

# **Russian invasion of Ukraine from the perspective of international law**

## **Abstract**

The thesis deals with the issue of the Russian invasion of Ukraine, which began on 24 February 2022, from the perspective of *ius ad bellum* and *ius in bello*. In the first chapter, the thesis outlines the historical context of the relations between Ukraine and Russia, which is essential to expose the fact that the armed conflict in Ukraine has been ongoing since 2014. The invasion was thus the culmination of a long-standing conflict.

In the second chapter, the thesis presents and analyses the reasons given by the Russian Federation for invading another independent and sovereign state. It thus examines whether the recognition of the Donetsk and Luhansk People's Republics was in accordance with international law and whether it stands in comparison with the recognition of Kosovo. It then considers whether the Russian Federation has the right to exercise individual, collective, preventive, or preemptive self-defense. The thesis finds that none of the Russian Federation's arguments can stand. The Russian Federation also cites the exercise of humanitarian intervention as a legal defense for its actions, but even this defense does not stand. The concept of Responsibility to Protect, which could be considered in the case of violations of the rights of the Russian-speaking population on the territory of Ukraine, is also presented.

The third chapter is devoted to international humanitarian law. This chapter analyses whether the armed conflict between Ukraine and the Russian Federation can be qualified as international. While this is clear as of 24 February 2022, the armed conflict has been ongoing since 2014 and its qualification has not always been clear. It was therefore necessary to address the terms of the overall control test set out in the *Tadić* case and the decision of the European Court of Human Rights in *Ukraine and the Netherlands v. Russia*. Based on the extensive evidence taken by the European Court of Human Rights and the findings made by it, it can be concluded that the armed conflict that was taking place before 2022 can also be considered international. Finally, the thesis examines the threat to the Zaporizhzhia nuclear power plant, which Russian forces have occupied and also inflicted on its employees. It can be summarized that international humanitarian law also provides a degree of protection to nuclear power plants. The personnel employed at the Zaporizhzhia nuclear power plant must be protected as civilians.

## **Key words:**

Russian invasion of Ukraine, *ius ad bellum*, *ius in bello*