the Threat or Use of Nuclear Weapons, advisory opinion, 1996)?
- Individual self-defense and collective self-defense, why does it matter?
- How does the NATO come into play? What is the limit of its actions?
- How does the EU come into play? What is the limit of its actions?

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