



The International Legal Framework with regards to Russia's Invasion of Ukraine

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ABSTRACT

The Russia-Ukraine War highlights the collision of realpolitik with international law, illustrating the unavoidable conflicts that develop when international law meets defiance. This article deals with the conflict's complex legal landscape, finding contradicting results in the fields of collective security and international judicial procedure. While collective security has been ineffective in addressing the jus ad bellum parts of the war, Ukraine has demonstrated great effectiveness in its legal counterattacks against Russia, demonstrating its potential for international judicial advocacy. These principles, which are incorporated in the United Nations Charter, have legal relevance for all member nations. The Russia-Ukraine War vividly illustrates Russia's flagrant breach of these fundamental norms, prompting a critical study of the relationship between realpolitik and international law.

Despite occasional challenges, this research asserts that the enduring principles of Westphalian sovereignty, border integrity, territorial inviolability, political independence, and autonomy remain fundamental to the international system. These core principles, enshrined in the United Nations Charter, hold legal significance for all member states. The Russia-Ukraine War serves as a stark reminder of Russia's blatant violations of these foundational norms, prompting a crucial examination of the intricate interplay between realpolitik and international law, with broader implications for the global order and future conflicts.



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1. Introduction

One of the most severe offenses that may be committed in breach of international law is the use of force in a manner that is inconsistent with the Charter of the United Nations. The United Nations Charter was created at the beginning of the new formation of international law and stated the fundamental goal of the United Nations as being the preservation of international peace and security. This is to be accomplished by the implementation of efficient collective actions to avoid and eradicate threats (Mani, 2008). In international relations, several norms explicitly forbid the use of force of any kind. Numerous principles of international law are reflected in the current situation in Ukraine. These include sovereignty, self-determination, and intervention in domestic affairs, the right to self-defense, and the right to protect oneself. Human rights have been violated, and hostile behavior has been shown. An imperative consideration for the consensus position held by the five permanent members of the United Nations Security Council on the issue of the safeguarding of vulnerable population groups is required (Cavandoli, & Wilson, 2022). The inability of the United Nations Security Council to prevent the use of force in international relations between UN member states, particularly when permanent member states become involved in military conflicts, raises a series of legal questions, one of which is whether or not there are problems with the peace and stability of the international community. Whether or not the current security system can be maintained, as well as whether or if there are any exemptions to the standard policy prohibiting the use of force (Carswell, 2013).

2. The Sovereignty of Ukraine on its Territory

The "Beloviji Agreement" was signed on December 8 by the presidents of the RSFSR, Ukraine, and Belarus. This agreement said that each nation would recognize the independence of the other, and it also formed the "Commonwealth of Independent States (CIS)" as a replacement for the Soviet Union (Petraškevicius, 2023). The three biggest republics in the federation also happen to be its founding nations. Some of the former Soviet countries kept in close contact with Russia after the disintegration of the Soviet Union, and they formed multilateral organizations including the Collective Security Treaty Organisation (CSTO), the Commonwealth of Independent States (CIS), and the Eurasian Economic Community (EEC). Coalition for Economic and Military Cooperation between the United States, the Eurasian Customs Union, and the Eurasian Economic Union (Bailes, Baranovsky, & Dunay, 2007).

There was no willful blindness to history while signing the pact; both countries' colonial pasts were well known, as were the years of mistrust and hostility that followed the signing of the Pact of Friendship, Cooperation, and Partnership in 1997 (Kappeler, 2003). The treaty outlines the concepts of recognizing the inviolability of existing boundaries, respecting territorial integrity, and a reciprocal commitment to not use the territory of any state to compromise the security of another state. However, Ukrainian officials decided in 2018 not to renew the treaty as of 2019, citing deteriorating ties between the two countries after Russia's 2014 annexation of Crimea and Russia's backing for rebel troops in the conflict in Ukraine's Donbas area (Tang, 2021).

There have been no major disagreements between the two countries since 1991 about Ukraine's independence and sovereignty over its territorial waters; the two countries have had a unique and friendly relationship and have generally sought to resolve their concerns in compliance with the principles outlined in the UN Charter. In 1993, the Security Council issued a statement affirming its support for Ukraine's territorial integrity and recognizing the Treaty signed on November 19, 1990, in Kyiv, in which both parties vowed to uphold and respect each other's territorial integrity within their then-existing borders while Russia abstained from the vote (Merezhko, 2016). In light of this commitment and the aims and principles of the Charter of the United Nations, the decree of the Supreme Soviet of the Russian Federation is null and void and of no legal force or effect. However many significant events have occurred after the year 2013 ended, most notably the Crisis of 2014. Protests culminated in the overthrow of the government in February, which Russia saw as a Western meddling in Ukrainian affairs. Russia attacked and seized

Crimea the next month in an attempt to regain some of its lost clout in Ukraine. Pro-Russian separatist fighters started capturing eastern Ukrainian territory in April. As the fighting between the rebels and the Ukrainian military heated up and the insurgents began to lose ground, the Russian army made an open invasion of eastern Ukraine to back the rebels in August (Holcomb, 2017).

Ukraine's strategic location between Russia and Western Europe places it in a precarious position, and both Russia and the Western European states have made it a priority to ensure a strong relationship with the country. Both Russia and the Western European states have allies in Ukraine, and they both want a say in the country's international policymaking. Ukraine's current predicament will always compromise its independence because of its required relationship with one of the parties (Kuzio, 2003), but this will in no way compromise the country's inherent freedom to choose and choose its foreign partners.

Ukraine is a fully autonomous sovereign state under international law; the UN charter requires that "the Organisation and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles". Russia will never accept Ukraine into NATO alliance as long as it is powerful enough because the existence of NATO Alliance Military bases in Ukraine meddles with Russia's security interests (Studemeyer, 2019). The organisation is predicated on the idea that all of its members should be treated as fully sovereign individuals. The problem with Ukraine is that it is Obligated to decide its international policies through its relationship with Russia. As a result, the Ukraine crisis has less to do with the country's actual sovereignty than it does with the relative strengths of the parties involved. If the Ukrainian government has strong relations with Russia, for example, western powers would view it with suspicion.

3. Protect the Minorities

Basic human rights are given to minorities regardless of whether they are a national, racial or ethnic minority, religious minority, linguistic minority, geographical or economic minority, or simply the losers of elections or political conflicts. Neither one of them has a choice in the matter. Alternatively, it might be removed. This holds no matter the identity marker used to identify the minority (nationality, race/ethnicity, religion, language, location/country, socioeconomic status, etc.). Members of marginalized groups have a right to maintain their cultural norms, social standards, personal conscience, and religious practices, and democracies see it as their duty to ensure this (Papacharissi, 2010). One of the most difficult tasks that any democratic government may confront is fostering an environment that is receptive to racial, ethnic, and cultural minorities that, to the majority, seem unusual or even foreign. Democracies, on the other hand, acknowledge that variety may be a very valuable asset. They don't see these disparities in identity, culture, and beliefs as a danger, but rather as a challenge that has the potential to make them better and give more to their lives. Many multilateral and bilateral treaties relating to international human rights legislation and minorities' protection can be found in the mid-twentieth century under the canopy of the United Nations (Bukhari, Jamshad, Kareem, Javed, & Sadiq, 2020). However, this is not the case in all nations; in many of these governments, members of certain minorities have no access to even the most fundamental of human rights.

The adoption of a series of "minority treaties" under the auspices of the League of Nations was the first serious attempt to define internationally acknowledged minority rights (Liebich, 2008). These treaties were created to protect the rights of ethnic and religious minorities. Priorities shifted after the United Nations was created, with decolonization and universal human rights becoming important issues. As time has progressed, however, the United Nations has built laws, processes, and institutions that prioritise minority problems. Since its adoption in 1992, the "United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities" has served as the primary document guiding the organization's work in this area (Rehman, 2003).

Cooperation on a global scale is intended to be achieved via participation in the United Nations "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion," which is identified as one of the purposes of the United

Nations in Article 1 (3) of the Charter of the United Nations (UN Charter, 1945). This provision is one of several provisions on human rights that are included in the Charter of the United Nations.

At the United Nations, a statement on minority rights was being discussed for more than a decade before the 1992 adoption of the Statement of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (also known as the Minorities Declaration) by the General Assembly. The Minorities Declaration has progressive language, including language that addresses the inclusion of minorities in the political and economic life of the state (United Nations Minorities Declaration, 1992). Additionally, the preamble acknowledges that the protection of minority rights will "contribute to the political and social stability of States in which they live," which will, in turn, "contribute to the strengthening of friendship and cooperation among peoples and States" (UN Minorities Declaration, 1992). The obligation to safeguard minorities is stated in Article 1/1, and the obligation to safeguard national, ethnic, cultural, religious, and linguistic identities is stated in Article 2, with the latter encouraging the creation of conditions that will strengthen these identities. Similarly, Article 4/1 necessitates states to take action to foster circumstances in which members of minority groups can freely practice and advance their language, religion, culture, and customs, barring exceptional circumstances such as discrimination or other violations of human rights. Laws and norms at the national and international levels. This obligation applies only in situations in which explicit practices are not considered violations in the eye of national law and are not in violation of international standards too.

On December 9, 1948, the General Assembly of the United Nations enacted resolution 260 A (III), which adopted and recommended for signature and ratification or accession the convention on the "*Prevention and Punishment of the Crime of Genocide*". This resolution also called for the convention to be signed. Article 1 of the convention explains that "the contracting parties confirm that Genocide.....is a crime under international law which they undertake to prevent and punish" (The Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG), 1952). In addition to the responsibilities that nations have towards the protection of minority groups, the legislation that establishes the International Criminal Court also adopts the concept of personal responsibility for the crime of genocide. Article 27 of the statute declares that everyone is subject to its provisions, and there is to be no distinction based on official ability. Because the protection of minorities is a universal obligation that rests on the shoulders of all governments, this raises the question of whether or not the armed forces should step in to safeguard minorities living in other sovereign and independent states. In light of the circumstances, does the law of international relations provide Russia the authority to defend Russian minorities by intervening in the internal affairs of Ukraine?

According to the International Commission on Intervention and State Sovereignty's report titled "The Responsibility to Protect," genocide and ethnic cleansing occur when a state is either unable or unwilling to uphold the basic human rights of its citizens. Humanitarian assistance is necessary to ensure the safety of these people, and the international community must fulfill this obligation (United Nations, 2022). That is to say, the international community is obligated to ensure the safety of its inhabitants. Mr. James has posed the question, "Who specifically in the international community has the responsibility to step in and resolve this issue?" he also emphasized that the duty for the humanitarian intervention needs to fall on the intervener who would be the most successful. However, before choosing to intervene, it should be determined whether or not the minority groups need the protection of the military. And who has the authority to decide this requirement?

Both the inaction that occurred during the genocide in Rwanda in 1994 and the humanitarian intervention in Kosovo in 1999 that was not sanctioned by the United Nations sparked furious and strongly polarizing recriminations all across the globe for crimes of omission and conduct. As a result of this disagreement, the International Commission on Intervention and State Sovereignty (ICISS) published its report in 2001, in which it stated that the basic character of sovereignty had shifted from the advantages and immunities enjoyed by states to the duty of protecting people from acts of genocide and other atrocities (International Commission on Intervention, & State Sovereignty, 2001). When a state fails to execute its solemn

responsibilities, whether because it has the desire or the ability to do so or because it is complicit in crimes, the responsibility for "protection" falls to the international community, which functions via institutions and processes that have been sanctioned by the United Nations (UN).

According to a census that was carried out in the country in the year 2001, Pavlenko (2008) reports that 67.5% of the people identified Ukrainian as their mother language, while only 29.6% identified Russian as their mother tongue. In addition, ethnic Ukrainians make up over 78% of the population, while ethnic Russians make up approximately 17.3% of the population and are the biggest ethnic minority (Ulasiuk, 2013).

Russian and a number of other minority languages were given regional language status in 2012 as a result of a new legislation on regional languages that was formally titled the law "On the Principles of the State Language Policy" (L'nyavskiy, 2016). In some parts of Ukraine, where a minority population makes up more than 10% of the total population, the use of minority languages is authorized in public institutions such as courts, schools, and other government agencies. As a direct consequence of this, within a matter of weeks, the status of Russian as a regional language was officially recognized in a number of cities and states in the south and the east. Today, Russian is regarded as a minority language in the country of Ukraine.

Russia saw the repeal of the local language legislation as a hostile move toward the "Russian-speaking population" of Ukraine and subsequently used it as an excuse to justify the invasion of Crimea and military action in Donbas (Potoák, & Mares, 2023). After former president Viktor Yanukovich left the country on February 23, 2014, the Ukrainian parliament swiftly decided to abolish the Regional Languages Law. With this new law, Ukrainian will replace all other languages as the only official language.

Article 10 of the Constitution of Ukraine establishes that the Ukrainian language is to be used as the official state language of Ukraine (Constitution of Ukraine, 1996). In November 2016, the Constitutional Court of Ukraine was due to decide whether or not the statute in issue complied with the Constitution. However, the judge decided to put the matter on hold for the time being. In the end, on February 28, 2018, the Constitutional Court found that the legislation was unconstitutional because of systemic procedural irregularities that occurred during its passage. For instance, the measure was not read a second time in the form of a comparison table as stipulated by the legislation, and this matter was not discussed throughout the bill's second reading. The amendments and suggestions that were offered by the representatives were not taken into consideration, and a number of the members whose votes were tallied were absent from the council at the time that the proposed law was being considered.

The issue that has to be answered is whether or not the repeal of the legislation on regional languages by the Ukrainian Parliament constitutes an act of hostility against the Russian minority who live in Ukraine. Does the decision of the Constitutional Court in Ukraine restrict the ability of the country's Russian-speaking minority to communicate in their mother tongue across the board in terms of public life?

4. Self-determination

The presidents of Russia, Ukraine, and Belarus reached an agreement on the Belovezha Accords on December 8, 1991. This led to the dissolution of the Soviet Union and the formation of the Commonwealth of Independent States (CIS), which was formalised via the Alma-Ata Protocols on December 21, 1991 (Degterev & Kurylev 2019). The process of integrating a large number of separate countries came to an end when the Soviet Union broke apart, which allowed those nations to exercise their right to self-determination and choose independence from one another as a method of exercising that right. This was made possible since the disintegration of the Soviet Union placed an end to the process of unifying a large number of unique nations.

The phrase "self-determination" refers to "the right claimed by a 'people' to control their destiny." This concept may be broken down into two categories: internal and external. The concept of "internal self-determination" refers to the right of the people who live inside a country to rule themselves without intervention from parties located outside of the country. The phrase "external self-determination" refers

to the situation in which people are not compelled to submit to the authority of other governments and have the ability to freely select their political status. There are several facets of this concept that must be taken into consideration. For instance, assertions about self-determination might be either external or internal. Internal self-determination refers to the pursuit of political, economic, and social growth inside the current national framework, whilst external self-determination refers to the construction of a sovereign and independent state by the people. Internal self-determination and external self-determination are both forms of self-determination. Building a state that is both sovereign and independent is an example of external self-determination. It's also possible that there will be problems with federalism, devolution, and self-government. In the time that followed World War II, one particular application of this idea, the colonial form, has been used in a manner that is both productive and consistent. Its dynamic nature was shown throughout the time of decolonization. Since that time, there has been a growing trend towards invoking it once again as a right.

According to Kennedy (2016), the decolonization process took place in the years after World War II and placed significant restrictions on the capacity of people to exercise their rights. As a result, the right to self-determination is not seen to be an unqualified right anymore due to the many limitations. Self-determination is unquestionably a difficult idea to fully grasp, and very challenging to operationalize, even though a lot of literature has been produced on the subject of the difference between internal and exterior self-determination as well as the question of who exactly defines "a people" capable of exercising the right (Pechalova, 2017). At present, claims are being made for the right of minorities to self-determination, which may be founded on grounds that are not as strong as the arguments embraced by indigenous peoples. However, the right to self-determination for both of these groups is constrained by several circumstances, the most important of which is that they are not under the control of a colonial authority. As a result, the majority of the time, they must ask for self-determination on an internal level rather than calling for secession.

There is an implication within the Declaration of Independence from 1948 that the "will of the people" should serve as the foundation for the power of the government. This should be represented by "chosen representatives" elected by "universal and equal suffrage," but it should not be a basis to secede from the union because eligibility for statehood does not depend on a person's nationality, ethnicity, or religion unless the minority's identity is not being preserved by the state (Paust, 2013). The United Nations General Assembly declared in 1960 that "all peoples have the right to self-determination; by their right, they freely determine their political status and freely pursue their economic, social, and cultural development" (Ulan, & Ornek, 2013).

The Soviet Union thought that self-determination was more of a notion of order than it was of justice, and the Soviet Union supported this point of view. The assertion that any ethnic, religious, or tribal group that wants to secede should be allowed to do so should be seen as dubious, according to former President Bill Clinton. He made it clear that he did not support the establishment of an excessive number of minor nations for political and economic reasons (Liu, 2018). Self-determination, in the eyes of the Soviet Union, meant non-interference; that is, respect for the sovereignty of governments whose jurisdiction was being called into question by calls for decolonization or secession. On the other hand, he extolled the merits of federalism, which may be described as the sharing of power between the central government and local entities such as states or provinces. In this context, federalism refers to the sharing of authority between the central government and local units.

On June 25, 1991, both Slovenia and Croatia issued declarations of independence, prompting a severe reaction from the world community to the separatist acts of the two countries. This response continues, where the right to self-determination as a right to secede is regarded largely as an exception to the concept of territorial integrity, which was discussed before and forbids shifting boundaries. This interpretation of the right to self-determination as a right to secede remains. As a consequence of this, several members of the international community urged that Yugoslavia maintain its complete geographical integrity in line with the international legal concept of territorial integrity, which forbids the alteration of boundaries

(Fabry, 2002). The right to self-determination and the connection it has with sovereignty has brought a lot of attention to the concept of non-intervention in international law, which is one of the aspects of international law that has attracted attention in recent years. As a consequence of state sovereignty, the principle of non-intervention has historically been portrayed as an independent concept that exists in its own right to defend the spheres of activity that are reserved for sovereign states.

Therefore, for an intervention to be considered illegal, it must have some influence on a subject about which individual states are allowed to make their own decisions under the umbrella of the concept of state sovereignty. The selection of a political, economic, social, and cultural system, in addition to the formation of an international strategy, is one of these factors. When it comes to such decision-making, which must always be done voluntarily, intervention is unethical when it employs means of force.

The constitution of Ukraine reflects the complete sense of self-determination, which is when the people living in a state pick the principles and direction that govern government, freedoms, and the ability to cohabit in one area. whilst the legislative power represents the new developments of the people's wants and their future perceptions of the primary themes in question. According to international law, the Ukrainian parliament's decision in 2014 to repeal legislation on regional languages was an expression of the will of the Ukrainian people and was not an act of aggression against the Russian minority in Ukraine, despite Russia's interpretation of the situation to the contrary. According to the provisions of Article 10 of the Ukrainian constitution, "the state language of Ukraine is the Ukrainian language." However, at the same time, the provision guaranteed the free growth, use, and preservation of Russian as well as other languages spoken by national minorities in Ukraine. It implies that the languages of minority groups be respected fully.

Because the Russian justification for annexing Crimea in 2014 and supporting separatist forces in the war in Ukraine's Donbas region was unjustified according to international law, all Russian acts against Ukraine are unjustified and may be considered international crimes or at the very least violations of international law (Cavandoli & Wilson, 2022).

5. The Russian and Ukraine International Responsibilities

The "*Union of Soviet Socialist Republics (USSR)*" had virtually ceased to exist and formed the "*Commonwealth of Independent States (CIS)*" in its stead as a successor state by the Belovezh Accords and the Alma-Ata agreement (Kembayev, 2018). As was said before, Russia and Ukraine have been working together since 1991 on a variety of key problems about their bilateral relationship. The most important one is a friendship treaty that settles disagreements about commerce and boundaries. During the discussions, topics including nuclear disarmament, energy supply, debt settlement, and the growth of the CIS were discussed. To preserve its independence and sovereignty, Ukraine has successfully resisted Russia's political and economic demands. It was able to effectively throw off the mantle of a shared history between rulers and ruled. In the years after the fall of the Soviet Union, the geopolitical situation in the Black Sea area has been characterized by an increase in tensions both between and among the states that make up the region (Celikpala, 2010). Up until 2014, interstate tensions were successfully handled without the escalation into an armed confrontation or the direct engagement of the military.

The dissolution of the Soviet Union and the establishment of the Russian Federation both resulted in a major decrease in the amount of territorial seas held by Russia in the Black Sea (King, 2008). This was to the benefit of Georgia and Ukraine. The loss of sovereignty over a significant portion of a country's former coast signifies a strategic setback for a nation that traditionally placed a high value on warm-water ports. In the meanwhile, Russia and Ukraine have a major disagreement about the status of their respective naval fleets, which is causing tension between the two countries. In the meanwhile, Russia has handed over the majority of its facilities that were located along the coast of the Black Sea to Ukraine. The simultaneous destruction of Russia's intricate network of river systems, which had allowed for interior transportation between the Baltic Sea, the Black Sea, and the Caspian Sea, was a further blow to the country's economic

standing (Åselius, 2005). If these losses are not accounted for in some way, the country's regional and global influence may suffer as a direct result.

Since August 1992, Russia and Ukraine have both legally retained sovereignty over the Black Sea Fleet; nevertheless, de facto Russian dominance has predominated during this period (Flanagan et al., 2020). The disagreement between Russia and Ukraine on the ownership of the Black Sea Fleet has become more difficult as a result of the conflict between the two countries regarding the eventual status of Crimea. The study further argued that the struggle for control of the fleet, access to the principal Crimean ports and airfields (without which the fleet could not be maintained), and the battle for control of the Crimean peninsula were in some ways inextricably related to one another. He considered that the fleet was the most important factor and they could not exist apart from one another (Griesel, 2021). Any decision that involves eliminating Ukrainian authority over Crimea would also eliminate any legal sovereignty that Ukraine exercises over the Black Sea Fleet and the strategic port of Sevastopol, as well as other ports and coastal infrastructure that are distributed throughout the Crimean coast. On the other hand, maintaining Ukraine's absolute sovereignty over Crimea and ensuring that Moscow recognizes that sovereignty in its entirety would make it easier to achieve a fair and equal partition. The Russian Navy stationing agreement was made on May 28, 1997, and it was extended in 2010. This agreement stipulates the distribution of Soviet ships in return for compensation for \$526 million, and it also states that Ukraine is the owner of the territory, even if the region's naval force is leased. To Russia with an annual rent of 97 million US dollars and defines the requirements for a garrison of Russian military (25 thousand soldiers, 132 armored vehicles, 24 artillery pieces). To Russia with an annual fee of 97 million US dollars (Foundation Robert Schuman, 2022).

Russia, the United Kingdom, and the United States provided security guarantees to Ukraine. In exchange, Ukraine signed the Nuclear Nonproliferation Treaty in December 1994 and committed to return Russia's strategic nuclear weapons. Additionally, these countries promised to respect Ukraine's sovereignty and the borders that it currently has in place. Both China and France have published comments that are unique and distinct in their respective security guarantees concerning this matter. As a consequence, the disarmament of Ukraine was made possible by the Budapest Memorandum in return for an explicit promise of acceptance of the country's boundaries (Einhorn, 2015). In the context of this period, the statement also functioned as a message to nations that had nuclear ambitions and were resolved to renounce them during the 1990s under pressure from a unified worldwide community. This occurred in the context of this period. At the time, all of the permanent members of the Security Council agreed to sign it, and its purpose was to send a message to nations that aspired to develop nuclear weapons. Several nations, including South Africa, Brazil, and Libya, have recently declared their intention to dismantle their nuclear arsenals. This is despite ongoing efforts over many years to get Iran to follow suit. Following the expiration of the Strategic Arms Reduction Treaty in 2009, Russia and the United States released a joint statement in which they emphasized that the security assurances outlined in the Budapest Memorandum from 1994 continued to be in place (Yost, 2015).

According to Mr. Chaly, "the Budapest Memorandum is an international political and legal document that has defined the geopolitical status of Ukraine as a non-aligned, neutral state and given it the required security guarantees" (USUBC, 2010). This was accomplished by providing Ukraine with the required security guarantees. Even though Volodymyr Vasylenko recognizes that the Budapest Memorandum only makes reference to security assurances and does not impose a legal obligation of military assistance on its parties, he maintains that the document does not provide even the remotest hint that Ukraine could have a neutral or non-aligned status in the future. In the same context, Stephen MacFarlane observes that it provides signatories with reason if they take action; nevertheless, it does not oblige anybody to engage in Ukraine; as a result, Ukrainian officials are prepared for a situation in which the participation of the United States and the United Kingdom would stay rhetorical (Stewart & Zhukov, 2013).

According to Vladimir Vasilenko, according to international law, the relationship between Ukraine and Russia is not one of mutual respect between two independent nations (Zadorozhnii, 2016). Vladimir

Vasilenko is quoted in this article. On the other hand, Russia broke international law and fundamental conditions of good neighborliness, and it carried out large-scale special operations against Ukraine, all to destroy Ukraine's political independence. One of the most significant aspects of this special mission is to stop Ukraine from becoming a member of the NATO alliance (Mearsheimer, 2022). It is believed that, according to the Georgian case: when the president proposed to refuse to sign everything that Russia did not like, however, he asked that Russia commit to settling the crisis only via agreements, actual conditions, and the return of the lands that were captured by Russia. He instantly abandoned his objectives towards NATO and the European Union and rejected any sort of neighborhood policy. He also repudiated any form of neighborhood policy. But Putin responded that other countries, such as Georgia and others, have their objectives, and they will do everything in their power to achieve those objectives; similarly, Russia has its objectives, and it will work under any conditions and circumstances to achieve those objectives in Ukraine; additionally, Russia will never accept Ukraine as an independent sovereign state in the context of relations based on good neighborliness (Mitchell, 2023).

In this section, the possible repercussions of a breach of the Treaty by a state that is a member of the United Nations Security Council and that has made commitments both bilaterally and multilaterally to ensure compliance with the Treaty are evaluated and discussed. Not only were Russia's pledges, words, and signings forever ruined, but also the commitments, words, and signatures of the main nations in the world, as well as the United Nations itself, were irreversibly damaged. In short, the damage was so extensive that it cannot be reversed. In addition to the Budapest Memorandum, Ukraine and Russia signed a treaty in May 1997 titled the Treaty on Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation (Big Treaty). As was stated before, this treaty was governed by the principles of mutual respect independence, and sovereignty.

In March 2014, after many months of political instability and the unexpected resignation of Ukrainian President Viktor Yanukovich, Russian forces invaded the Crimean Peninsula of Ukraine. Russia stated on March 18 announcing the annexation of Crimea, despite opposition from the interim government in Kyiv, the United Nations Security Council, and Western states (Fisher, 2014). The United States of America, the United Kingdom, and Ukraine have all referred to the move as a flagrant breach of the security guarantees outlined in the Budapest Memorandum from 1994. However, according to the Russian Ministry of Foreign Affairs, the legitimate government of Ukraine was provided with security guarantees, while the forces who took power in Ukraine as a result of the coup d'etat were not (De Ploeg, 2017).

Both the Budapest Memorandum and the Big Treaty of 1997 impose obligations on both states, but both parties have their primary concerns. Russia's primary concern has been to keep Kyiv in its zone of influence and to pressure Ukraine to keep its Black Sea fleet in Crimea. In addition, Russia's top priority has always been to prevent Ukraine from adopting an "approach of bloc allegiance" or constructing its foreign security principles based on an entrance program to NATO. The issue may be deduced from the treaty's provisions and Russia's practices. Ukraine's primary concern was Russia's pledge to maintain Ukraine's territorial integrity and the boundaries that exist between the two nations. Another shared objective of the parties was to ensure the parties' security, although this objective was interpreted differently by each side. Ukraine saw the deal as a method to create friendship and collaboration with Russia, to relieve tensions with it, and to protect the peace in Europe. On the other hand, Russia intended to use the pact to keep NATO far away from its borders.

When Mr. RUSLAN MINICH said that Russia's seizure of Crimea and military intervention in eastern Ukraine were the most evident and unambiguous breaches of the so-called "Big Treaty," he asked: was the pact ever respected?

In addition, the respect of the fundamental texts and legal regulations of Ukraine are required to be followed according to Articles 73 and 132 [5] of the Constitution of Ukraine as well as Articles 2 and 6 of the Constitution of the Autonomous Republic of Crimea. Specifically, the choice regarding the presumption of border adjustments can only be decided by all Ukrainians collectively. [Crimea's] Articles 2 and 6 also provide for the assumption of a change in borders that can only be decided by all Ukrainians.

As a consequence of this, at least two key UN statutes, five significant treaties, and two constitutions have been breached as a direct result of the Russian annexation (Mälksoo, 2022).

8. Conclusion

Unfortunately, international law does not provide solutions as much as it provides frameworks, but these frameworks are ones that the world agrees to function within. This may be quite frustrating. When major nations violate such standards, the regulations ought to be enforced as strictly as is humanly feasible against them. If this implies that a currently serving head of state will have an arrest warrant unsealed against them, then the potential for a deterrent will be increased. The legal offensive that Ukraine has been conducting in a variety of international settings has caused Russia to retreat. The purpose of the law is to aid those individuals who seek justice by providing for their needs. There are no exceptions when it comes to international justice, and there is no greater example than the precarious situation that Ukraine finds itself in. In the end, what tends to differentiate democracies from dictatorships is the rule of law in such democracies.

International law has indeed been unsuccessful when it comes to arranging for collective security. Because it is the most powerful nuclear nation on the planet, Russia was able to invade Ukraine and keep fighting there without fear of repercussions. Vladimir Putin portrayed this conflict as a battle against NATO that was being conducted on Ukrainian land during celebrations held in Moscow in honor of Victory Day. Putin's usage of vocabulary from the Soviet era was fitting given that both his politics and Russia's military plans continue to be worn-out echoes of the Soviet era. Ukraine has exceeded everyone's expectations by being able to thwart the progress of the Russian army. Because Ukraine has shown that international legal systems are effective, the Western industrialized world is more encouraged to continue rallying behind Kyiv. In this regard, there is an even greater possibility for international law to play a constructive role in resolving this issue. Even though the function of international law may be evaluated in terms of its success or failure to date, the international community's contributions will be completely responsible for determining its future.

The researchers have not given up faith that international law would be able to assist Ukraine in maintaining its status as an independent state and in rebuilding after the conclusion of the war. This crisis has thrown a sharp light on the reality that our international legal frameworks are in desperate need of revision, and we must do so. Institutions are only helpful to the extent that their internal structures and limits permit them to be. The failure of collective security arrangements to put an end to this war is a perfect example of this issue. Nevertheless, the capacity of international legal procedures not only to accept but also to actively work on the problems that Ukraine presents is what fuels this optimism even further.

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