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The Russian–Ukrainian War, the International World Order and the Role of the EU

Russia violated the most basic rule of international law, the prohibition of aggression, by attacking Ukraine. Russia's legal arguments for attacking Ukraine are not acceptable under international law. These arguments are, however, not new: similar legal arguments had already been used in other occasions, including by other states. At the same time, the war in Ukraine is an unprecedented violation of international law, which has fundamentally shaken the existing world order – the cornerstone of which is the prohibition of aggression, and in the creation of which the Soviet Union also participated. International law works well if its framework is clear, if it does not fall victim to arbitrarily broad interpretation, and if the compromise behind those rules still functions. Unfortunately, we have already seen several situations where these conditions were not met. The EU and its Member States have a stake in the survival of the existing international world order. On some issues, the EU has exhibited particularly strong cooperation and activity, while on other questions there are strong fault lines within the Union. What role the EU can play in resolving the conflict and preserving the existing international legal order remains a question.

Introduction

The Russian–Ukrainian war is evoking our darkest fears: a war in Europe which has a fundamental influence on us, either directly or indirectly. In addition to the loss of our feeling of security, another important and even more frightening feature is that it raises fundamental questions regarding the existing international legal order, at a time when clear frameworks are more important than ever.

It should be noted that war can be discussed and analysed from many perspectives. The analyst's assessment is influenced by their own field of expertise, experiences and impressions. For the author of these thoughts, war is not just a horrible but distant event that can be imagined based on photos or videos. If one has seen war up close and spoken to victims and their family members one has a more direct impression through individual stories of what war means to people, families, parents, children and society. Based on such experience, one forms an idea of the humanitarian consequences for individuals and communities. What does war mean to a family whose family member has been declared missing, who may rationally know that their loved one has died but for whom, since the body is not there, burial, which is absolutely necessary to process the grief, is impossible? What does war mean to an amputee child injured by an unexploded ordnance and to their family? What does this war mean for everyone, for every society involved? Communities are traumatised by war, and it takes at least a generation, or even more, for them to recover. At the same time, the reactions of states to war are fundamentally not humanitarian in nature. They are influenced by political, economic, security and

other factors, and when considering these, the perspectives of the victims are often not sufficiently represented. This is reality, but at the same time it is important to emphasise that war is not an abstract problem: behind it lies real suffering, lost or ruined human lives and trauma spanning generations. In addition to the objective legal questions related to war, subjective feelings and humanitarian aspects of war cannot be ignored: wars are inherently bad, including this one, and it would be best to end a war as soon as possible. Unfortunately, however, the situation is not that simple.

When it comes to the analysis of the Russian–Ukrainian conflict, many questions spring to mind and far fewer answers. Before 24 February 2022, most people did not honestly believe that a full-scale attack on Ukraine would happen; from the point of view of an international lawyer, the prohibition of armed violence seemed such a fundamental principle of international law and the international legal order today that no one thought that any superpower or great power would dare to break this rule so blatantly and so directly.

In the present study, the Russian–Ukrainian conflict and the ensuing questions will be discussed as they relate to international law and the international legal order, before finally focusing on what room for manoeuvre the European Union has in this situation.

The existing international legal order

A peculiarity of international law is that due to the sovereignty of states,[1] without its prior consent, nothing may be imposed on any state by any other power. Consequently, an international court can only act against a state if it has given its consent in advance,[2] and international organisations only have as much competence as the states have voluntarily given it, that is, as much as they transferred from their sovereignty.

The United Nations (hereinafter: UN), as a global international organisation, is partly based on the experience of its predecessor, the League of Nations, and partly on the negotiations between Churchill, Roosevelt and Stalin that already began during World War II. The aforementioned three great powers and China took part in the development of the basic principles and operating system of the UN and in establishing the competence of the General Assembly and the Security Council (hereinafter: SC).

Thus, after 1945, after experiencing the cataclysm caused by World War II and the terrible devastation of the nuclear bomb, the legal order – that we have known ever since, and in which we feel relatively safe, especially as a small state – was created with the establishment of the UN.[3] The devastating damage caused by World War II and

[1] UN Charter Article 2, paragraph 1: "The Organization is based on the principle of the sovereign equality of all its Members."

[2] Concerning jurisdiction see, e.g. Statute of the International Court Article 36, Rome Statute Article 12.

[3] The Charter of the United Nations was adopted in San Francisco on 26 June 1945. The Charter entered into force on 24 October. In Hungary it was promulgated by Act I of 1956 on Enacting the Charter of the United Nations. It had 51 members at the time of its establishment, and with the 144 members who joined later, today it has 193 Member States.

the deployment of the atomic bomb made it clear that war, as a way of settling disputes between states, can lead to the destruction of the entire world and that consequently interstate relations must be put on a different foundation. The general prohibition of the use of force did not exist in international law before 1945, and thus the initiation of war had not previously been prohibited by a general rule.[4] In 1945, the prohibition of the use of force was a huge innovation and formed the basis of the new world order. This is a so-called *jus cogens* norm, i.e. a norm requiring unconditional application,[5] which cannot be undermined, which no norm can contradict and which is therefore binding on everyone, under all circumstances. Only two exceptions were accepted: the use of force in self-defence, and in cases where the Security Council authorises the use of force to maintain international peace and security.

With the establishment of the UN, an organisation was created to serve as the main platform for dialogue between states, with the aim of maintaining international peace and security. Within the UN, the Security Council was authorised to adopt measures to maintain international peace and security. It is the only body of the UN and the only body in the international world order that can make a binding decision including, where appropriate, an authorisation for armed intervention.[6] As a result, while the UN has not become a global superpower, it is the only supranational body that can decide to use this kind of coercive tool. The five permanent members of the SC – USA, France, China, Russia and the United Kingdom – reflect the balance of power after World War II. In addition to the five permanent members, the SC has ten non-permanent, periodically re-elected members,[7] who make their decisions by majority. The true weight of the five permanent members is embedded in the veto: the SC can make a binding decision only if none of the permanent members of the Council raises a veto.[8] In this way, the most powerful tool of the UN lies in the hands of the five permanent members.

There are several measures that the Security Council can take to maintain international peace and security. After determining the existence of "any threat to the peace, breach of the peace, or act of aggression",[9] it can make recommendations or decide on harsher measures. These harsher tools fall into two types: measures not involving the use of armed force, and actions involving the use of armed force. Among the former are sanctions, which may involve the restriction or termination of economic or diplomatic relations, or any other means that may be suitable to enforce its decisions, by the Security Council calling on Member States to apply such measures.[10]

If the Security Council finds that these measures are inadequate, it can ultimately, as an *ultima ratio,* decide in favour of armed intervention to maintain international peace

[4] Kajtár 2018: 13.
[5] Kajtár 2018: 3.
[6] Henderson–Lubell 2013: 379–380.
[7] UN Charter, Article 23, paragraphs 1–2.
[8] UN Charter Article 27.
[9] UN Charter Article 39.
[10] UN Charter Article 41.

and security[11] by authorising voluntarily applying states or military organisations to carry out such intervention. This is therefore the strongest measure of the Security Council, and thus of the UN as a whole.

The prohibition of violence is therefore the basis of the existing international legal order. The other basic principles laid down in the UN Charter are inherently interrelated with the prohibition of the use of force and the principle of sovereignty. Thus, the obligation to settle disputes peacefully follows from the prohibition of the use of force, and the prohibition of interference in internal affairs is based on the principle of sovereignty.

In spite of this order, the prohibition on the use of force has been violated several times since 1945. In these cases, the aggressor state tried to disguise its act in a legal garb and use various arguments to present its act as legitimate. The arguments were usually related to an expanded interpretation of self-defence, in part because the existence or non-existence of the Security Council's authorisation can usually be determined objectively.

In the case of attacks on Iraq, Syria and Georgia, the attacker state invoked self-defence, framing the situation as pre-emptive self-defence.[12] However, beyond the legal evaluation and its obvious unfoundedness, there is significance in the fact that the attacking state tried to make its action legally acceptable, thus arguing for the legitimacy of its attack within the framework of the existing international legal order.[13] This shows that states believe in the validity of the legal order and think within its framework, even if they violate it.

In these cases, the reaction of the international community varied, and in general it can be argued that they were partly shaped by the corresponding self-interests of the states.

In 2003, the Iraqi operation launched by the USA and its partners, for example, clearly violated the prohibition of the use of force, although the reaction of the international community to it was mixed and not particularly strong.[14] The U.S. invoked pre-emptive self-defence, referring to weapons of mass destruction allegedly possessed by Saddam Hussein. The argument also indicated that previous SC resolutions, such as the resolution adopted in 1990 regarding the situation in Kuwait,[15] authorised the attack launched in 2002. There were two problems with the argument: a legal one and a factual one.

Pre-emptive self-defence is not included in the UN Charter. According to the Charter, in the event of an attack on a state, the attacked state has the right of self-defence. According to some, mainly Anglo-Saxon writers, this exception to the prohibition of the use of force may include the so-called pre-emptive self-defence, although only in the case of an imminent, known attack, if there is no other way to avoid the attack and the response is proportionate to the threat.[16] There is considerable debate about the legality of

[11] UN Charter Article 42: Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.
[12] Chinkin–Kaldor 2017: 130.
[13] Murphy 2005: 701–702.
[14] Sapiro 2003: 602.
[15] Security Council resolution 678 (1990).
[16] Schmitt 2003: 547–548.

pre-emptive self-defence in the international legal literature, and it cannot be concluded that it is generally accepted.

Regarding the existence of weapons of mass destruction, which was the basis of the argument for the Security Council resolution by the USA, a parliamentary enquiry in the United Kingdom[17] revealed that the attack on Iraq was launched despite the fact that there was no evidence that Iraq actually possessed weapons of mass destruction. The case caused a serious stir in the U.K.

The bombing of Belgrade in 1999 raised similar questions about the legitimacy of the use of force. NATO forces bombed Belgrade despite not having authorisation from the Security Council. At the same time, NATO referred to the fact that since Security Council resolution 1199 stated that the situation in Kosovo posed a threat to international peace and security, the military alliance had the appropriate legal basis for possible intervention.[18] On the other hand, NATO referred to the humanitarian situation in Kosovo, and thus to the necessity and legitimacy of humanitarian intervention. Humanitarian intervention is not generally accepted in international law, and although several states have indicated its acceptability since 1999, it is still controversial. In 1999, however, it was certainly not considered a legal basis for the use of force. Consequently, it can be stated that the bombing of Belgrade in 1999 did not comply with international law and constituted an act of aggression.[19]

The fact that the moral justification for the bombing was accepted by many states does not change its legal assessment. What is particularly interesting about the case is that three Security Council permanent members, namely the USA, the United Kingdom and France, also took part in the bombing. Although an initiative was put before the Council to authorise the use of force, such a draft resolution was not submitted in the end due to the expected Russian and Chinese veto. On the other hand, three states, namely India, China and Russia would have initiated the condemnation of the NATO bombing by the Security Council, but due to the expected American, French and British veto, a draft did not come before the Security Council.[20] Consequently, a real stalemate developed: due to the different positions of the permanent members of the Security Council, neither a resolution authorising the use of armed force nor one condemning its use could have been passed. From the point of view of international law it could be argued that this could mean that, on the one hand, there was no consensus on the authorisation to use force, and on the other hand, although the Security Council did not condemn the violence, three enormous states, accounting for half of the world's population, although not through a Security Council resolution, still condemned the bombing, thus partially answering the question on the general acceptance of humanitarian intervention, or rather the lack of its acceptance.

[17] See the *Chilcot enquiry* in House of Commons 2016; MacAskill 2016.
[18] Schwabach 1999: 408.
[19] Schwabach 1999: 405–418.
[20] Schwabach 1999: 405–418.

Russia has also used the protection of its 'own' population as a reason for armed intervention. In case of South Ossetia and Abkhazia, the protection of Russian citizens was the official reason for the armed intervention against the territory of Georgia in 2008. However, this rationale was very weak, since it was based on the 'passportisation' of the Russian-speaking population, which Russia consistently pursued. It is worth noting that similarly, in the eastern Ukrainian territories,[21] Putin announced in 2019, days after Zelensky was elected president, that he would make it easier to obtain a Russian passport in the separatist-controlled territories of eastern Ukraine.[22] The same thing happened in 2014 on the Crimean Peninsula, where Russia issued Russian passports to the Russian-speaking population living there.[23]

The other argument used by Russia, which also arose in the present Ukrainian conflict, was that the Georgian authorities were carrying out ethnic cleansing in South Ossetia and Abkhazia, and that Russian forces should intervene as quasi-peacekeepers.[24] Citing this reason is particularly bizarre after Russia did not accept the argument of humanitarian intervention to justify the bombing of Belgrade. It is also worth noting that peacekeeping operations can only be carried out with the consent of the state concerned, which in this case would have meant the consent of Georgia. At the beginning of the conflict, the independence of South Ossetia and Abkhazia was not recognised, even by Russia, so the argument differs from the case of the Eastern Ukrainian "states", where Putin started by recognising the two entities as states, and then referred to intervention by invitation.

As can be seen, in case of Ukraine, Russia's arguments were eerily similar to the arguments it and other states had previously used. On the one hand, Russia claimed that it is participating in a peacekeeping mission for the regions of eastern Ukraine at the request of the newly recognised "states", while on the other hand it cited the protection of Russian-speaking citizens, and claimed that Ukraine is committing genocide against the population living there.[25] If we try to translate these arguments into the language of international law, the notions of collective self-defence, self-defence and humanitarian intervention may arise.

Given the above, the Russian arguments for attacking Ukraine are actually not surprising. Russia's aggression against Ukraine began in 2014, when it invaded the Crimean Peninsula. It was an international armed conflict that continues to this day, and it is legally merged into the events of February 2022.[26] The occupation of Crimea is considered an international armed conflict despite the fact that it actually took place without active combat.[27] In connection with the conflicts in Donetsk and Luhansk starting in 2014, Russia

[21] In eastern Ukraine, 650,000 Russian passports have already been issued in the separatist-controlled areas of eastern Ukraine by the spring of 2021 (Dickinson 2021).
[22] BBC News 2019.
[23] Dickinson 2021.
[24] Borgen 2008.
[25] Green et al. 2022: 21–25.
[26] Green et al. 2022: 7.
[27] Qualifying the event, see Grant 2015: 87–89.

has denied its involvement all along, a claim strongly questioned by many.[28] The entry of Russian forces into the eastern Ukrainian regions on 22 February does not change the situation legally, nor does the invasion of the entire territory of Ukraine on 24 February. Naturally, in terms of the volume of the aggression, it is obviously a big change.

According to the principle of collective self-defence, a state exercising self-defence based on Article 51 of the UN Charter may ask another state for help. From Russia's perspective, this would be the Donetsk People's Republic and the Luhansk People's Republic, if these entities were indeed states in the sense of international law. However, considering that their declaration of independence is in no way compatible with international law, consequently they are not states, so the principle of collective self-defence cannot be applied.[29] Self-defence could be applied if Russia had been attacked. The alleged genocide committed against the Russian-speaking population cannot be a basis for self-defence either. Similarly, humanitarian intervention cannot serve as a legal basis, partly because the principle was not uniformly accepted by the international community, and partly because the atrocities committed in the eastern Ukrainian territories could not provide a basis for it. Based on all of this, it can be stated that Russia has been committing aggression against Ukraine since 2014, of which the events of February 2022 are a continuation. However, the severity of the military action that began in February far exceeds that employed in the previous events.

Interests and values

It is thus clear that the prohibition of violence, the interpretation of self-defence and collective self-defence, the content of the right to self-determination, the acceptance of humanitarian intervention, and even the interpretation of Security Council resolutions have all been the subject of political interpretation by states on several occasions. There is nothing surprising in this, since states frequently try to shape the legal framework according to their own interests. The arguments presented by Russia to justify its aggression were not new either: similar arguments had already been used by Russia and other states. However, the Russian attack in February 2022 reached frightening proportions both in terms of volume and message: it was an attack on the entire territory of a sovereign state in a brutal military action.

The Russian attack and the arguments of the Russian Government for it raise two points. First, such a violation of international law raises the question of whether the world order established in 1945 can be considered valid. Given that the party concerned is a permanent member of the Security Council which actively participated in the creation of the current world order, and considering the scale and effects of the attack on Ukraine, it could be asked whether the attack on Ukraine means that Russia does not consider the current world order valid, and thus the underlying political compromise has broken down?

[28] Demirjian 2015.
[29] Green et al. 2022: 18.

On the other hand, Russia tried to support its action with international legal arguments, which may indicate that it is still thinking within the framework of international law. The current conflict is thus also important because of these questions, and it has a large impact on the international legal framework of the coming years, and thus on the future relations between states. The issue is mostly considered regarding the prohibition of the use of violence as a cogent norm. This rule has been violated several times, but not to this extent. Although the rule requires unconditional application, if states violate it, it may lose its binding force.[30] That is why it is extremely important how other states react.

On 2 March 2022, 141 Member States voted in favour of a General Assembly resolution that deplores the aggression by the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter and condemns it. Only five states voted against and thirty-five abstained.[31] Although the resolution is not legally binding, it is a clear sign of the evaluation of the international community of the situation. The General Assembly thought similarly with respect to the annexation of the four Ukrainian regions to Russia. In the resolution, according to 143 states, the arbitrary annexation of the four Ukrainian regions did not comply with the right to self-determination, and thus was not compatible with international law.[32]

Looking ahead, and in order to strengthen the framework provided by international law, it is important how states react to certain acts. Their reactions show to what extent they allow the frameworks to be stretched, which can, in turn, have an impact on the development of the rules. Especially in cases where the interpretation of international law can leave room for manoeuvre, the practice of states and their views on what they consider legal obligation can have a law-modifying and developing effect. The prohibition of the use of force is a norm that cannot be changed, but the notions of pre-emptive self-defence and humanitarian intervention are areas where the opinions of states can have an impact on the development and shaping of the law. Similarly, the exact framework of the right to self-determination is constantly evolving, therefore appropriate reactions to infringements can be an important tool to prevent these frameworks from being further loosened.

Regarding the prohibition of the use of force, the reaction of the international community could be simple, since it is a cogent norm, therefore it cannot be subject to change. However, if the Russian action initiates an avalanche of abuses and encourages other states to violate this rule, a situation may arise where the will of the states no longer stands behind the norms, which might lead to their erosion. This would be a dangerous trend, as it would change the entire framework that provides relative security first and foremost to small states. Therefore, the reaction to and the outcome of the Russian aggression is especially significant. Is it a case of one state massively violating this rule, but the international community continuing within the existing framework? Or does this entail the changing of the current framework? Likewise, what effect will it have on international institutions? The essence of the UN is that it includes all states. Russia left

[30] Green 2011: 237–241.
[31] General Assembly resolution A/RES/ES-11/1.
[32] General Assembly resolution A/ES-11/L.5.

the Council of Europe (hereinafter: CoE), and in parallel the CoE expelled Russia. It was suggested by some, mainly Western writers, that Russia should be similarly excluded from the UN. On the one hand, this is not possible due to the provisions of the Charter, as any amendment ultimately requires the consent of the permanent members.[33] On the other hand, it must also be taken into account that the UN has been a forum for contact and dialogue throughout the war.

The question was also raised several times about the actual significance of the UN if it is powerless in situations like this. Binding decisions of the Security Council can be vetoed by any of its permanent members. The use of the veto has been criticised on numerous occasions, but there is little hope of changing the regulations. The UN Charter cannot be amended without the agreement of the Security Council, nor can a binding decision be made without the five permanent members of the Council. It is also not possible to exclude a member (especially a permanent member) without the agreement of the Security Council.[34] Even if all of these were legally possible, it would again be a political question whether it would be rational to exclude and break off dialogue with a major political actor which has nuclear weapons.

Any attempt to provide a solution to this legal situation is doomed to failure. It was created in this way in 1945 for a reason. The permanent members are all nuclear powers. Launching a coercive operation against any of them without their consent would be a huge risk. The UN may therefore be powerless in this situation, but it is still a forum where dialogue and diplomatic relations take place. Moreover, the accusation of inaction can be attributed more to the Security Council than to other aspects of the UN, since other bodies, for example the UN General Assembly or the Human Rights Council reacted quickly to the events. In the latter, Russia's membership was suspended,[35] and a commission was established to investigate violations.[36] The General Assembly adopted two important resolutions with respect to the conflict. The General Assembly's role is important also because this is the forum where all states, the entire international community, appears, and so its decisions are not region-constrained. It is in the General Assembly where it is most visible how states evaluate an event globally, and not only from the prism of Western countries or other country groups. Developing countries are in the majority in the General Assembly; therefore, an array of viewpoints becomes apparent. From an African point of view, millions are at risk of dying of hunger because of this conflict, so for them the primary danger is not the security threat, but the skyrocketing energy prices, the food shortage, and the gradual deterioration of the economic situation and supply chains already affected by Covid. Amina J. Mohammed, the Deputy Secretary General of the United Nations,[37] and also the Secretary General of the United Nations have both

[33] UN Charter Article 108.
[34] MacLeod 2022.
[35] General Assembly resolution ES-11/3.
[36] The UN Human Rights Council launched an investigation into the crimes committed in Ukraine, see United Nations: A/77/533: Independent International Commission of Inquiry on Ukraine – Note by the Secretary-General, 18 October 2022.
[37] United Nations 2022a.

repeatedly warned that many millions of people will suffer from hunger in addition to the ones already in need due to the current conflict, even if the grain deliveries have begun.[38] This conflict, therefore, also has serious spillover effects, which require serious discussion in the multilateral fora.

The European Union as the main player in the settlement of the conflict?

Whether and to what extent the European Union will be able to play a major role in the settlement of the situation depends partially on who we consider to be direct or indirect participants to the conflict. There are different views on this. It seems certain that there will be no settlement without the United States. The EU and several Member States have tried to present themselves as key actors from the beginning of the conflict. Several states have offered to mediate and provide a venue for negotiations between the Russian and Ukrainian parties.[39]

In any case, it is certain that due to its proximity to the EU, especially for states situated in the East, this is a particularly sensitive conflict. At the same time, there are huge fault lines within the EU as to how it should handle this conflict, and whether it is even possible to take common EU action. There are many reasons for the divergent views, ranging from historical to demographic and geographic reasons. Concerning the actions of the EU, it can be concluded that there is joint action, but at the same time there are very large divergences within the EU among the Member States.

Condemning aggression and holding the perpetrators accountable is a common cause. The Union has been very active in this field. The European Council expressed strong opinions in several communications: it condemned the aggression and called on Russia to withdraw its troops from the internationally recognised borders of Ukraine. It assured the International Criminal Court and the Ukrainian Prosecutor General's Office of its support and encouraged the Member States to take steps towards ensuring accountability. All the EU Member States were among those that initiated proceedings before the International Criminal Court.[40]

A network was created with the support of the European Union's Agency for Criminal Justice Cooperation (hereinafter: Eurojust) to help Member States cooperate in their accountability efforts. Several EU Member States joined the so-called Joint Investigation Team (hereinafter: JIT), which investigates the most serious war crimes together with the Ukrainian authorities.[41] The International Criminal Court also joined the JIT, thus creating a complex network of cooperation. For Eurojust to assist prosecutions as effectively as possible, on 30 May 2022, an amendment to the previous EU regulation was adopted, which allows Eurojust to fully coordinate investigations that have already

[38] United Nations 2022b.
[39] Eurotopics 2022.
[40] 43 states referred Ukraine's situation to the International Criminal Court.
[41] It was established on 25 March 2022 with the participation of the Ukrainian, Polish and Lithuanian judicial authorities, after which four more EU Member States joined it.

been launched, by giving it the competence to store and analyse the collected evidence.[42] Consequently, on behalf of the European Union, very uniform and decisive action has been taken on the issue of accountability. This reinforces the relevant rules and the aim of 'no impunity' for international crimes. However, analysing earlier practice concerning accountability,[43] state courts, especially in respect of crimes for which they do not have 'normal' jurisdiction, but act on the basis of universal jurisdiction,[44] take many aspects into account when deciding on initiating proceedings. Such aspects include political, legal and diplomatic considerations.[45]

On the other hand, there is no consensus within the EU on the issue of sanctions related to Russia, and the positions on this seem to be increasingly diverging. When the sanctions packages were adopted, it became clear that Member States took different positions resulting from their difference in their dependence from Russian energy, the availability and financing possibilities of alternative resources, their geographical circumstances and other aspects. These positions seem not to have converged but instead to be moving further and further apart.[46]

Overall, it is in the interest of the EU and its Member States to maintain the current world order. International law-based relations are typically favourable for smaller states. Although, from a global point of view, certain European states can be considered important economic factors, they are not classified as great powers in the traditional sense. The EU, from a global point of view, does not represent a level of cooperation that would make it constitute a great power on its own. However, the EU traditionally tries to make its voice heard on international legal issues. Given that two of the Security Council's five permanent members are European states, European interests may feature in its decisions, but the United Kingdom's close relationship with the United States is another aspect. In the General Assembly, however, the EU and the European states are not considered to be determining powers, so they have less influence.

Conclusion

Opinions are divided on the usefulness of the sanctions introduced by the EU. Together with the U.S. sanctions, they can have an effect, and it is also worth considering that the EU is the only international organisation that has imposed sanctions on Russia. The EU's action in the field of accountability is also unprecedented. It seems that although the EU is trying to appear both economically and legally as a potential influencing actor

[42] Regulation (EU) 2022/838 of the European Parliament and of the Council of 30 May 2022.
[43] Varga 2014: 160.
[44] In case of certain international crimes (war crimes, crimes against humanity, genocide), international law requires universal jurisdiction. Based on this, a state may or is obliged to initiate proceedings that would not have jurisdiction on either a territorial or personal basis (see e.g. For the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field Article 49 (Geneva Convention I).
[45] Kress 2006: 572.
[46] Melander–Siebold 2022.

towards the conflict, it is still unclear what role it can play in its resolution. The impact of the Russian–Ukrainian conflict on the international legal order is not yet clear. This legal order was formed without the EU's involvement, and although both the EU and its Member States have a fundamental interest in the restoration of the present legal order, it is still uncertain what role it can play in achieving this.

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