МІЖНАРОДНА НАУКОВА КОНФЕРЕНЦІЯ-ПРЕЗЕНТАЦІЯ КОЛЕКТИВНОЇ МОНОГРАФІЇ

INTERNATIONAL SCIENTIFIC CONFERENCE-PRESENTATION OF THE COLLECTIVE MONOGRAPH





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The collection of the scientific materials was completed according to the results of the International Scientific Conference-Presentation of the Collective Monograph «Ukraine in the System of Modern International Legal Order and european Integration: Problems of Doctrine and Practice in the Context of Humanitarian Challenges» which reflect the results of the authors' scientific research on current issues of modern international law. The collection is intended for scientists, teachers, practitioners, and students, as well as a wide range of readers who are interested in this issue.

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THE RELEVANCE OF IGOR LUKASHUK'S SCIENTIFIC LEGACY IN INTERNATIONAL LAW AMID THE RUSSIAN FULL-SCALE INVASION OF UKRAINE

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The ineffectiveness of institutional and legal mechanisms, such as the UN, non-observance of international law principles by states whose status assumed a leading role in the maintenance of international peace and security, and the inability of international legal mechanisms to effectively combat international legal violations are making it ever more challenging to discuss international law reform.

Dr. Lukashuk's ideas and perspectives on nature and the evolution of international law extend well beyond national boundaries or historical phases. He was a skilled scholar in the subject of international law, and the importance of his views is expanding quickly. At the same time, it is vital to identify and analyze the influence he has had on the development of the school and theory of international law in Ukraine, his native country where he lived and worked for more than half of his life.

Volodymyr Butkevych, one of Ukraine's most recognized modern international lawyers, long-term President of the Ukrainian Association of International Law, and former judge of the European Court of Human Rights, praises Igor Lukashuk's work. Dr. Lukashuk "established the Ukrainian system of international law education," according to Professor Butkevych, and "all international lawyers in our country are his students or his students" 25.

Considering Igor Lukashuk's work and influence on Ukrainian international law science, it is important to note his textbook "International Law," which was published in 1971 under the editorial office of the scientist and Volodymyr Vasylenko²⁶. Since 1931, this textbook had been the first Ukrainian-language manual on international law. Volodymyr Butkevych stated "It was well received by

²⁵ Буткевич В. «У системі Європа — Україна велика дистанція, і вона пов'язана з непрофесіоналізмом вітчизняних фахівців». URL : https://veche.kiev.ua/journal/1146/

²⁶ Міжнародне право : підручник / за заг. ред. І.І. Лукашука, В.А. Василенка. Київ: Вища школа, 1971. 377 с.

the scientific and educational communities. I am not aware of any unfavorable criticism about the textbook's quality"²⁷.

The Russian Federation's aggression against Ukraine, which included the occupation of Ukrainian territories in the Autonomous Republic of Crimea and parts of the Donetsk and Luhansk regions, as well as the declaration of a full-scale war, resulted in the objectively justified rejection of the modern Russian doctrine of international law by Ukrainian lawyers. Also, references and the use of Russian authors in scientific work have been discontinued. It is vital to underline the basis for such an approach, taking into mind the Russian lawyers' justification for flagrant violations of international law and denial of its fundamental foundations. It has raised concerns about the quality of their scholarly papers.

This, however, cannot be used as a rule to dismiss Igor Lukashuk's scientific legacy. First, he died in 2007 - long before Russia's aggression against Georgia and Ukraine, occupation of a portion of Ukrainian territory,

²⁷ Буткевич В. Г. «Любіть міжнародне право, шануйте міжнародне право, служіть міжнародному праву – це окупиться сторицею» (до 95-річчя професора Ігоря Івановича Лукашука). *Український часопис міжнародного права*. 2021. Спецвипуск присвячений 95-річчю з дня народження проф. І. І. Лукашука. С. 84.

launch of a full-fledged war, and manipulation of its status as a permanent member of the UN Security Council in resolving the Syrian issue, direct or indirect intervention in conflicts in Libya, Mali, and elsewhere.

Given the scientist's considerable contribution to the formation of treaty law²⁸, not all of his theoretical views and notions were realized in practice. For example, for the first time, Igor Lukashuk raised the subject of disparities between potential and valid treaty participants and attempted to classify them. But, those concepts were not developed further.

Based on Dr. Lukashuk's legal theories and notions, we believe that substantiating facts of Russian Federation violations of international law norms and the prospect of bringing it to international accountability might be immensely authoritative. The examination of modern international legal perspectives based on the Russian Federation through the eyes of Igor Lukashuk yields some intriguing results.

Because history, and especially legal history, does not allow the conditional situation, it is objectively preferable to speculate on Igor Lukashuk's evaluation of Russian aggression

Yaremchuk V. Periodization of Igor Lukashuk's Research on the Law of Treaties. European Journal of Law and Public Administration. Romania.
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against Ukraine. The physicist was outspoken in his condemnation of aggression as a tool of world diplomacy. In a 1991 letter to the editor-in-chief of the American Journal of International Law, he expressed his belief that "Regardless of the outcome of the [war] in the Gulf, potential aggressors will now have to consider that their crimes will be met with a decisive response by the international community" ²⁹. This theory is plainly applicable to the international community's reaction to Russia's assault against Ukraine.

Even a rudimentary examination of this issue leads to the conclusion that the scientist would categorically oppose the acts and declarations of present Russian authorities. For example, as is well known, on December 8, 2020, Russian Federation President Vladimir Putin signed a law introducing amendments to procedural codes, according to which the rules of international agreements of the Russian Federation in their interpretation are not allowed to be applied, in violation of the Russian Federation Constitution. In other words, the priority of international law in the Russian Federation's domestic legal system has been de facto removed, including to block the execution of European Court of Human Rights judgements.

²⁹ Notes and Comments. *American Journal of International Law.* 1991. Vol. 85. Pp. 537.

Rather, Lukashuk emphasized that "the inalienability of basic human rights and the state's duty to ensure them means that the relevant principles and norms occupy a special position in the state's legal system," and that proper human rights protection is ensured "through the harmonization of international and domestic law." Based on these theses and an examination of the standards of the Russian Federation's Constitution, the scientist concluded that "generally known norms of human rights should be enforced even if the rights derived from them are not mentioned in the Russian Federation's Constitution"³⁰.

It is safe to say that Dr. Lukashuk would fiercely oppose any fresh plans for dividing the world into zones of influence, as advocated in our time by the Russian Federation. As is well known, on December 15th, the Russian Federation's Ministry of Foreign Affairs handed up to the US State Department recommendations that formed spheres of influence in Central and Eastern Europe as an example of the Yalta system of international relations³¹.

 $^{^{30}}$ Яремчук В. В. Розробка І. І. Лукашуком теоретичних основ права міжнародної відповідальності. Юридичний бюлетень, 2020. № 13. URL: http://www.lawbulletin.oduvs.od.ua/archive/2020/13/8.pdf.

³¹ Росія пропонує США відмовитись від включення до НАТО колишніх радянських країн. США й НАТО відповіли. URL :

Other absurd posture of the Russian Federation that cannot be justified in the eyes of Dr. Lukashuk is the Russian authorities' temporary possession of Crimea and aggression against Ukraine. So, in March 2014, V. Putin defended his country's activities in Ukraine by claiming that an anti-constitutional coup had occurred and that the Russian Federation was not responsible for its commitments to the new administration³².

As previously said, the promotion of these concepts, particularly in the context of worldwide opposition to Russia's aggression against Ukraine, can considerably boost our state's position in public discourse. Members of Putin's criminal administration will be compelled to challenge one of Russia's most authoritative lawyers in recent history, and one of Ukrainian origin and recognition.

Igor Lukashuk is not only one of the most important representatives of Ukrainian international law in its history, but also one of its founders. However, after a period of living and work in Moscow, he is identified with Russian science, which is difficult to reconcile, especially given

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https://suspilne.media/190367-rosia-proponue-ssa-vidmovitis-vid-vklucenna-do-skladu-nato-kolisnih-radanskih-krain/

³² Путин: Россия не рассматривает присоединение Крыма. URL: https://www.bbc.com/ukrainian

[/]ukraine_in_russian/2014/03/140304_ru_s_putin_ukraine_statement

Russia's full-scale invasion of Ukraine. Ukrainian attorneys must safeguard the scientist's Ukrainian identity and integrate his teaching into scientific circulation.

Even though it has been more than fifteen years since Igor Lukashuk's death, his works retain their relevance and potential to be employed in new scientific discoveries and the practice of international law. His beliefs and points of view are especially relevant in the light of Russia's war on.

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