

ADHERENCE TO THE PRINCIPLE OF INVIOIABILITY OF BORDERS AS A BASIS INTERNATIONAL LAW AND ORDER: IN THE CONTEXT OF THE RUSSIAN-UKRAINIAN ARMED CONFLICT

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Abstract

The article is devoted to the theoretical and legal analysis of the principle of inviolability of borders as an important aspect of modern international relations, clarifying the role of this principle in ensuring the sustainability of international law and order, especially in the context of Russian aggression against Ukraine, as well as determining the main directions of activity of international organizations to support the Ukrainian people in their struggle for the liberation of their own territories captured by the Russian Federation. An analysis of the main stages of institutionalization of the principle of inviolability of borders has been carried out, the prerequisites for its formation and peculiarities of development in the system of modern international law have been determined, its international legal consolidation and normative content have been disclosed. It is stated that the inalienable and conscientious implementation of the principle of inviolability of borders by all subjects of international law is recognized as an objective necessity, since in the conditions of modern international relations, state borders play an essential role in determining the boundaries of sovereignty, territorial integrity and independence of each state. It is noted that since the proclamation of independence, the Ukrainian state has faced an unsettled problem of contractual and legal registration of state borders with numerous European countries and former Soviet republics, which also declared their independence. It is stated that the most difficult was the settlement of issues related to the definition and contractual and legal registration of borders with the Russian Federation, especially in the context of its destructive position in Crimean peninsula issues. Considerable attention is paid to the violation of the principle of inviolability of borders in the context of the armed conflict between Ukraine and the Russian Federation. It is proved that Russia's gross violation of the principle of inviolability of borders has become one of the main security problems on the European continent. This was due to the aggressive actions of the Russian Federation, including the annexation of the Crimea, Luhansk, Donetsk, Kherson and Zaporizhzhya regions, as well as disregard for all the requirements arising from this principle. It is noted that such a violation of the principles of international law has caused a significant resonance in the world and has important consequences for security and stability in the region. The article analyzes the activities of international organizations (UN, Council of Europe, European Union, Organization for Security and Co-operation in Europe) as a response



to the violation by the Russian Federation of the principle of inviolability of borders by committing unprovoked armed aggression against Ukraine with subsequent annexation of Ukrainian territories. The normative legal documents adopted by these international organizations aimed at supporting the territorial integrity of Ukraine within its internationally recognized borders are considered in detail.

Keywords

Principle of Inviolability of Borders, State Border, Russian Aggression, Territorial Integrity, Annexation, Occupation, UN, Council of Europe, EU, OSCE.

Resumo

O artigo é dedicado à análise teórica e jurídica do princípio da inviolabilidade das fronteiras como um aspeto importante das relações internacionais modernas, esclarecendo o papel deste princípio na garantia da sustentabilidade do direito e da ordem internacional, especialmente no contexto da agressão russa contra a Ucrânia, bem como determinando as principais direcções de actividade das organizações internacionais para apoiar o povo ucraniano na sua luta pela libertação dos seus próprios territórios capturados pela Federação Russa. Foi efectuada uma análise das principais etapas da institucionalização do princípio da inviolabilidade das fronteiras, foram determinados os pré-requisitos para a sua formação e as peculiaridades do seu desenvolvimento no sistema do direito internacional moderno, foi divulgada a sua consolidação jurídica internacional e o seu conteúdo normativo. Afirma-se que a aplicação inalienável e consciente do princípio da inviolabilidade das fronteiras por todos os sujeitos do direito internacional é reconhecida como uma necessidade objetiva, uma vez que, nas condições das relações internacionais modernas, as fronteiras estatais desempenham um papel essencial na determinação dos limites da soberania, da integridade territorial e da independência de cada Estado. É de notar que, desde a proclamação da independência, o Estado ucraniano tem enfrentado um problema incerto de registo contratual e legal das fronteiras estatais com numerosos países europeus e antigas repúblicas soviéticas, que também declararam a sua independência. Afirma-se que o mais difícil foi a resolução das questões relacionadas com a definição e o registo contratual e legal das fronteiras com a Federação da Rússia, especialmente no contexto da sua posição destrutiva nas questões da península da Crimeia. É dada uma atenção considerável à violação do princípio da inviolabilidade das fronteiras no contexto do conflito armado entre a Ucrânia e a Federação da Rússia. Está provado que a violação grosseira pela Rússia do princípio da inviolabilidade das fronteiras se tornou um dos principais problemas de segurança no continente europeu. Tal deveu-se às acções agressivas da Federação Russa, incluindo a anexação da Crimeia, das regiões de Luhansk, Donetsk, Kherson e Zaporizhzhya, bem como ao desrespeito de todos os requisitos decorrentes deste princípio. Note-se que tal violação dos princípios do direito internacional causou uma ressonância significativa no mundo e tem consequências importantes para a segurança e a estabilidade na região. O artigo analisa as actividades das organizações internacionais (ONU, Conselho da Europa, União Europeia, Organização para a Segurança e a Cooperação na Europa) em resposta à violação pela Federação Russa do princípio da inviolabilidade das fronteiras, ao cometer uma agressão armada não provocada contra a Ucrânia com a subsequente anexação de territórios ucranianos. Os documentos jurídicos normativos adoptados por estas organizações internacionais destinados a apoiar a integridade territorial da Ucrânia dentro das suas fronteiras internacionalmente reconhecidas são analisados em pormenor.



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Palavras-chave

Princípio da Inviolabilidade das Fronteiras, Fronteira Estatal, Agressão Russa, Integridade Territorial, Anexação, Ocupação, ONU, Conselho da Europa, UE, OSCE.

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Introduction

Modern challenges in ensuring international peace and security claim the international community to study the main factors of conflicts in order to determine the legal mechanisms for their avoidance or resolution. The escalation of the conflict situation and the acquisition of an armed conflict has become an integral part of modern international relations. The emergence of such tensions may be caused by the differences in the political interests of states, their desire to gain a dominant political or economic role in their region, ethnic and religious differences, as well as differences of opinion in the regulation of state borders, which may be the result of territorial conflicts.

Within the modern paradigm of interstate relations, state borders perform an important function of determining the boundaries of sovereignty, territorial integrity and independence of each state. Therefore, the regulation of processes related to the conclusion of contractual agreements on state borders is a key priority in global foreign policy relations. This need for the subjects of international law to faithfully fulfill their obligations enshrined in the basic principles of this legal field is an objective requirement. In this context, great importance is attached to the principle of inviolability of borders, which is recognized as a universal norm of international law.

The chosen topic of this scientific research fully concerns Ukraine as a full-fledged subject of international relations. In the context of Russian aggression, the issue of state borders for Ukraine becomes decisive not only for the implementation of international legal personality, economic and political independence, but also for the restoration of its sovereignty and territorial integrity within internationally recognised borders. One of the strategic tasks of Ukraine in this direction is strengthening and protection national security by properly ensuring the implementation of the principle of inviolability of borders.

The purpose of the article is a comprehensive analysis of the principle of inviolability of borders, with a focus on its genesis and evolution, as well as a study of its interrelation with the principles of territorial integrity on the example of the treaty relations between



Ukraine and the Russian Federation. Particular attention is paid to the study of the impact of the Russian-Ukrainian armed conflict on the violation of internationally recognized borders, as well as the development of a theoretical and legal model for the restoration of Ukraine's territorial integrity within the international legal order.

Methodology

To achieve the goal of the article a set of general scientific and special methods were used. These methods are widely applied in modern legal science: *historical method* — in determining the prerequisites for the formation and development of the principle of inviolability of borders, as well as clarifying the chronological sequence of the process of contractual and legal regulation of border issues between Ukraine and the Russian Federation; *method of objectivity* — for establishing the reliability and completeness of the information used in the process of writing the article; *comparative method* — for identifying doctrinal approaches in the interpretation of the normative content of the principle of inviolability of borders and its interdependence with the principle of territorial integrity; *interpretation method* — for studying national and international legal acts, resolutions and decisions of international organizations in the field of application and observance of the principle of inviolability of borders; *systematic method* — for determining the obligations of states arising from the normative content of the principle of inviolability of borders; *conflictological method* — in the study of the nature of the Russian-Ukrainian armed conflict and its impact on border violations in modern international relations; *method of generalization* — for outlining the general model of behavior of the international community in order to restore the territorial integrity of Ukraine within its internationally recognized borders.

1. International legal consolidation and normative content of the principle of inviolability of the border

It is worth noting that in the modern science of international law the study of issues related to the principle of inviolability of borders remains very relevant (Elden, 2006). This state of affairs is generally reflected in the definition of dogmatic theoretical constructions of international law in relation to the formation of this principle, which do not fully reveal its essence and content. Thus, in the theory of international law, two dominant concepts of institutionalization of the principle of inviolability of borders can be distinguished. The first concept mainly considers the history of the emergence and stages of the development of the principle of inviolability of borders from the standpoint of the exclusive role of the Warsaw Pact member states in 1955 in the emergence of this principle¹. The second concept focuses on the period of the collapse of the feudal system

¹ The Warsaw Pact, officially the Treaty of Friendship, Co-operation and Mutual Assistance (also known as Warsaw Treaty Organization), was a collective defense agreement signed in May 1955 during the Cold War between the Soviet Union and seven other Soviet satellite states in Central and Eastern Europe (People's Socialist Republic of Albania, People's Republic of Bulgaria, Czechoslovak Socialist Republic, East Germany, Hungarian People's Republic, Polish People's Republic, Socialist Republic of Romania). The Warsaw Pact was formed in response to West Germany joining the North Atlantic Treaty Organization (NATO).



of international relations or the period of signing the Peace of Westphalia in 1648². The Peace of Westphalia received special significance with the consolidation of the principle "uti possidetis, ita possideatis" (as you possess, so may you possess), that is, the preservation of the existing state of affairs in relation to state territories, which can be considered a prototype of the principle of inviolability of borders (Ratner, 1996: 593).

The World War II was an extremely painful lesson for the entire world community, especially for the states of the European region responsible for the deaths of tens of millions of people. Recognition of the principle of inviolability of borders, formed as a result of war and post-war development, was to be fundamental in ensuring peace and security in Europe (Orakhelashvili, 2006: 319).

The borders of the states of Europe after the end of World War II were fixed by the Potsdam Agreement of 1945³ (concluded by the USSR, the USA and Great Britain to establish new borders of Germany with the Soviet Union and Poland), the Paris Peace Treaties of the Allies with the satellites of Nazi Germany of 1947⁴ (defined borders between Italy and Yugoslavia, Hungary and Slovakia, Romania and Hungary, the USSR and Romania, Bulgaria and Romania, France and Italy, the USSR and Finland), as well as some bilateral treaties. However, the Tehran Conference of 1943⁵ and the Yalta Conference of 1945⁶ played an important role where the leaders of the Allies (Joseph Stalin, Winston Churchill, and Franklin Roosevelt) agreed on issues of post-war borders and the new world order as a whole.

However, further developments in the region showed that these agreements failed to fully ensure the stability and security of state borders, fixed after the victory over fascist Germany. First of all, the reason for this was the Cold War, which actually began in 1946, and the division of Europe between the enemy blocs.

Despite the continuation of the Cold War, the European states declared their desire to ensure sustainable peace. Thus, in 1966, Declaration of the Political Consultative

² The Peace of Westphalia of 1648 is a system of peace treaties concluded in two cities of the German historical region of Westphalia Münster and Osnabrück between the participants in the Thirty Years War of 1618–1648. The Peace of Westphalia was a unique phenomenon for its time and still remains the one that initiated the formation of modern international law, formulated its basic principles (sovereign equality of states, non-interference in internal affairs, inviolability of borders, etc.), which remain decisive in the modern system of international relations.

³ *Foreign relations of the United States: diplomatic papers, the conference of Berlin (the Potsdam Conference), 1945, volume II.* Office of the Historian.
<https://history.state.gov/historicaldocuments/frus1945Berlinv02/d1382>.

⁴ *Paris Peace Treaties, 1947.* United Nations Treaty Collection.
<https://treaties.un.org/doc/publication/unts/volume%2049/v49.pdf>.

⁵ The Tehran Conference was held from 28 November to 1 December, 1943 in Tehran, the capital of Iran. It was the first meeting of the "Big Three"— Chairman of the Council of People's Commissars of the USSR Joseph Stalin, U.S. President Franklin D. Roosevelt and British Prime Minister Winston Churchill. It was the first conference of the "Big Three" during the World War II. The Conference aimed to develop an ultimate strategy of struggle against the Third Reich and its allies. The main issue was the opening of a second front in Western Europe. The international importance of the Tehran Conference, despite some contradictions between its participants, was enormous. Its decisions included not only accelerating the end of the war in Europe, but also the prospects for the development of European countries in peacetime. The Conference of the "Big Three" confirmed the strength and unity of the anti-Hitler coalition, marked a new stage in its activities.

⁶ The Yalta Conference – a diplomatic meeting of the leaders of the United States (Franklin D. Roosevelt), Great Britain (Winston Churchill) and the USSR (Joseph Stalin) on 4–11 February, 1945, which was held in the former Royal Palace in Livadia (near the city of Yalta in Crimea), to solve the problems associated with the end of World War II, as well as the post-war system.



Committee of the Warsaw Pact on the strengthening of peace and security in Europe was adopted⁷. It contained progressive provisions, although they had an obvious, at that time, political basis. The participating states stated that, given the tense situation in Europe, namely the danger of a military confrontation (between NATO and the Warsaw Treaty Organization), they called on all European states to develop good neighborly relations on the basis of the principles of peaceful coexistence, to help ease tensions by the abolition of the military organisations — NATO and the Warsaw Treaty Organization. As priority measures, it was proposed to agree, along with the liquidation of military bases in Europe, the recognition of the inviolability of existing borders, as the basis for a lasting peace in Europe.

The completion of the process of forming the principle of inviolability of borders was its consolidation on a multilateral basis in the Conference on Security and Co-operation in Europe (Helsinki Final Act) of 1975⁸, which was to play a key role in the system of relations between the member states of the CSCE (since 1995 renamed the Organization for Security and Cooperation in Europe — OSCE).

Helsinki Final Act contains the following obligation, 'The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers. Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State' (Principle III)⁹. The participating States agreed that, 'their frontiers can be changed, in accordance with international law' (Principle I)¹⁰. Recognition of borders is considered a waiver of any territorial claims of European countries (Principle III)¹¹.

Helsinki Final Act became an expression of the main political and legal results of the World War II and formalized post-war territorial and political realities in Europe at the international legal level. This was reflected and enshrined in the normative content of the principle of inviolability of borders as a fundamental principle of international law. The participating States were aware that the borders in Europe established in the post-war period did not always coincide with the borders of the settlement of peoples, but agreed that only the inviolability of borders could guarantee peace and security and, conversely, the violation of the borders of any of the States is an extremely dangerous phenomenon for everyone else.

It should be noted that the relevant provisions are contained in the UN Charter¹² and Declaration of Principles of International Law of 1970¹³. These acts enshrined such

⁷ *Declaration of the Political Consultative Committee of the Warsaw Pact on the strengthening of peace and security in Europe (Bucharest, 5 July 1966)*. CVCE.eu by UNI.lu. https://www.cvce.eu/en/obj/declaration_of_the_political_consultative_committee_of_the_warsaw_pact_on_the_strengthening_of_peace_and_security_in_europe_bucharest_5_july_1966-en-c48a3aab-0873-43f1-a928-981e23063f23.html.

⁸ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.

⁹ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.

¹⁰ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.

¹¹ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.

¹² *United Nations Charter (full text)*. United Nations. <https://www.un.org/en/about-us/un-charter/full-text>.

¹³ *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, New York, 24 October 1970*. Audiovisual Library of International Law. <https://legal.un.org/avl/ha/dpilfrscun/dpilfrscun.html>.



fundamental principles of international law as the principle of non-use of force or threat of force and the principle of territorial integrity of states.

The UN Charter obliges to refrain in their international relations from the threat or use of force against the territorial integrity (Article 2, Part 4)¹⁴. The Declaration of Principles of International Law contains the main elements of the principle of territorial integrity, without pointing to the principle itself:

- (a) the duty of the State to refrain from any actions aimed at violating the national unity and territorial integrity of any state or country;
- (b) the territory of the State shall not be the object of military occupation resulting from the use of force in controvention of the provisions of the UN Charter;
- (c) the territory of a State shall not be the object of acquisition by another State as a result of the threat or use of force;
- (d) territorial acquisitions obtained through force or threat of its use shall not be recognized as legal¹⁵.

The Declaration of Principles of International Law indirectly points to the inviolability of borders in the context of the principle of non-use of force or threat of force, 'every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States'¹⁶. Accordingly, the prohibition is limited to the violation of borders by the use of force or the threat of force. States are not required to mutually recognize borders and renounce territorial claims. Rather, such claims are allowed when it comes to non-forceful resolution of disputes.

However, it is not only about the use of force, but about the prohibition of any territorial or borders claims, initiation, incitement, support of revanchist ideas and movements, any other attempts to revise frontiers and violations of international agreements on existing borders in Europe.

Every State has the duty to refrain from the use of force or threatening it to violate not only borders, but also lines of demarcation (meaning temporary or preliminary borders, including armistice lines). It applies to lines having a legal basis, that is, those that are established and comply with interstate agreements or that the state is obliged to observe on other grounds.

In this regard, the Vienna Convention on the Law of Treaties of 1969 provides that, 'a fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty: (a) if the treaty establishes a boundary' (Article 62, Part 2)¹⁷. In the Vienna Convention on the Succession of States to Treaties of 1978

¹⁴ *United Nations Charter (full text)*. United Nations. <https://www.un.org/en/about-us/un-charter/full-text>.

¹⁵ *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*, New York, 24 October 1970. Audiovisual Library of International Law. <https://legal.un.org/avl/ha/dpilfrscun/dpilfrscun.html>.

¹⁶ *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*, New York, 24 October 1970. Audiovisual Library of International Law. <https://legal.un.org/avl/ha/dpilfrscun/dpilfrscun.html>.

¹⁷ *Vienna Convention on the Law of Treaties*, 1969. United Nations. Office of Legal Affairs. https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf.



determined that, 'a succession of States does not as such affect: (a) a boundary established by a treaty' (Article 11)¹⁸.

The content of the principle of inviolability of borders is that the states are obliged to comply with the existing border regime, it is not allowed to arbitrarily move the border line on the ground and to illegally cross them. At the same time, states have the right to control the crossing of the border by people and vehicles.

Illegal entry, exit, crossing the border, flow of goods, values are punishable, depending on the criminal or administrative internal law of the state. If the state border is violated by a foreign warship or border detachment, measures can be taken to stop the violation or a protest can be declared to a foreign state.

The relations regarding the establishment and protection of borders, their *delimitation* (determining the location and direction of borders), *demarcation* (drawing a border on the ground using border signs), *rectification* (clarification, changing the border line on the ground) are regulated within the framework of the principle of inviolability of borders (Voitsikhovskyi, 2020: 44). The establishment of state borders, the procedure for determining the border on the ground, its regime, the settlement of border incidents, conflicts and mutual assistance, the mode of economic activity in border zones, the use of border rivers — all this is contained in border interstate agreements. Such agreements are accompanied by protocols describing the border, maps with border lines (Voitsikhovskyi, 2020: 44).

Understanding the principle of the inviolability of borders is impossible without disclosing its ties with other principles provided for in the Helsinki Final Act of the Conference on Security and Co-operation in Europe of 1975¹⁹. All of those principles are interconnected. However, the principle of inviolability of borders is characterized by direct interdependence with a number of others. Thus, the principle of sovereign equality of states in the form in which it is formulated cannot be respected without ensuring the inviolability of borders, 'The participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence' (Principle I)²⁰. The right of each state to legal equality, territorial integrity, freedom and political independence implies mandatory respect for the sanctity of its territory and, accordingly, the inviolability and stability of its borders. Thus, the principle of inviolability of borders ensures compliance with the state's right to territorial integrity inherent in sovereignty.

On the other hand, the principle of sovereign equality serves to strengthen the principle of inviolability of borders. Legal equality in respect of the sanctity and integrity of the territory means equal rights in respect of the inviolability and stability of the borders of all states. All borders of the states of the European region, the United States and Canada,

¹⁸ *Vienna Convention on Succession of States in respect of Treaties, 1978*. United Nations. Office of Legal Affairs. https://legal.un.org/ilc/texts/instruments/english/conventions/3_2_1978.pdf.

¹⁹ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.

²⁰ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.



that is all the participating States of the Helsinki Final Act, should be equally respected by other States.

The principle of inviolability of borders is most closely related to the principle of territorial integrity, as well as to the principle of non-use of force or threat of force. The very wording *their frontiers can be changed, in accordance with international law, by peaceful means and by agreement* provides for the prohibition of the use of force or the threat of force. At the same time, this provision cannot be interpreted as limiting the content or scope of the principle of inviolability of borders. Many international treaties on borders contain provisions on their changes and the line of passage of borders in a certain area, etc. It is important that these changes take place in strict accordance with the principle of sovereign equality and they are an expression of the will of the state.

The analysis of the legal literature on the issues of observance of the principle of inviolability of borders has shown that the question under study can be considered in relation to the principle of state sovereignty, which is also fundamental in the system of modern international law and interstate relations. The sovereignty of a state implies its inalienable right to pursue domestic and foreign policy within its territorial borders without outside interference, including both independence in decision-making and responsibility for compliance with international obligations and norms. The principle of inviolability of borders complements this concept by providing a legal basis for the protection of territorial integrity. It obliges states to recognise existing internationally recognised borders and refrain from violating them. It is an important condition for maintaining global stability and international law and order (Besson, 2024; Ezenwajiaku, 2017: 20–22; Kubalskiy, 2017).

The interrelation between state sovereignty and the inviolability of borders is that a violation of the territorial integrity of a state through aggression or attempted annexation directly undermines its sovereignty. A violation of the rights to independence and self-determination of one state occurs when another state attempts to change the borders of the first one. The inviolability of borders thus serves to protect the sovereignty of each state, ensuring that its territory and political independence are recognised and respected by other countries. In the global context, this contributes to the maintenance of peace and stability, as it prohibits interference by one state in the sovereign affairs of another (Elden, 2006).

2. Demarcation of borders between Ukraine and the Russian Federation in the context of the collapse of the Soviet Union as a manifestation of the principle of inviolability of borders

The collapse of the Soviet Union and, as a result, the emergence of new independent states in the post-Soviet area led to a change in the structure of the geopolitical space of the world (Czyz, 2021; Leandro, 2023). The newly created Ukrainian state with extreme acuteness faced the problem of resolving the issue of contractual and legal registration of a common state border with the former Soviet republics, which also declared their independence. Based on these geopolitical changes, Ukraine formed the following strategic tasks:



1. The first strategic task was aimed at resolving issues of contractual and legal registration of joint sections of the state border with European countries in a bilateral format, that is, the registration of Ukrainian-Polish, Ukrainian-Romanian, Ukrainian-Slovak and Ukrainian-Hungarian borders.

External borders had to remain as they were inherited from the Soviet Union. Neglecting this principle would lead to a violation of the system of international security and good neighborliness. At the same time, to clarify the territorial western borders of the Ukrainian SSR, *demarcation* was carried out (holding the state border on the ground with its designation by special border signs in accordance with international treaties). The independent Ukraine was carried out *redemarcation* (checking the previously demarcated border with the restoration and repair (replacement) of previous border signs) (Voitsikhovskyi, 2020: 150–151).

2. The second strategic task of ensuring the process of contractual and legal registration of the state border of Ukraine was aimed at the juridical determination of the state border line through *delimitation* (contractual determination of the state border line using large-scale maps) (Voitsikhovskyi, 2020: 44, 150). The delimitation concerned the joint sections of the state border with the newly created states (former Soviet republics): the Russian Federation, the Republic of Belarus and the Republic of Moldova (Derkach, 2013).

The will of the Ukrainian side established the continuity of the state of Ukraine, its territorial succession in the Declaration on State Sovereignty of Ukraine of 1990²¹. This document in Chapter I "Self-Determination of the Ukrainian Nation" enshrined the existence of Ukraine as a sovereign national state within its existing borders, namely, 'the Ukrainian SSR shall develop within the existing borders based on the exercise by the Ukrainian nation of its inalienable right to self-determination'²².

According to Article 2 of the Constitution of Ukraine, 'The territory of Ukraine within its present border is indivisible and inviolable'²³. To ensure the inviolability of borders, neighboring states conclude agreements on the mutual border regime. Ukraine has an agreement with almost all such countries on the mutual border regime and on the development of peaceful cooperation on the borders.

The first interstate document that determined the future relations of the now independent states — Ukraine and the Russian Federation — was the Treaty between the Ukrainian Soviet Socialist Republic and the Russian Soviet Federative Socialist Republic of

²¹ *Declaration of State Sovereignty of Ukraine*. (1990, July 16). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/55-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/55-12?lang=en#Text>.

²² *Declaration of State Sovereignty of Ukraine*. (1990, July 16). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/55-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/55-12?lang=en#Text>.

²³ *Constitution of Ukraine*. (1996, June 28). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/254κ/96-bp?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/254κ/96-bp?lang=en#Text>.



November 19, 1990²⁴. Article 6 of the Treaty provides, 'the Parties recognize each other in the borders existing within the USSR'²⁵.

This trend was further developed in the Law of Ukraine "On Succession of Ukraine" of 1991²⁶. In accordance with Article 5 of this Law, 'The state border of the Soviet Union, delimiting the territory of Ukraine from other states, and the border between the Ukrainian SSR and the Belorussian SSR, the RSFSR, the Republic of Moldova as of 16 July 1990, shall be the state border of Ukraine'²⁷.

In the Agreement establishing the Commonwealth of Independent States of 1991²⁸ the guarantees of the CIS member states for the fulfillment of international obligations arising from treaties and agreements of the former USSR were determined, as well as a provision on mutual recognition and respect for the territorial integrity of the member states of the Commonwealth, the inviolability of their borders (Article 5). At the same time, this Agreement was ratified by the Resolution of the Verkhovna Rada of Ukraine "On Ratification of the Agreement establishing the Commonwealth of Independent States" with certain reservations, namely, 'In accordance with Article 5 of the Agreement, the High Contracting Parties recognize and respect the territorial integrity of each other and the inviolability of the state borders existing between them. They guarantee on a reciprocal basis the openness of the state borders existing between them for unhindered contacts of their citizens and the transfer of information within the framework of the Commonwealth, and with this aim they will develop an appropriate legal framework in the near future'²⁹.

It should be noted that the first legislative acts of Ukraine on state borders were:

- The Law of Ukraine "On State Boundary of Ukraine" of 1991. This act normatively defined the concept of the state border of Ukraine as, 'the line and vertical surface passing along this line, which determine the borders of the territory of Ukraine — land, water, subsoil and air of the new space' (Article 1)³⁰;
- Law of Ukraine "On Boundary Troops of Ukraine" of 1991 (was declared invalid on the basis of the Law of Ukraine "On the State Frontier Service of Ukraine" of 2003)³¹. This act determined the main tasks for the border department of Ukraine,

²⁴ *Dohovir mizh Ukrainskoïu Radianskoïu Sotsialistychnoïu Respublikoïu i Rosiïskoïu Radianskoïu Federatyvnoïu Sotsialistychnoïu Respublikoïu*. (1990, November 19). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_011?lang=en#Text). Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/643_011?lang=en#Text.

²⁵ *Dohovir mizh Ukrainskoïu Radianskoïu Sotsialistychnoïu Respublikoïu i Rosiïskoïu Radianskoïu Federatyvnoïu Sotsialistychnoïu Respublikoïu*. (1990, November 19). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_011?lang=en#Text) Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/643_011?lang=en#Text.

²⁶ *On Succession of Ukraine*. (1991, September 12). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/1543-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/1543-12?lang=en#Text>.

²⁷ *On Succession of Ukraine*. (1991, September 12). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/1543-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/1543-12?lang=en#Text>.

²⁸ *Uhoda pro stvorennia Spivdruzhnosti Nezaleznykh Derzhav*. (1991, December 8). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/997_077?lang=en#Text). Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/997_077?lang=en#Text.

²⁹ *Pro ratyfikatsiiu Uhody pro stvorennia Spivdruzhnosti Nezaleznykh Derzhav*. (1991, December 10). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/1958-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/1958-12?lang=en#Text>.

³⁰ *On State Boundary of Ukraine*. (1991, November 4). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/1777-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/1777-12?lang=en#Text>.

³¹ *On the State Frontier Service of Ukraine*. (2003, April 3). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/661-15?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/661-15?lang=en#Text>.



'ensuring the inviolability of the state border of Ukraine on land, sea, rivers, lakes and other reservoirs of Ukraine, as well as protecting the exclusive (maritime) economic zone of Ukraine' (Article 1)³².

The mentioned legal acts defined the conceptual priorities of the state, which aimed to ensure the sovereignty and territorial integrity of Ukraine on the basis of established principles of international law: the principle of territorial integrity, the principle of inviolability of borders, the principle of sovereign equality of states, the principle of equal rights and self-determination of peoples, the principle of peaceful solving of international disputes, the principle of non-interference in internal affairs, the principle of non-use of force or threat of force, the principle of cooperation, the principle of fair implementation of international obligations (Voitsikhovskyy, 2020: 26–52).

With the adoption of basic legal acts on state borders, which determined the main priorities and national interests of Ukraine in the field of state border security, there was an urgent need to conduct a negotiation process with neighboring countries on issues of contractual and legal registration of the state border.

The most problematic was the issue of determining the borders with the Russian Federation, given the destructive position of the Russian government.

The length of the common section of the Ukrainian-Russian state border is 2295.04 km. The length of the land part of the Ukrainian-Russian border is 1974.04 km and it is the largest in comparison with other neighboring states. The length of the sea section is 321 km (Derkach, 2013).

The statement of the Verkhovna Rada of Ukraine regarding the conclusion by Ukraine of the Agreement establishing the Commonwealth of Independent States of 1991 contains the provision, 'The border between Ukraine, on the one hand, and Russia and Belarus, on the other, is the state border of Ukraine, which is inviolable. The line of its passage is determined by the Treaty between Ukraine and Russia of 1990 and remains unchanged regardless of whether Ukraine is a party to the Agreement or not' (Paragraph 6)³³.

Memorandum on cooperation in the protection of state borders of Ukraine, the Republic of Belarus, the Russian Federation of 1994³⁴ essentially showed the interest of the parties 'in ensuring a stable position on their state borders... inviolability and openness of state borders' and also showed the readiness of the parties for a constructive dialogue on the legal design of state borders. As it became clear later, only Belarus and Moldova expressed such readiness. By that time, Russia's position on resolving the Crimean issue was already contrary to the Ukrainian one.

Speculation about the Crimea as a whole is not only an interference in the internal affairs of Ukraine, but also contradicts the provisions of the Memorandum on security assurances

³² *Pro prykordonni viiska Ukrainy*. (1991, November 4). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/1779-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/1779-12?lang=en#Text>.

³³ *Zaiava Verkhovnoi Rady Ukrainy z pryvodu ukladennia Ukrainoiu Uhody pro spivdruzhnist nezaleznykh derzhav*. (1991, December 20). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/2003-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/2003-12?lang=en#Text>.

³⁴ *Memorandum pro spivrobotnytstvo v okhoroni derzhavnykh kordoniv Ukrainy, Respubliki Bilorus, Rosiiskoi Federatsii*. (1994, April 15). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/998_001?lang=en#Text). Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/998_001?lang=en#Text.



in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (Budapest Memorandum) of 1994, according to which, 'the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of Ukraine' (Paragraph 1)³⁵.

For a long time, the Russian Federation did not recognize the administrative and territorial borders between the former UkrSSR and the RSFSR. It was only in 1996 that some progress in this process began, when the Protocol on joint border and customs control at checkpoints across the state border between Ukraine and the Russian Federation of 1996 was signed³⁶.

Since then, the following bilateral documents had been approved between Ukraine and Russia, certifying the contractual and legal registration of the common state border:

- Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation of 1997, which determines that, 'the High Contracting Parties, in accordance with the provisions of the UN Charter and the obligations under the Final Act of the Conference on Security and Co-operation in Europe, respect each other's territorial integrity and confirm the inviolability of the borders existing between them' (Article 2). Also 'the High Contracting Parties build relations with each other on the basis of the principles of mutual respect for sovereign equality, territorial integrity, inviolability of borders, peaceful settlement of disputes, non-use of force or threat of force'(Article 3)³⁷;
- Agreement between Ukraine and the Russian Federation on the Ukrainian-Russian State Border of 2003, which completed the delimitation of the land section of the Ukrainian-Russian state border³⁸;
- Agreement between Ukraine and the Russian Federation on Cooperation in the Use of the Sea of Azov and the Kerch Strait of 2003, which stipulates that, 'The Sea of Azov and the Kerch Strait are historically internal waters of Ukraine and the Russian Federation. The Sea of Azov is delimited by the state border line in accordance with the agreement between the Parties. Settlement of issues related to the waters of the Kerch Strait is carried out by agreement between the Parties' (Article 1)³⁹;

³⁵ *Memorandum on security assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons*. (1994, December 5). UN Treaty Collection. <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280401fbb>.

³⁶ *Protokol pro spilnyi prykordonnyi ta mytnyi kontrol v punktakh propusku cherez derzhavnyi kordon mizh Ukrainoiu i Rosiiskoiu Federatsiieiu*. (1996, January 29). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_202?lang=en#Text). https://zakon.rada.gov.ua/laws/show/643_202?lang=en#Text.

³⁷ *Dohovir pro druzhbu, spivrobitnytstvo i partnerstvo mizh Ukrainoiu i Rosiiskoiu Federatsiieiu*. (1997, May 31). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_006?lang=en#Text). [Legislaton of Ukraine](https://zakon.rada.gov.ua/laws/show/643_006?lang=en#Text). https://zakon.rada.gov.ua/laws/show/643_006?lang=en#Text.

³⁸ *Dohovir mizh Ukrainoiu i Rosiiskoiu Federatsiieiu pro ukrainsko-rosiiskyy derzhavnyi kordon*. (2003, January 28). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_157?lang=en#Text). [Legislaton of Ukraine](https://zakon.rada.gov.ua/laws/show/643_157?lang=en#Text). https://zakon.rada.gov.ua/laws/show/643_157?lang=en#Text.

³⁹ *Dohovir mizh Ukrainoiu ta Rosiiskoiu Federatsiieiu pro spivrobitnytstvo u vykorystanni Azovskoho moria i Kerchenskoi protoky*. (2003, December 24). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_205?lang=en#Text). [Legislaton of Ukraine](https://zakon.rada.gov.ua/laws/show/643_205?lang=en#Text). https://zakon.rada.gov.ua/laws/show/643_205?lang=en#Text.



- Agreement between Ukraine and the Russian Federation on the Demarcation of the Ukrainian-Russian State Border of 2010, which determines that, 'the Parties will demarcate the Ukrainian-Russian state border established by the Agreement between Ukraine and the Russian Federation on the Ukrainian-Russian State Border of January 28, 2003' (Article 1), as well as 'to designate the Ukrainian-Russian state border on the ground and prepare demarcation documents, the Parties form the Joint Ukrainian-Russian Demarcation Commission' (Article 2)⁴⁰;
- Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on Measures to Ensure the Safety of Navigation in the Sea of Azov and the Kerch Strait of 2012, which provides that, 'nothing in this Agreement affects the issue of delimitation of maritime spaces between Ukraine and the Russian Federation and does not harm their positions in this regard' (Article 6)⁴¹.

The only issue that remains unresolved today is the issue of delimitation of the offshore section of the Ukrainian-Russian state border and the delimitation of the continental shelf and the exclusive (maritime) economic zones of Ukraine and Russia in the Black Sea. Thus, the Russian Federation remains the only neighboring state of Ukraine, with which the necessary international agreements and agreements on delimitation of the common border in the Azov-Kerch water area have not yet been concluded (Derkach, 2013).

3. Violation of the principle of inviolability of borders in the context of the armed conflict between Ukraine and the Russian Federation

The collapse of the Soviet Union necessitated the establishment of borders between the former republics. This process took place in accordance with the rule of 'uti possidetis', the modern understanding of which was fixed in determining the boundaries of the new independent states during the mass decolonization after World War II.

It should be noted that the independence of Ukraine served as a catalyst for the emergence and further development of anti-Ukrainian sentiments in Russian politics, and subsequently anti-Ukrainian sentiments among certain segments of the population of the Russian Federation (public figures, scientists, political scientists, representatives of culture and media, etc.).

Russia's political elite began to develop the idea that Ukraine should not remain independent and should be annexed⁴² by the Russian Federation, because supposedly Ukraine as a state has no geopolitical significance (Cavandoli, Wilson, 2022).

⁴⁰ *Uhoda mizh Ukrainoiu i Rosiiskoiu Federatsiieiu pro demarkatsiiu ukrainsko-rosiiskoho derzhavnogo kordonu.* (2010, May 17). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_365?lang=en#Text). Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/643_365?lang=en#Text.

⁴¹ *Uhoda mizh Kabinetom Ministriv Ukrainy ta Uriadom Rosiiskoi Federatsii pro zakhody shchodo zabezpechennia bezpeky moreplavstva v Azovskomu mori ta Kerchenskii prototsi.* (2012, March 20). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_409?lang=en#Text). Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/643_409?lang=en#Text.

⁴² Forcible acquisition by the state of all or part of the territory of another state or nation unilaterally. According to modern international law, annexation is one of the types of aggression and entails international legal responsibility.



In view of this, the foreign policy strategy of the Russian authorities was aimed at expanding influence on Ukraine, which grew into the form of a hybrid warfare⁴³. Such a war is primarily aimed at information support of the separatist movement in the East of Ukraine, weakening the control of the central government, creating security and economic problems, etc. (Mumford, Carlucci, 2022).

One of the tools of the hybrid warfare was the armed aggression of the Russian Federation against Ukraine, aimed at violating the territorial integrity and state borders by conquering Ukrainian territories (Malyarenko, Kormych, 2023: 2).

The implementation of Russia's aggressive plan against Ukraine can be traced in the following successive stages:

- 1) Russian armed invasion of Crimea in February–March 2014 (with the subsequent annexation of the peninsula by Russia on February 20, 2014);
- 2) the war in the East of Ukraine (Donbas) since April 2014, which began with the creation of the so-called Donetsk People's Republic and Lugansk People's Republic;
- 3) Russia's large-scale armed invasion of Ukraine on February 24, 2022, which began after Russia recognized the puppet formations of the DPR and LPR, and subsequently their accession.

Since 2014, the Russian Federation has grossly violated all the basic principles of international law, numerous international obligations, as well as the obligations of "erga omnes"⁴⁴. Among the most dangerous is the neglect of the principle of inviolability of borders. So called "joining" of the Crimean peninsula was the first act of annexation committed in the region not only after the consolidation of the principle of inviolability of the borders of the states of the continent as an imperative norm of international law, but in general after the end of the World War II, which began in a similar way.

Having annexed the Autonomous Republic of Crimea, and subsequently parts of Donetsk, Luhansk, Kherson and Zaporizhzhya regions, the Russian Federation neglects all obligations arising from the principle of inviolability of borders: (a) to recognize the inviolability of borders of all European states; (b) to renounce any territorial claims or actions aimed at the occupation of part or all of the territory of any state; (c) to abandon any encroachment on existing borders; (d) to change their borders only with the mutual consent of the states concerned and in accordance with the provisions of international law.

Russia violates the prohibition established by this principle of any territorial claims, claims on borders, initiation, incitement, support of separatist ideas and movements, any other attempts to revise borders and violations of international agreements on existing borders

⁴³ The kind of escalation of conflicts inherent in the 21st century, combining the use of state and non-state, traditional and non-traditional strategies, resources, means, methods of subversive activities, mechanisms of cyber warfare in order to achieve certain political goals.

⁴⁴ The international legal concept of obligations "erga omnes" arose in connection with the need to ensure the common interests of mankind, which form the basis of its existence, and therefore require special mechanisms of protection. The content of the concept boils down to the fact that obligations to the international community as a whole are universal and every state is interested in ensuring them.



in Europe (Mahmutovic, 2023). Russian actions return to the times of pressure and, aimed at reviving revanchist ideas about territories and borders, similar to diktat those that led to the outbreak of World War II. It contains the signs of all acts that are directly prohibited by the principle of inviolability of borders (Ellison et al., 2023).

The violation by the Russian Federation of the principle of inviolability of borders is beyond doubt and has been confirmed by the world community in a number of documents of many influential international organizations and institutions.

Given the subject matter of this study and the current international legal context, the question of Ukraine's actions in case of seizure of part of the territory of the Kursk region of the Russian Federation should be considered through the prism of Article 51 of the UN Charter, which grants the right to self-defence⁴⁵. This document, which is the basis of the modern system of international law, establishes that any state has the 'the inherent right of individual or collective self-defence if an armed attack occurs'. This right exists until the UN Security Council takes the necessary measures to maintain international peace and security (Reyes Parra, 2021).

The application of this rule justifies Ukraine's actions in a situation where it conducts defensive operations in the Kursk region in the context of self-defence against Russian aggression. The armed conflict, which began with the Russian Federation's attack on Ukraine in 2014 and its subsequent full-scale invasion in 2022, is a clear violation of the fundamental principles of international law, in particular the inviolability of borders, the territorial integrity of Ukraine, and the non-use or threat of force. In response to this attack, Ukraine is exercising its right to self-defence under Article 51 of the UN Charter.

It is important to note that Ukraine's actions are not aimed at violating Russia's sovereignty or illegally annexing its territory. The seizure of part of the Kursk region by the Ukrainian defence forces is not a desire for permanent control over this territory, but a tactical necessity as part of a self-defence operation. In this regard, President of Ukraine Volodymyr Zelenskyi said that Ukraine does not intend to occupy the Kursk region of Russia, and the operation of the Armed Forces of Ukraine in the region only prevents Russians from creating a buffer zone on Ukrainian territory. Ukraine's actions are aimed at neutralising the threat posed by the aggressor and minimising the damage it causes to its sovereignty and territorial integrity (Horova , 2024).

From the standpoint of international law, the right to self-defence, in accordance with Article 51 of the UN Charter, provides that a state may respond to an armed attack by all necessary means, including temporary military presence on the aggressor's territory, if necessary to protect against further attacks. It is important to emphasise that any defensive actions should be proportionate and aimed at restoring peace and stability, and not at violating the sovereignty of another state (Kovalenko, Gusiev, 2024; O'Meara, 2024).

In view of the above, Ukraine, in exercising its right to self-defence, does not violate the principle of inviolability of borders, territorial integrity and state sovereignty of the

⁴⁵ *United Nations Charter (full text)*. United Nations. <https://www.un.org/en/about-us/un-charter/full-text>.



Russian Federation. Its actions are a response to aggression and are aimed at protecting its sovereignty and territorial integrity, not aggression or expansion.

4. The international community's reaction to Russia's aggression against Ukraine as a response to the violation of the principle of inviolability of borders

Highlighting the efforts of international organizations to condemn Russia's violation of the principle of inviolability of borders and to take measures to stop the unprovoked Russian aggression against Ukraine, we should start with the activities of the United Nations in this context, since it is the most influential universal international organization.

The first UN document adopted immediately after Russia's occupation of the Autonomous Republic of Crimea was the UN General Assembly Resolution A/RES/68/262 "Territorial Integrity of Ukraine" (March 27, 2014)⁴⁶. This document became the basis of further international legal acts expressing concern about the armed aggression of the Russian Federation against Ukraine, especially its violation of the principles of inviolability of borders and territorial integrity. By this resolution, UN Member States condemned the Russian armed invasion of Crimea and its occupation, called upon all States to desist and refrain from actions aimed at the partial or total disruption of the national unity and territorial integrity of Ukraine, including any attempts to modify Ukraine's borders through the threat or use of force or other unlawful means; called upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol on the basis of the referendum held in the Autonomous Republic of Crimea and the city of Sevastopol on 16 March 2014 on the entry of Crimea into Russia as a subject of the Russian Federation, and to refrain from any action or dealing that might be interpreted as recognizing any such altered status⁴⁷.

Its Resolution A/RES/71/205 "The human rights situation in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)" (December 19, 2016) the General Assembly, "...Reaffirming the responsibility of States to respect international law, including the principle that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State and from acting in any other manner inconsistent with the purposes of the United Nations... Recalling its resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine, in which it affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders... Condemning the temporary occupation of part of the territory of Ukraine – the Autonomous Republic of Crimea and

⁴⁶ *Territorial integrity of Ukraine: UN General Assembly Resolution A/RES/68/262 dated 27/03/2014.*
<https://www.un.org/en/ga/68/resolutions.shtml>.

⁴⁷ *Territorial integrity of Ukraine: UN General Assembly Resolution A/RES/68/262 dated 27/03/2014.*
Resolutions of the 68th Session – UN General Assembly. United Nations.
<https://www.un.org/en/ga/68/resolutions.shtml>.



the city of Sevastopol (hereinafter "Crimea") – by the Russian Federation, and reaffirming the non-recognition of its annexation⁴⁸.

Unfortunately, we must state that the war unleashed by Russia against Ukraine once again showed the inability of the UN not only to prevent new conflicts, but also to stop existing ones. The work of the organization, created at one time to maintain peace and security, is paralyzed by a state that abuses its veto in the UN Security Council and tries to influence member states in making decisions in UN bodies regarding Russian aggression against Ukraine (Peters, 2023). Thus, the political involvement of the UN is limited only to the adoption of resolutions by the General Assembly and the Security Council (on violation of the inviolability of borders, territorial integrity, international humanitarian law, etc.).

An example of the UN's limited ability by the right of veto of the Russian Federation in the UN Security Council to take more decisive actions to establish peace in Ukraine is the veto on February 25, 2022. The Russian Federation used the right of veto on the draft resolution condemning the act of Russian aggression, immediate ceasefire and bringing Russia to justice. However, in response to this brazen behavior of Russia, on February 27, 2022 UN Security Council adopted the Resolution 2623 (2022) on calling an emergency special session of the General Assembly on this issue. The result of the extraordinary special session of the General Assembly was the adoption of resolutions that, among other things, contained statements of commitment of Member States to support the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders, including its territorial waters, namely: Resolution A/RES/ES-11/1 "Aggression against Ukraine" on March 2, 2022⁴⁹, Resolution A/RES/ES-11/2 "Humanitarian consequences of aggression against Ukraine" on March 24, 2022⁵⁰, Resolution A/RES/ES-11/3 "Suspension of the rights of the Russian Federation's membership in the Human Rights Council" on April 7, 2022⁵¹, Resolution A/RES/ES-11/5 "Furtherance of remedy and reparation for aggression against Ukraine" on November 14, 2022⁵², Resolution A/RES/ES-11/6 "Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine" on February 23, 2023⁵³.

⁴⁸ *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine): UN General Assembly Resolution A/RES/71/205 dated 19/12/2016.* United Nations. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F71%2F205&Language=E&DeviceType=Desktop&LangRequested=False>.

⁴⁹ *Aggression against Ukraine: UN General Assembly Resolution ES-11/1 dated 02/03/2022.* United Nations. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2FES-11%2F1&Language=E&DeviceType=Desktop&LangRequested=False>.

⁵⁰ *Humanitarian consequences of the aggression against Ukraine: UN General Assembly Resolution ES-11/2 dated 24/03/2022.* United Nations. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2FES-11%2F2&Language=E&DeviceType=Desktop&LangRequested=False>.

⁵¹ *Suspension of the rights of membership of the Russian Federation in the Human Rights Council: UN General Assembly Resolution ES-11/3 dated 07.04.2022.* United Nations. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2FES-11%2F3&Language=E&DeviceType=Desktop&LangRequested=False>.

⁵² *Furtherance of remedy and reparation for aggression against Ukraine: UN General Assembly Resolution ES-11/5 dated 14.11.2022.* United Nations. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2FES-11%2F5&Language=E&DeviceType=Desktop&LangRequested=False>.

⁵³ *Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine: UN General Assembly Resolution ES-11/6 dated 23.02.2023.* United Nations. <https://documents.un.org/doc/undoc/gen/n23/063/07/pdf/n2306307.pdf?token=uCHVYSsKUOK1dyDwDT&fe=true>.



As a significant diplomatic reaction to Russia's invasion of Ukraine since 2014 was the approval of an equally influential regional international organization – The Council of Europe – a number of documents in which member states expressed categorical condemnation of Russian aggression against Ukraine as a gross violation of international law, certified their unwavering support for the sovereignty, independence and territorial integrity of Ukraine within its internationally recognized borders, including its territorial waters (Andžāns, 2023: 147). Among them should be noted the Decision of the Committee of Ministers of the Council of Europe "Situation in Ukraine" on March 20, 2014⁵⁴, Parliamentary Assembly of the Council of Europe (PACE) Resolution 1988 (2014) "Recent developments in Ukraine: threats to the functioning of democratic institutions" on April 9, 2014⁵⁵, PACE Resolution 1990 (2014) "Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation" on April 10, 2014⁵⁶, PACE Resolution 2259 (2019) "The escalation of tensions around the Sea of Azov and the Kerch Strait and threats to European security" on January 24, 2019⁵⁷, Decision of the Committee of Ministers of the Council of Europe CM/Del/Dec(2019)129/2 "A shared responsibility for democratic security in Europe" on May 17, 2019⁵⁸, PACE Opinion 300 (2022) "Consequences of the Russian Federation's aggression against Ukraine" on March 15, 2022⁵⁹, PACE Resolution 2463 (2022) "Further escalation in the Russian Federation's aggression against Ukraine" on October 13, 2022⁶⁰, PACE Resolution 2482 (2023) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine" on January 26, 2023⁶¹, PACE Resolution 2506 (2023) "Political consequences of the Russian Federation's war of aggression against Ukraine" on June 22, 2023⁶², PACE Resolution

⁵⁴ **Situation in Ukraine:** Decision of the Committee of Ministers of the Council of Europe dated 2/03/2014. Committee of Ministers of the Council of Europe. https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c615f.

⁵⁵ *Recent developments in Ukraine: threats to the functioning of democratic institutions: Resolution 1988 (2014) of the Parliamentary Assembly of the Council of Europe dated 09/04/2014.* Parliamentary Assembly. <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=20873&lang=en>.

⁵⁶ *Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation: Resolution 1990 (2014) of the Parliamentary Assembly of the Council of Europe dated 10/04/2014.* Parliamentary Assembly. <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=20882>.

⁵⁷ *The escalation of tensions around the Sea of Azov and the Kerch Strait and threats to European security: Resolution 2259 (2019) of the Parliamentary Assembly of the Council of Europe dated 24/01/2019.* Parliamentary Assembly. <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=25419>.

⁵⁸ **A shared responsibility for democratic security in Europe: Decision of the Committee of Ministers of the Council of Europe CM/Del/Dec(2019)129/2 dated 17/05/2019. Committee of Ministers.** <https://rm.coe.int/090000168094787e>.

⁵⁹ *Consequences of the Russian Federation's aggression against Ukraine: Opinion 300 of the Parliamentary Assembly of the Council of Europe dated 15/03/2022.* Parliamentary Assembly. <https://pace.coe.int/en/files/29885/html>.

⁶⁰ *Further escalation in the Russian Federation's aggression against Ukraine: Resolution 2463 (2022) of the Parliamentary Assembly of the Council of Europe dated 13/10/2022.* Parliamentary Assembly. <https://pace.coe.int/en/files/31390/html>.

⁶¹ *Legal and human rights aspects of the Russian Federation's aggression against Ukraine: Resolution 2482 (2023) of the Parliamentary Assembly of the Council of Europe dated 26/01/2023.* Parliamentary Assembly. <https://pace.coe.int/en/files/31620/html>.

⁶² *Political consequences of the Russian Federation's war of aggression against Ukraine: Resolution 2506 (2023) of the Parliamentary Assembly of the Council of Europe dated 22/06/2023.* Parliamentary Assembly. <https://pace.coe.int/en/files/32994/html>.



2516 (2023) "Ensuring a just peace in Ukraine and lasting security in Europe" on October 12, 2023⁶³, etc.

Since 2014 in response to the acts of aggression of the Russian Federation against Ukraine official representatives of the bodies and institutions of the European Union have systematically expressed absolute solidarity with the Ukrainian people, demonstrating their commitment to the principles of independence and sovereignty, as well as the principles of territorial integrity and inviolability of borders.

In response to Russian aggression against Ukraine, the illegal annexation of the Autonomous Republic of Crimea and Donetsk, Luhansk, Kherson and Zaporizhzhia regions, as well as human rights violations in these territories, since March 2014 the European Union has been gradually introducing sanctions against the Russian Federation (Bilkova, 2023). These measures are aimed at weakening Russia's economic base, separating it from critical technologies and markets in order to significantly limit its ability to conduct an aggressive war against Ukraine⁶⁴.

The commitment not to recognize the annexation of the Crimean peninsula was first approved at a meeting of the European Council on March 2014. Since then, the European Council has repeatedly confirmed this position in its documents, namely: the Conclusions of the European Council of the EU EUCO 11/15 on March 20, 2015⁶⁵, the Conclusions of the European Council of the EU EUCO 7/1/14 on March 21, 2014⁶⁶, the Conclusions of the European Council of the EU 789/18 on December 14, 2018⁶⁷, the Joint press release following the 7th Association Council meeting between the EU and Ukraine on February 11, 2021⁶⁸, etc.

In the conclusions of the European Council on Ukraine dated October 31, 2023⁶⁹ and December 14, 2023⁷⁰ the European Union strongly condemns Russia's aggressive war against Ukraine, which is a gross violation of the UN Charter, and reaffirms its unwavering support for Ukraine's independence, sovereignty and territorial integrity within its

⁶³ *Ensuring a just peace in Ukraine and lasting security in Europe: Resolution 2516 (2023) of the Parliamentary Assembly of the Council of Europe dated 12/10/2023.* Parliamentary Assembly. <https://pace.coe.int/en/files/33142/html>.

⁶⁴ *EU restrictive measures against Russia over Ukraine (since 2014).* European Council. Council of the European Union. <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/#sanctions>.

⁶⁵ *European Council meeting (19 and 20 March 2015) – Conclusions EUCO 11/15.* European Council. Council of the European Union. <https://www.consilium.europa.eu/media/21888/european-council-conclusions-19-20-march-2015-en.pdf>.

⁶⁶ *European Council 20/21 March 2014 Conclusions EUCO 7/1/14.* European Council. Council of the European Union. https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/141749.pdf.

⁶⁷ *European Council conclusions, 13–14 December 2018.* European Council. Council of the European Union. <https://www.consilium.europa.eu/en/press/press-releases/2018/12/14/european-council-conclusions-13-14-december-2018/pdf>.

⁶⁸ *Joint press release following the 7th Association Council meeting between the EU and Ukraine.* (2021, February 11). European Council. Council of the European Union. <https://www.consilium.europa.eu/en/press/press-releases/2021/02/11/joint-press-statement-following-the-7th-association-council-meeting-between-the-eu-and-ukraine/>.

⁶⁹ *European Council meeting: Conclusions on Ukraine.* (2023, October 31). Delegation of the European Union to Ukraine. https://www.eeas.europa.eu/delegations/ukraine/european-council-meeting-conclusions-ukraine_en?s=232.

⁷⁰ *European Council conclusions on Ukraine, enlargement and reforms.* (2023, December 14). European Council. Council of the European Union. <https://www.consilium.europa.eu/en/press/press-releases/2023/12/14/european-council-conclusions-on-ukraine-enlargement-and-reforms/>.



internationally recognized borders and the inalienable right to self-defense against Russian aggression. At the same time, the European Council recalls its previous conclusions and the EU unwavering commitment to continue to provide strong political, financial, economic, humanitarian, military and diplomatic support to Ukraine and its people as long as necessary.

Additionally, we should note the decisions of the Organization for Security and Cooperation in Europe (OSCE) in which it approved the support of the territorial integrity of Ukraine within its internationally recognized borders. Particular attention should be paid to the Resolution of the OSCE Parliamentary Assembly "Clear, gross and uncorrected violations of Helsinki principles by the Russian Federation" on July 1, 2014⁷¹, in which the participating States reaffirmed their commitment to the principles of the OSCE, in particular the principles of the inviolability of borders and territorial integrity of states. At the same time, the OSCE Parliamentary Assembly declared, 'unequivocal support for the sovereignty, political independence, unity and territorial integrity of Ukraine as defined by the country's Constitution and within its internationally recognized borders'⁷². It was noted to the Russian Federation as a participating State of the OSCE that it was obliged to respect the Principles guiding relations between participating States as contained in the Helsinki Final Act.

Condemning the aggressive war of the Russian Federation against Ukraine as a clear, gross and unjustified violation of the Helsinki Principles, the OSCE Parliamentary Assembly adopted a Resolution "The destabilizing military build-up by the Russian Federation near Ukraine, in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, the Black sea and the sea of Azov" on July 6, 2021⁷³, Resolution "The Russian Federation's war of aggression against Ukraine and its people, and its threat to security across the OSCE region" on July 6, 2022⁷⁴, Resolution "OSCE and OSCE Parliamentary Assembly credibility in the face of continued Russian aggression against Ukraine" on July 4, 2023⁷⁵, as well as the Resolution "Clarifying the consequences

⁷¹ Clear, gross and uncorrected violations of Helsinki principles by the Russian Federation from. In *Baku declaration and resolutions adopted by the OSCE Parliamentary assembly at the twenty-third annual session* (Baku, 28 June to 2 July 2014). OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file>.

⁷² Clear, gross and uncorrected violations of Helsinki principles by the Russian Federation from. In *Baku declaration and resolutions adopted by the OSCE Parliamentary assembly at the twenty-third annual session* (Baku, 28 June to 2 July 2014). OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file>.

⁷³ *The destabilizing military build-up by the Russian Federation near Ukraine, in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, the Black sea and the sea of Azov*. OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2021-remote-session/urgency-items/4235-the-destabilizing-military-build-up-by-the-russian-federation-near-ukraine-in-the-temporarily-occupied-autonomous-republic-of-crimea-and-the-city-of-sevastopol-ukraine-the-black-sea-and-the-sea-of-azov/file>.

⁷⁴ The Russian Federation's war of aggression against Ukraine and its people, and its threat to security across the OSCE region. In *Birmingham Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-ninth Annual Session Birmingham, 2-6 July 2022*. OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2022-birmingham/4409-birmingham-declaration-eng/file>.

⁷⁵ OSCE and OSCE Parliamentary assembly credibility in the face of continued Russian aggression against Ukraine. In *Vancouver Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Thirtieth Annual Session Vancouver, 30 June - 4 July 2023*. OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2023-vancouver/declaration-29/4744-vancouver-declaration-eng/file>.



of the Russian Federation's aggression against Ukraine in terms of adherence to OSCE principles" on July 4, 2023⁷⁶. In these documents the participating States once again expressed unequivocal support for the independence, sovereignty and territorial integrity of Ukraine, and also demanded that Russia withdraw its armed forces from all territories of Ukraine.

At the present stage, we can confidently say that the international community recognizes the facts of violation by the Russian Federation of the basic principles and obligations provided by the Organization for Security and Co-operation in Europe in connection with large-scale armed aggression against Ukraine, illegal annexation of Ukrainian territories (Autonomous Republic of Crimea, Donetsk, Lugansk, Kherson and Zaporizhzhya regions) and the use of OSCE tools for activities within the Organization to counter Russian aggression is one of the priorities of Ukraine in the OSCE.

Conclusions

Summarizing, it should be noted that the formation of certain aspects of the normative content of the principle of inviolability of borders preceded its recognition as a structurally completed basic principle of international law. The institutionalization of this principle changes and adopts in accordance with the challenges arising at a particular historical stage in the development of international relations. Today the principle of inviolability of borders, given the codification with the participation of international organizations representing the main legal systems of the world, is a universal principle of modern international law.

As noted, Europe went through an extremely difficult and long path, during which there were numerous wars for territory, which led to significant human tragedies, before the principle of the inviolability of borders, along with the principle of territorial integrity, established themselves as the basis of peace and security on the continent. Despite the great efforts of states and international organizations aimed at establishing and strengthening these principles, the aggressive actions of the Russian Federation against Ukraine threaten not only the future of Europe, but the whole world.

Russia's aggression returns the world to the time of forceful seizure of territories on the basis of revanchist ideas and can become an example for other states to commit acts of aggression, relying solely on their own ideas about the belonging of certain territories of any sovereign state. This can lead to serious armed conflicts and the destruction of the existing system of international law and order, based on the recognition of such international legal principles as the inviolability of borders, territorial integrity and state sovereignty.

Thus, Russian aggression poses significant challenges for the international community. The events that began in 2014, in particular the annexation of Crimea, Donetsk, Luhansk,

⁷⁶ Clarifying the consequences of the Russian Federation's aggression against Ukraine in terms of adherence to OSCE principles. In *Vancouver Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Thirtieth Annual Session Vancouver, 30 June - 4 July 2023*. OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2023-vancouver/declaration-29/4744-vancouver-declaration-eng/file>.



Kherson and Zaporizhzhya regions, indicate that the problem of ensuring international peace and security is critical for the international community. In this context, it is extremely important to preserve the inviolability of state borders.

Taking into account the danger of Russian aggression against Ukraine and the imposition of sanctions against the aggressor state, the provision of powerful political, financial, economic, humanitarian, military and diplomatic support to Ukraine testify to the resolute desire of the international community to protect the principles of international law that are under threat. Historical experience shows that joint actions of states and international organizations should be intensified as much as possible, since the policy of appeasing the aggressor can only lead to the continuation of illegal actions and further escalation.

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