
Oleksandr But 

IV-year student of specialty 293 "International Law"
Educational and Scientific Institute of International Relations
Taras Shevchenko National University of Kyiv

INTERNATIONAL LEGAL CONSEQUENCES OF THE FULL-SCALE RUSSIAN INVASION OF UKRAINE AND THE REFORM OF THE UN: A POSSIBLE CATALYST FOR SUCCESS OR FAILURE

The Covid-19 pandemic which has brought many countries to their knees, the disastrous climatic drift which we have clearly seen is inflicting gigantic fires everywhere, serious floods and a scarcity of water synonymous with future large-scale conflicts scale, the energy showdown and, last but not least, the war in Ukraine, so many issues, so many challenges for which it is not certain that they will find even a random consensus. For decades, the United States will have imposed its supremacy on the rest of the world and more and more voices are being raised, in Africa and Asia, but also in Europe, to demand a reform of the UN. They point out the injustice of the distribution of roles in a Security Council divided into two distinct castes, that of the permanents, with their “right” of veto, and that of the non-permanents.

After 24th February 2022, the world is changing, that's for sure, but the positions and interests of countries, whatever they are, are also changing. Without delay, the United Nations must follow suit. The U.S. president supported the idea of a reform of the Security Council in order to make it more “inclusive”. By calling for expanding the membership of the Security Council, U.S President Joe Biden has given new impetus to an old idea, but it is hard to bet at this stage that reform will take place. But this time, any calls for reform are exasperated by Russia, which has championed the veto in recent years and is blocking any possible Council decision on its invasion of Ukraine. The American president also supported the demand for permanent seats for Africa and Latin America, and recalled the support of the United States for Japan and India. And this is really a breakthrough for many years, because previously the US preferred to be silent about it, limiting itself to statements that the right of veto cannot be abused when it comes to serious threats to international peace and security. But this breakthrough is more political...than legal.

Alexandra Brzozowski said that “... a full-blown reform would require the agreement of at least two-thirds of UN member states in a General Assembly vote and must be ratified by two-thirds of member states, while all the permanent members must agree. Some delegates in New York reiterated support for the plan to reform the UN Security Council but conceded that any change would take years to process” [1].

As a first step, the US is proposing measures to reform the UN Security Council, which would include US co-authorship of a veto resolution that would require permanent members of the Security Council to explain its application to the UN General Assembly. And although we understand that China and Russia will most likely not agree to such a decision, the very fact that the reform was again discussed at a high level is important. Another important factor that looks ambiguous is Russia's participation in the UN Security Council. The country is considered the legal successor of the USSR and did not go through the accession procedure again, while there is no document that would confirm the consent of all UN states to such a replacement. In addition, Russia even vetoed the resolution under Chapter VI of the UN Charter, while Article 27(3) of the UN Charter requires a party to the conflict to abstain from voting in decisions made under Chapter VI [2]. There was also a precedent in the history of the UN for changing a permanent member of

the UN Security Council. On October 25, 1971, the UN General Assembly adopted a resolution recognising the government of the People's Republic of China as the legal representative of China in the UN, depriving the Republic of China (Taiwan) of its membership in the UN. That is why the UN Member States-allies of Ukraine should either ask the General Assembly to confirm or reject the legality of Russia's occupation of the seat of a permanent member of the UN Security Council, or go through the long-term procedure of requesting an advisory opinion from the International Court of Justice of the United Nations about it.

And here a two-fold question arises – why is the reform of the UN necessary – to terminate Russia's membership in the UN Security Council, or to really increase the effectiveness of the Organisation, which repeats the mistakes of its predecessor - the League of Nations, namely the inability to prevent the aggression of one of the member states of the main body. If the second, then legally it is almost impossible, because the UN Charter, which was drawn up in 1945, does not provide for a transparent and clear procedure for its change, which has never been applied, because the consent of all permanent members of the UN Security Council is necessary, which is politically never possible due to their polarity. The only body in the UN that makes binding decisions for member states is the Security Council, which is why all talks about reforming the UN are reduced to reforming procedures only in this body, which is fundamentally wrong, because the UN is a complex system of various bodies and institutions, agencies. But without an effective UN Security Council, everything else loses its meaning.

If during the "cold war" the right of veto could still be perceived as a kind of safeguard to avoid a nuclear war, today it serves exclusively as a means of lobbying selfish national interests, regardless of international law or the position of the majority of the world community [3].

Thus, during the reformation of the UN, two main aspects should be taken into account: the representation of peoples and nations in the organisation should be broader, and the UN Security Council should respond quickly and adequately to threats and make decisions when necessary. The UN Security Council should represent the international community, reflecting the real balance of participants in international relations, which will increase the level of its effectiveness.

But we note that reforming the UN should take place exclusively by introducing changes and additions to the UN Charter as the only universal document capable of ensuring the international legal legitimacy of such transformations. That is why the allied countries of Ukraine should already think about how and when to convene a diplomatic conference on changes to the UN Charter, taking into account the fact that China, according to its philosophy, can join the winners, and the defeated state must lose its leverage forever. and to be limited in carrying out aggression under the guise of this high status.

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