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International Legal Implications of the Russian War of Aggression Against Ukraine

The invasion of Russian troops in Ukraine on 24 February 2022 drastically altered international relations. Even though the illegal annexation of Crimea in February 2014 has marked the starting point of this development, the current invasion proves to be on a different level. Until then, an interstate war of aggression that would target the entire territory and should eventually lead to a permanent occupation was unrealistic, for many even unthinkable, in post-Cold-War-Europe. Regarding the (pseudo-)justifications of this war, the following acts of war and the involvement of other states, many different issues of international law are at stake most obviously concerning the *ius ad/contra bellum* and *ius in bello* as well as the role of international arbitration. What justifications has Russia put forward to legitimize its war? Which norms of international humanitarian law might have been violated and what can courts and tribunals actually do? Can we take Putin to The Hague?

But more underlying aspects have also to be accounted for, such as the role of the United Nations, the consequences of unilateral recognition or questions of the erosion of the prohibition of the use of force. Furthermore, outside of the classic realms of war and peace, other areas of international law are affected as well. On which legal basis do the sanctions against Russian oligarchs operate? Which role do human rights still play? To which extent does the law of the sea, environmental law or migration law become relevant to the conflict? These and many other questions have to be addressed to be able to comprehend the full extent of the consequences of the war concerning international law. The seminar is open to all

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interested students who are willing to thoroughly engage with the topics and actively participate in the discussions.

Note: The seminar will take place on **27-29 January 2023**. A **preliminary meeting** in room ZEU/147 (and via this zoom-link: <https://tu-dresden.zoom.us/j/67408138647?pwd=QnNQZW1sby93QTN0bnRpNOJWTOh1QT09>) will take place on **Monday, 10 October 2022, from 16.30 to 17.30**. Only after the meeting will it be possible to choose your topic. The seminar will be held in English.

Seminar Topics:

A. General questions of law in armed conflict

I. Introduction

1. "To unite our strength to maintain international peace and security" – The United Nations' role in the war
2. NATO's role and limits in the war
3. Russia's recognition of the Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR): An international law perspective
4. Russian perspectives on international law
5. Propaganda in times of war
6. The right to self-determination and the annexation of Crimea
7. The issuing of passports to Ukrainian citizens by Russia: Legal principles and limits under international law
8. The pretext of the war: The 'conflict' in the Donbas 2014-2022 and the Minsk agreements

II. Ius ad bellum

9. Justifications for Russia's invasion: Legally sound or just propaganda?
10. Putin's war as a sign of norm-erosion of the prohibition of the use of force?

III. Ius in bello

11. The principle of distinction between civilians and combatants: Norm content and borderline cases
12. The obligation to establish humanitarian corridors
13. Status of foreign fighters and its legal consequences
14. Military support by third states: What are the legal implications?

15. Russia's war as a threat to the environment
16. Legal obligations to protect cultural property in the war
17. Relevance and implications of cyber warfare

B. Role of national and international courts

18. Prosecution of Russian officials before the ICC?
19. ICJ Order of 16 March 2022 in Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)
20. Role and limits of the ECtHR in the war
21. Universal jurisdiction: Which role can national criminal courts play?

C. Specific areas of international law

22. Legality and implications of sanctions against Russia under international law
23. What to do with the frozen assets? Questions of international law
24. Threats to human rights in war and their relation to international humanitarian law
25. Legality and implications of suspending navigation in the Turkish straits and the Sea of Azov
26. Discriminatory application of international and European migration law?
27. After the war: issues of international law for rebuilding of Ukraine