Effective Implementation of the Principle of Sovereignty and Territorial Integrity in the Management and Prevention of External Aggressions: The Case of Russia Invasion of Ukraine

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Abstract

The aim of the United Nation Organization (UNO) is predicated on the determination to save succeeding generation from the scourge of war, which had twice brought untold sorrow to mankind and to reaffirm faith in fundamental human rights, in the dignity and worth of the human persons, in the equal rights of men and women and of nations large and small. Article 2(4) of the UNO chapter emphasized the need for all members to 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. Despite the present of Article 2(4), Russia launched a full-scale attack on Ukraine on February 24, 2022 from multiple directions, after several weeks of building up troops on the country's border. Consequently, tens of thousands of Ukrainians fled the country and others took up arms against Russian soldiers, while the European Union, USA and allied countries introduced sanctions against Russia. This paper therefore examines the strength in the principle of sovereignty and territorial integrity as contains in the United Nations chapter, to have allowed such invasion. After much investigation, it was revealed that Russia does not believe in the sovereignty and territorial integrity of Ukraine, as Ukraine is perceived and taken as part of Russia. The study uses descriptive research design and secondary data are obtained from textbooks, journals, newspapers, radio/television news and internet. The paper called for alms and humanitarian support for the people of Ukraine

while various diplomatic techniques should be deployed to end the war. Other recommendations were made, among which was that The United Nations General Assembly and the global community should act quickly in stopping this aggression and addressing its negative impacts on security and the global economy.

Keywords are:` Sovereignty, Territorial Integrity, and External Aggression.

1.0 Introduction

Territorial integrity is the principle and administrative tool under international law where sovereign states have a right to defend their borders and all territory located in them from another state. It is enshrined in Article 2(4) of the United Nations Charter and has been recognized as customary international law and administrative weapon available to the United Nations Organization. Under this principle, forcible imposition of a border change is an act of aggression. The principle is capable of regulating the world order if properly applied (Corten, 2011).

Large-scale interstate wars have been exceptional since the end of the Second World War because of the significance placed on state sovereignty and its contribution to the stability of the international system. Therefore, by invading and even incorporating parts of Ukraine, Russia has severely violated Ukraine's sovereignty (Fazal, 2022). This paper is an assessment on how the principle of sovereignty and territorial integrity could be used to checkmate external aggression and help to redress the war in Ukraine, which could further lower the threshold for future infringements of the territorial integrity in other parts of the world as well. In February 2022, Russian President Vladimir Putin did the unexpected and authorized a special military operation against Ukraine. In September 2022, the Kremlin even incorporated several Ukrainian oblasts into the Russian Federation. Consequently, states such as Moldova, Poland, and Estonia are nursing the fear that after Ukraine, they could be next. The invasion of Ukraine by Russia became the largest attack on a European country since World War 11. It is estimated to have caused tens of thousands of Ukrainian civilian casualties and hundreds of thousands of military casualties. From a population of 41 million in January 2022, about 8 million Ukrainians had been internally displaced and more

than 8.2 million had fled the country by April 2023, creating Europe's largest refugee crisis since World War 11 (Ramani, 2023).

1.1 Historical background of the relationship between Russia and Ukraine

Russia and Ukraine have been intertwined for over 1,000 years of tumultuous history. Both nations trace their roots back to the first East Slavic state, Kievan Rus, which stretched from the Baltic to the Black Sea from the 9th century to the mid-13th century (Bates, 2015). Russia regards Ukraine as a part of its own strategic orbit, while many Ukrainians want to liberate themselves from the Russian hegemony and advocate a closer cooperation with the European Union. Russian historians and politicians and even the Russian President try to impose the imperial narrative on Ukraine. They are supported by a significant part of Ukrainian, who adheres to the ideal of a common Russia-led Orthodox East Slavic world. The on-going "war of memories" is of special interest, as both sides use and abuse history as a political weapon and the controversies about the heritage of Kievan Rus.

Russia has a long imperial past. The Muscovite state became an empire in the middle of the 16th century, when Ivan iv conquered the Khanate of Kazan with its poly-ethnic and multi-religious population. In the 17th century, Siberia and the Eastern part of Ukraine were added, and in the beginning of the 18th century, Peter the Great declared Russia as an Empire, what remained the official name of the Russian state until the Russian Revolution. At the end of the 19th century, the huge territory of the Russian Empire extended from Poland in the west to the Korean border in the east, from the coast of the Arctic Sea to the oases and deserts of Central Asia and to the Caucasus in the south. Its population of 140 million was composed of 44% ethnic Russians, 18% Ukrainians, 11% Muslims, 7% Poles, 5% Belorussians, 4% Jews and 11% other groups (Kappeler, 2001). The Soviet state and the Communist party controlled the peripheral territories. All kinds of political movements and national emancipation were suppressed. However, the Ukrainians were recognized as a separate nation which had its own territory, the Ukrainian Socialist Soviet Republic. During the 1920s the Ukrainian language and culture were developed and many Ukrainians were coopted into the Soviet elite. So, the nationalities policy of the early Soviet state contributed substantially to Ukrainian national-building. However, this policy was reversed since the 1930's.

Russification of Ukrainians reappeared and the Ukrainians again became subaltern subjects of a Russia-dominated centre. Many educated Ukrainians moved to Moscow and other Russian cities and numerous Ukrainian communists were coopted into the Soviet elite, especially during the Khrushchev era. Because of their numerical strength and the strategic and economic significance of their country the Ukrainians were controlled more tightly than most other Soviet nationalities. So, Ukrainians were late comers in the emancipation process of Soviet nationalities and only in 1991 played a decisive role in the dissolution of the Soviet Union (Martin, 2001).

When the Soviet Union collapsed in 1991, all Union Republics declared their independence. The remaining centre was reduced to the territory of the former Russian Federal Soviet Republic, whose territory corresponded roughly to the Muscovite state in the middle of the 17th century. Russia was deprived of most of the imperial peripheries and lost its status as a super-power. However, Russia is still an empire with its huge territory extending from the Baltic Sea and the Black Sea to the Pacific and with its poly-ethnic and multi-religious population, with non-Russians having a percentage of approximately 20 percent (Kappeler, 2014). Many Russians, especially the political elites are suffering from the lost status as a great power. There is a wide-spread nostalgia for the Tsarist Empire and the Soviet Union, even for the totalitarian Stalinist regime. These tendencies became stronger under the presidency of Vladimir Putin. So, one main goal of Russia's foreign policy is keeping the regions of the former empire under its hegemony. Russia tries to control the post-Soviet space, designated as "near abroad", and to restrict the sovereignty of the former Soviet republics by interfering into their inner affairs. Russia had to recognize that the Baltic States were lost, but Central Asia, the South Caucasus, Belarus and Ukraine are regarded as parts of the Russian orbit. Again, Ukraine happens to be the most important and disputed region. Russia dreads a complete separation of Ukraine from Russia and its entrance into the European Union and the North Atlantic Treaty Organization (NATO). As already in Tsarist Russia, this is regarded as a threat for Russia's position as a great power and also a threat for the Russian nation, imagined again as an Orthodox "all-Russian" nation. So, the asymmetry of the relationship persists until today. Russia exerts considerable economic and political pressure to keep Ukraine in its imperial

strategic realm and tries to prevent the integration of Ukraine to European Union and NATO. As already mentioned, this problem is on today's political agenda.

Russia has declared itself as the legal successor of the Soviet Union. This includes the nuclear weapons, imperial ambitions, and the maintenance of the hegemonic discourse. Ukraine on the other hand did not abandon fully its subaltern position in regard to Moscow, the former Soviet Centre. In Soviet times, the economies of the republics had been closely intertwined, and Ukraine and the other Soviet republics were dependent on the Soviet centre. The situation did not change fundamentally after 1991. Russia remains the main trading partner of Ukraine and Ukraine is dependent on Russia gas and oil, and Russia uses this dependency as a political instrument. Russians and Ukrainians took part in the common soviet political culture with common values and ideological traditions. This transnational heritage of the Empire has not been destroyed entirely by the new borderlines between the new nation-states (Miller & Lipman 2012). The title of this paper is "the effective administration of the principle of sovereignty and territorial integrity in preventing external aggression: the case of Russia invasion of Ukraine". The socio-economic and political hegemony of Russia and Ukraine notwithstanding, Ukraine is an independent nation whose sovereignty and territorial integrity remains sacrosanct. Consequently, Russia invasion of Ukraine is an infringement and outright compromise of the principle of sovereignty and territorial integrity. In 2013, Russia exerted considerable pressure on Ukraine in order to keep Ukraine in its own strategic orbit and to prevent the integration of Ukraine into the European Union. The ongoing struggle over hegemony in Eastern Europe and the Caucasus between Russia on the one hand and the European Union and the NATO on the other hand, is focused on Ukraine, which is the second state in Europe by territory. The outcome of the struggle over Ukraine will have a decisive impact on the future development of the post-Soviet space and of Eastern Europe. If the present trend is not checked via the administrative tool of the principle of sovereignty and territorial integrity, it would further compromise on the sovereignty and territorial integrity of Ukraine.

2.0 Conceptual Clarifications

2.1 Sovereignty

Sovereignty refers to the fact of absolute independence and autonomy that nation states have with respect to the decisions taken by them in matters concerning their citizens. Sovereignty means that nation states are free to decide for themselves about the kind of democracy that they want, the kind of rulers that they want, and their policies internally and externally. The idea of sovereignty was created not for academic discourses or philosophical purposes but for real world potent challenges. The idea owes its genesis to the political upheavals in Europe of the 16th and 17th century. The increasing power of the Pope who was the theocratic head of the Christian world led the rulers of Europe to assert their sovereignty over their land and people to escape papal authority (Prachi, 2015).

Sovereignty is the bedrock of international relations. The concept lays out basic rules for how countries are allowed to interact with one another. In principles, it means countries get to control what happens inside their borders and can't interfere in what happens elsewhere. This protects countries from being invaded over internal matters. The concept of sovereignty in international law most often connotes external sovereignty. Alan James sees external sovereignty as constitutional independence, which is a state's freedom from outside influence upon its basic prerogatives (James, 1999). It is external sovereignty that establishes the basic condition of international relations. An assemblage of states, both internally and externally sovereign, makes up an international system, where sovereign entities ally, trade, make war, and make peace. Today, as the world grows increasingly interconnected, what constitutes a violation of sovereignty is up for interpretation, and world leaders have to decide how to tackle problems like climate change and terrorism that know no borders (World 101, 2017).

2.2 Territorial Integrity

Territorial integrity refers to the territorial 'oneness' or 'wholeness' of the State. As a norm of international law, it protects the territorial framework of the independent State and is an essential foundation of the sovereignty of States. It extends principally over land territory, the territorial sea appurtenant to the land, and the seabed and subsoil of the territorial sea (Samuel, 2010). Put slightly differently, territorial integrity is the principle under international law that gives

the right to sovereign states to defend their borders and all territories in them from another state. It states that imposition of a border change by force is an act of aggression (Corten, 2011).

After World War 1, the principle of territorial integrity was codified. In his speech given in a joint session of the two houses of the Unites States Congress in January 1918, US President W. Wilson called for a peaceful post-war Europe to be established through "specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike" (Wilson, 1918). The seminal legal document that included the concept then was the Covenant of the League of Nations. Article 10 of the Covenant obliged the members to respect and preserve the territorial integrity and existing political independence of all members of the League against external aggression. In the United Nations (UN) Charter, one can now find the protection of territorial integrity specifically mentioned as a crucial component of the prohibition of the use of force as provided for in Article 2(4) (UNO, 2021).

2.3 External Aggression

External aggression can be refers to as the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or any other manner inconsistent with the Charter of the United Nations (Clark, 2002). According to the United Nation General Assembly Resolution, the following acts constitute acts of aggression, regardless of a declaration of war, though they are not exhaustive:

1. The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
2. Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
3. The blockade of the ports or coasts of a State by the armed forces of another State;
4. An attack by the armed forces of a State on the land, sea, or air forces, or marine and air fleets, of another State;

5. The use of armed forces of one State that are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond termination of this agreement;
6. The action of a State in allowing its territory, which is placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
7. The sending by or on behalf of a State of armed bands, groups, irregular, or mercenaries to carry out acts of armed force against another State of such gravity as to amount to the list of acts listed above, or its substantial involvement therein.

This definition is based on three criteria which are: (1) the act of aggression must be perpetrated by a State and can engage the responsibility of such State; (2) it implies the use of armed forces; and (3) it must reach a level of sufficient gravity in order to be qualified as such by the Security Council and give rise to reactions in self-defense or sanctions imposed by the international community (Krisch & Frowein, 2002).

3.0 Falacy of the Principle of Sovereignty and Territorial Integrity as Evident In Russia Invasion of Ukraine.

The current crisis at the Ukraine-Russia border has further revealed the enduring importance of state sovereignty as an ordering principle in world politics, notwithstanding frequent claims that globalization has rendered it obsolete. It has also exposes the tendency of governments to invoke or reinterpret this bedrock principle to suit their situational needs. As a matter of fact, global stability now depends on whether the United States and European Union are able to reaffirm and defend the centrality of state sovereignty against Russian attempt to dismiss it. Russia, an erstwhile, self-styled champion of the Westphalia norm of non-interference within the United Nations, now has thousands of her troops poised to invade, seize territory from and perhaps extinguish the independence of its neighbour. Whereas, Western nations, which since the end of the Cold War have pioneered doctrines of "contingent sovereignty", in which a state's sponsorship of terrorism, commission of mass atrocities or participation in other bad behaviour negates its authority, have become sovereignty hard-liners, characterizing

Russia's actions as a threat to world order and insisting on Ukraine's absolute right to determine its own geopolitical alignment (Stewart, 2022).

Since the dissolution of the Soviet Union, an event the Russian President, Vladimir Putin, famously called "the greatest geopolitical catastrophe" of the 20th century, Russia has shown little respect for the territorial integrity and political autonomy of states in its "near abroad". The most dramatic examples are Russia's invasion of Georgia in 2008 and, of greater import, its 2014 annexation of Crimes and arming of separatists in Ukraine's Donbass region. Russia appears determined to integrate Ukraine as well as Belarus into an exclusive sphere of influence, if not incorporate them into Russia outright. The West's insistence that Ukraine must retain the sovereign right to join NATO, not to mention the European Union, is anathema to this agenda. Putin justifies his stance by arguing that Ukraine is not a real country, that Ukrainians and Russians are "one people" and that, accordingly, Ukraine can only enjoy true sovereignty as part of Russia itself. This attitude derives from Ukraine's symbolic centrality to Russian national identity as the birthplace of the Kyivan Rus, a medieval Slavic state from which today's Russians, Belarusians and Ukrainians trace their lineage. Putin's stance repudiates the Budapest Memorandum, a 1994 pledge signed jointly by Russia, the U.S, and United Kingdom, in which they agreed to respect Ukraine's independence and sovereignty in return for its renunciation of nuclear weapons. Ever since Russia seized Crimea in 2014, the U.S, U.K and EU have all insisted on the restoration of Ukraine's territorial integrity, urging Moscow and Kyiv to settle the conflict in the Donbass through negotiations, using the Minsk Agreements brokered by France and Germany as a starting point (Stewart, 2022).

Ukraine was a cornerstone of the Soviet Union, the archrival of the United States during the Cold War. Behind only Russia, it was the second most populous and powerful of the fifteen Soviet Republics, home to much of the union's agricultural production, defense industries, and military, including the Black Sea Fleet and some of the nuclear arsenal. Ukraine was so vital to the union that its decision to sever ties in 1991 proved to be a coup de grace for the ailing superpower. In its three decades of independence, Ukraine has sought to forge its own path as a sovereign state while looking to align more closely with Western institutions, including the EU and NATO. However, Kyiv struggle to balance its foreign

relations and to bridge deep internal divisions. A more nationalist, Ukraine-speaking population in western parts of the country generally supported greater integration with Europe, while a mostly Russian-speaking community in the east favoured closer ties with Russia. However, Russia's full-scale invasion of Ukraine on February 2022, has marked a dramatic escalation of the eight-year-old conflict and a historic turning point for European security. With expanding Western aid, Ukraine has managed to frustrate many aspects of Russia's attack, but many of its cities have been pulverized and more than one-quarter of its citizens are now refugees or have been displaced. It remains unclear if and how a diplomatic resolution could emerge. Ukraine's place in the world, including its future alignment with institutions such as the European Union (EU) and North Atlantic Treaty Organization (NATO), hangs in the balance (Jonathan, 2022).

Russia invasion of Ukraine is an affront to the principle of sovereignty and territorial integrity, which by implication has reduced the efficacy of the well-planned principles. The Russian military aggression has created a humanitarian catastrophe resulting in the killing of civilians and in millions of displaced people and refugees. The war of aggression is presently having an adverse impact on many countries of the world, particularly countries that are heavily dependent on imports of food, fertilizers and energy. The negative impact on fuel prices, agricultural commodity prices, which are currently ravaging the world economy, are the result from the Russian aggression and military activities on Ukraine soil. Stopping this aggression and addressing its negative impacts on security and the global economy requires a collective mobilization as seen recently at the United Nations General Assembly. Countries all over the world should be ready to work and sustain the international mobilization efforts to end this war (European Union, 2022).

4.0 Conclusion

The paper examined the efficacy of the United Nation's charter of the principle of sovereignty and territorial integrity as it affects Russia invasion of Ukraine. The day, 24 February, 2022 will be marked in history book as the day when Russia brought war back to Europe. Russia's unprovoked and unjustified invasion of Ukraine grossly violates international law and the principles of the United Nations Charter and threatens world peace as well as European and global security and

stability. It is inflicting unspeakable suffering on the Ukrainian population. Cluster munitions and thermobaric weapons have been used by Russian forces against civilian population and is targeting civilian objects, including hospitals, medical facilities, schools and shelters, in violation of international law.

Russia has violated the sovereignty and territorial integrity of an independent State that did not pose any threat, and to which Russia had given guarantees of security in the 1994 Budapest Memorandum. Despite what looks like tremendous efforts by the West to prevent and deter Russia's aggression against Ukraine, the Kremlin started a full-scale military invasion across the Ukrainian border from the north, east, and south. Clarifying why these deterrence efforts did not work as expected could provide useful insights for building more effective strategies to stop Russia's aggression. It would also allow for adjusting future policies of deterrence against Russia. The EU and NATO should consider their misperceptions about Russia that undermined their ability to politically and militarily discourage Russia's aggression. They also should consider what actions have fuelled Russia's misperceptions about the West and emboldened the Kremlin to launch its military invasion of Ukraine. Russia must immediately cease hostilities and withdraw its military from the territory of Ukraine, as such use of force and compromising the efficacy of sovereignty and territorial integrity has no place in the 21st century.

5.0 Recommendations

For Russia to pull away from Ukraine and the potency of sovereignty and territorial integrity restored, the following recommendations have become very necessary:

1. The United Nations General Assembly and the global community should act quickly in stopping this aggression and addressing its negative impacts on security and the global economy.
2. In addition to the significant sanctions already imposed on Russia and its cohort, the European Union with partners and allies should remain ready to move quickly with further sanctions.
3. The West should avoid graduality in sanctioning the Russian economy. The quicker the West is capable of stopping Russia's economic support for the war in Ukraine, the sooner the invasion will stop.

4. The European Council must urge Russia to urgently guarantee safe passage to civilians entrapped in all other war zones to a destination of their choice and fully respect its obligations under humanitarian law.
5. Russia and its accomplice Belarus, bear full responsibility for this war of aggression and those responsible should be held to account for their crimes.
6. For indiscriminately targeting civilians and civilian objects, Russian forces have violated international law for which outright condemnation should be made by the global community.
7. The European Union and its member states and partners should continue to provide coordinated political, financial, material and humanitarian support to Ukraine in their determination to defend their territory.
8. The European Council should expel Russian Federation from its membership with immediate effect, ending the country's 26 years of membership.
9. Russia's resorting to disinformation and gross manipulations of the facts on ground is a weapon directed towards the global community. Europe should mobilize to debunk such propaganda.
10. The United States, European Union and the global community should be committed to provide support for the reconstruction of a democratic Ukraine once the Russian onslaught has ceased.

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