

Russia Can't Avoid Punishment for Aggression against Ukraine, for War and Environmental Crimes

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More than a month has passed since the beginning of the Russian aggression in Ukraine, which the Kremlin calls a "special military operation". During this time, thousands of houses, hundreds of hospitals, schools, life support infrastructure facilities have been destroyed, and worst of all, thousands of civilians have died. Along with other Ukrainians, I see the enormous consequences of the inhuman terror on the Ukrainian population. Winged and ballistic missiles fall on my compatriots. Our children are sitting in bomb shelters for a long time.

In peacetime, I was involved in the economics of nature. I am a professor and work at the Academy of Sciences of Ukraine. A century after the Academy was formed there is a different reality! Today, the nature of my country suffers because of Russian aggression. Thousands of hectares of fertile Ukrainian land were destroyed. The air is polluted with smoke from fires. It seems that nature itself rebels against the invaders. In the spring the North Black Sea lays on the path of migratory birds. According to environmentalists, several geese fell into the turbines of Russian planes and disabled them.

The Black Sea is mined. Almost every day the shores around Odesa are shelled by Russian ships. It affects marine animals and natural habitats. But the war is dictating its challenges!

In their speeches, officials of the Russian Federation constantly use the officially coined euphemism "special military operation" in order to mislead the public and make the work of international lawyers, judges of national and international courts as difficult as possible.

The euphemism "special military operation", which essentially means the concept of "war", complicates the appeal in the legal process to such fundamental sources of international law as the Hague Conventions of 1907, including the Convention on the Laws and Customs of War on Land.

Russia's attempts to use euphemisms are not new. In 2014, during the military annexation of the Autonomous Republic of Crimea – the territory of the sovereign state of Ukraine, Russian propaganda and even officials actively used the euphemism "polite people" about the military personnel of the Russian Federation.

On February 26, 2022, Ukraine filed a lawsuit to the International Court of Justice (ICJ) against Russia's violation of the 1947 Convention on the Prevention and Punishment of the Crime of Genocide. Ukraine has also applied for interim measures, essentially asking the International Court of Justice to order Russia to stop waging war in Ukraine.

However, for the first time, Russia refused to participate in the hearings. This case has set a precedent. Until now, Moscow has always participated in the sessions of the Court, defended itself, argued, among other things, denying the jurisdiction of the Court. Even when decisions on jurisdiction were not in favour of the Russian Federation, it continued to participate in the hearings, creating an image of respect and trust in the Court decisions.

All this happened because the UN Court is a very important institution in the world, whose activities were important for the Russian Federation itself.

Thus, we can draw an important conclusion that Russia is deliberately destroying the bases of the modern international legal order. On March 16, ICJ President Joan Donoghue announced the decision of the International Court of Justice:

“The Russian Federation, pending a final decision on the case, shall immediately suspend the hostilities that it commenced on 24 February 2022 on the territory of Ukraine. The Russian Federation must ensure that any military or regular formations which it may operate or support, as well as any organizations or persons which may be indirectly controlled by it, will not take further action in these operations. The court has jurisdiction to investigate whether genocide is taking place in Ukraine. The court has no evidence that Ukraine is committing genocide on its territory, as Russia claimed. The Court has doubts whether the Convention on the Prevention of the Crime of Genocide permits unilateral military action in another State to prevent genocide.”

A day after the announcement of the Court decision, Dmitry Peskov, the speaker of the President of the Russian Federation, said that Russia was not going to comply with the first decision of the ICJ on the lawsuit of Ukraine against Russia: “We cannot take this decision into account. The International Court of Justice has such a thing as “consent of the parties”. There can be no agreement here ... In this case, this is something that we cannot take into account.”

Non-recognition of the ICJ decision is not only another gross violation of international law, but also a serious reason for revising Russia’s status within the United Nations bodies, and above all, the status of a permanent member of the Security Council. Unfortunately, the process is moving very slowly in this direction, modern international law is characterised by conservatism and lack of procedural dynamics.

Now, together with other environmentalists, we have begun to collect evidence of the crimes of Russian soldiers against Nature. The Russian militarists will answer for all their evil deeds. But this requires a victory, and it will be only if the entire Western society is consolidated around Ukraine’s struggle for democracy, freedom and independence.