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Ukraine Special Newsletter March 2022



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At a time when Ukraine is being invaded, when Kiev, its capital, is being bombed and probably soon invaded, when its population is being called to arms, we cannot look the other way and carry on with our business as usual.

The large-scale military aggression that Ukraine is undergoing follows years of harassment against opponents by a regime that has long since renounced the rule of law. It is only one link in a broader strategy of confrontation that has led this same regime to

Syria, among other places.

We must be more attentive, more vigilant, and watch for the signals, however weak, that herald devastating policies for human beings, for the peace and security of our societies, both in the countries under attack and in the countries of the aggressors, and draw the consequences.

What would be the point of celebrating international law in 2023 if we did not care about its effectiveness on the ground?

Let us ensure that our original mandate "peace through international law" is not reduced to ashes by our inaction. Our weapons are words, the rule of law, and peaceful means of dispute resolution.

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Statement by Christine Chinkin



CMG FBA

Executive Chair – International Law Association (ILA)

As Executive Chair of the International Law Association, a body dedicated for nearly 150 years to the advancement of peace and justice through international law, it is appropriate at this moment to affirm the Association's commitment to the rules of international law.

These include the legal obligation upon all states to comply with the principles set out in the United Nations Charter, especially article 2 (4) relating to the prohibition of the use of force against the territorial integrity and political independence of any state without a mandate from the Security Council, or in lawful self-defence.

In Resolution 4/2018 the ILA endorsed the conclusion of its Committee on the Use of Force that 'The UN Charter goal of collective peace and security depends upon strict adherence to the international law on the use of force.'

I also emphasise article 2 (3) of the Charter requiring the settlement of disputes through peaceful means, obligations under international humanitarian law and fundamental human rights. These principles constitute peremptory norms of international law from which no derogation is permissible and which underpin the international rule of law.

The importance of all these principles is especially relevant in the current time.

Statement by ILA Branches

American Branch

On February 21, 2022, after weeks of military buildups and threats, the Russian Federation sent troops into two areas of eastern Ukraine's Donbas region shortly after recognizing them as independent countries and ordered a mass evacuation of the civilian residents there. Russia's parliament subsequently approved the use of military force in Ukraine.

The Russian Federation's actions violate core principles of international law, principles that are the foundation of our work as members of the American Branch of the International Law Association. The use of force against the political independence and territorial integrity of a U.N. Member State, enshrined in Article 2(4) of the United Nations Charter, without prior authorization of the Security Council or pursuant to Article 51's exception for self-defense, violates the Charter and a fundamental norm of *jus cogens* character. Acts of aggression and unlawful intervention threaten the peace and security of the world and undermine the fundamental purposes of the United Nations under Article 1(1) of the Charter. States committing them may be subject to sanction, other U.N. Member States have a duty not to recognize the internationally unlawful situation they create, and a criminal investigation may be warranted for any violations of humanitarian law or other crimes committed during the conflict.

Since its founding in 1922, in the wake of a devastating World War, the ABILA has stood up for the rule of law and our work emphasizes the need for negotiation, diplomacy, and the peaceful settlement of international disputes. The invasion of a sovereign nation on Europe's eastern frontier threatens the peace and stability of the entire region. As Kenya's Ambassador noted during the emergency session of the Security Council convened to discuss the Russian Federation's invasion of Ukraine, whatever its claims of lost territory may be, Russia must "complete [its] recovery from the embers of dead empires in a way that does not plunge us back into new forms of domination and oppression."

We stand in solidarity with the people of Ukraine and urge the Russian Federation to come back to the negotiating table and withdraw its troops.

Dutch Branch

Like so many around the world, the Executive Board of the Royal Netherlands Society of International Law is shocked about the situation currently unfolding in Ukraine. The purpose of our Society is, among other things, to promote public international law. Promotion includes an explicit condemnation of the blatant violations of the international legal order that we are witnessing these days. This is why we fully endorse the statement of Prof. Chinkin, Executive Chair of the International Law Association (ILA), as well as similar statements issued by other national branches of the ILA.

French Branch

Since the recognition by the Russian Federation of the self-proclaimed republics of Luhansk and Donetsk on 21 February 2022 and its military intervention on Ukrainian territory on 24 February 2022, there has been widespread condemnation from governments, international organisations and civil society.

As an association whose mission is to work for the development of international law, the French Branch of the International Law Association / Association de droit international (ILA) can only express its strongest protests when the most elementary rules of the international order are flouted.

The French Branch:

- Recalls the substance of the fundamental principle expressed in Article 2(4) of the United Nations Charter that “[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”;
- Notes that the recognition of the self-proclaimed republics of Luhansk and Donetsk and the military aggression of Ukraine by the Russian Federation are flagrant violations of international law;
- Notes that the international responsibility of the Russian Federation is entailed by the serious breach of obligations arising under peremptory norms of international law; as a result, that Russia is exposed to severe sanctions, in accordance with international law and without prejudice to Ukraine’s right to self-defence; that all States shall cooperate to bring an end to this serious violation and that no State shall recognize as lawful the situation thus created;
- Considers that those who planned, prepared, initiated or executed the attack against the sovereignty, territorial integrity or political independence of Ukraine should be held responsible for the international crime of aggression;
- Calls on the Russian Federation to put an immediate end to its violations of international law;
- Calls on all parties to respect international humanitarian law in the conduct of hostilities and to make every effort to bring them to an end;
- Calls on the ILA and all its national branches to show solidarity with the Ukrainian people, as well as with the Ukrainian Branch of the ILA;
- Reaffirms more than ever its commitment to peace through law.

Resolution adopted by the Board of the French Branch on 25 February 2022.

German Branch

The Executive Board of the German Association for International Law, the German national group of the International Law Association and the oldest professional society for international law in Germany, declares in light of current events: The missile attacks on Ukraine and the intrusion of tanks and soldiers of the Russian armed forces into Ukraine violate elementary and fundamental rules of international law to which Russia is bound as a member of the United Nations. The attacks violate the prohibition of the use of force and the prohibition of intervention and cannot be justified.

Russia cannot invoke a right of self-defence because, contrary to what Russia claims, Ukraine acted absolutely peacefully. Russia must therefore end the violation of international law and cease its attacks immediately. Conflicts between Ukraine and Russia must be resolved peacefully in accordance with the United Nations Charter.

Hellenic Branch – jointly with the Society of International Law & International Relations

Most among our generations had hoped that we would never again encounter an aggressive war in Europe. It was and still is the triumphant result of international law, the system of rules and principles that we serve, teach to our students, experience as scholars and citizens.

We now witness a blatant, brutal attack to our rules-based world. The Russian Federation is in breach of the most fundamental rules of international law: the prohibition of the use of force and the respect for the territorial integrity and political independence of another State.

We stand in solidarity to the Ukrainian citizens against this attack that attempts to negate their identity along with their independence, sovereignty, and existing borders.

International law is what we, the peoples of the United Nations, decide it to be, what we take care to apply. Let's get our act together (as we have not done in the past) and defend the world we wish to live in – in peace, coexistence, freedom, security and justice.

Italian Branch

The Italian Branch of the International Law Association, deeply affected by the Russian invasion of Ukraine, expresses its solidarity with the Ukrainian population, invokes the cessation of hostilities and the respect for the fundamental principles of International Law, on the peaceful coexistence among the nations of the world.

Norwegian Branch

Russia's invasion of Ukraine is a war of aggression in violation of international law. The invasion is a flagrant violation of the prohibition against the use of force in article 2(4) of the UN Charter. The Norwegian Branch of the ILA condemns Russia's illegal acts in the strongest possible terms.

Furthermore, the Norwegian Branch of the ILA wants to underline that Russia's attempts at legitimizing its conduct through the language of international law does not convince anyone. Russia's stated reasons for the invasion is not rooted in reality.

One state's gross violations of international law do not disable international law as such. Russia is obligated to abort its attacks, and to withdraw its troops from the entirety of Ukraine's internationally recognized territory. The states of the world are obligated to not recognize Russia's illegal acts and territorial claims in Ukraine.

Polish Branch

In the face of further acts of armed aggression by Russia against Ukraine, we express solidarity with the Ukrainian people and support for Ukraine's right to independence and territorial integrity.

We strongly oppose the crime of aggression and demand that its perpetrators be punished. We remind that the consequences of aggression - under international law - are void, including, illegal occupation.

We call on the International Law Association and its Regional Branches to oppose the flagrant violation of the values and norms on which the international community is based.

Russia's military aggression against the independence and territorial integrity of Ukraine violates the principles of the UN Charter and the OSCE, other international obligations, as well as principles established among civilized nations based on *the laws of humanity and the requirements of the public conscience.*"

Swiss Branch

The President and the Board of the Swiss Association of International Law stand in solidarity with our Ukrainian colleagues and the Ukrainian people against the violence they are facing and fully share the statement of the President and the Board of the European Society of International Law on the Russian aggression against Ukraine:

"War has returned to Europe.

The violation of the most basic principles of the UN Charter and rules of international law is manifest.

The Russian Federation, as a State, is squarely responsible for this act of aggression against its neighbour. The decision of President Putin to wage war on a sovereign, independent Ukraine is criminal.

The arguments presented by the Russian Federation to justify its aggression have no basis whatsoever, whether in fact or in law. They are a cynical and perverse use of international law by a regime that has no shame, governs by fear, and indulges in lies and propaganda.

To contend that other States—especially in the West—have no better record when it comes to respecting international law is a morally corrupt and irrelevant distraction. In any event, it offers no legal justification for the aggression that has been unleashed.

We stand in solidarity with our Ukrainian colleagues, and the people of Ukraine, against the violence they face.

We also call on our Russian colleagues to speak truth to power, and to speak out against the manifest breach of international law that is taking place. We do so with the full understanding of the difficulties they face in opposing a government that relies on intimidation and suppresses dissent.

This is a very sombre day for Ukraine, for Europe, and for the world.

However, our resolve in preserving the rule of law has never been stronger.”

Statements by other Associations for International Law

[American Society of International Law](#)

[European Law Students Association](#)

[European Society of International Law](#)

[Global Institute for the Prevention of Aggression](#)

[Institut de droit international](#)

[Italian Society of International Law](#)

[Quebec Society of International Law](#)

[Spanish Association of Professor of International Law & International Relations](#)

[Société de droit international ukrainienne](#)

<https://www.ilaparis2023.org/>

The Newsletter ADI/ILA 2023 n°5 will be released later in March 2022