

## **EFFECTIVENESS OF INTERNATIONAL INSTITUTIONS DURING THE WAR IN UKRAINE**

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Today, in the conditions of the acute phase of the war of the Russian Federation against Ukraine, the issue of the work of international institutions to solve all the problems brought by the war is of paramount importance. The fact is that a number of international organizations have been created to maintain peace and security in the world, both at the international level and at the European level.

All these institutions are based on the analysis of the course and scale, first of all, of the Second World War in order to prevent such terrible consequences in the future. However, as today's experience shows, the work of international institutions could be much more effective. And the point here is not only in political and pseudo-economic relations, but also in how the rules of agreements on the establishment of a particular international organization are spelled out.

The main international organizations concerned with world peace and security are the United Nations, North Atlantic Treaty Organization, the Organization for Security and Co-operation in Europe and so on. I deliberately do not consider the EU, because in the science of international law there is still a dispute over the legal nature of this entity.

How to understand in general whether the activities of an organization are effective or not? In our opinion, the activity of the international institution that achieves the goals set during its creation is effective. It is possible to consider the category of “efficiency” in different ways, but in one way or another it is reduced to the performance, proper performance of the functions assigned to the organization.

The Preamble to the UN Charter states that we the peoples of the united nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and ...so on and for these ends to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples.

Article 1: “The Purposes of the United Nations are: 1) to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and

international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; 2) to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; 3) to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and 4) to be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 3 of the North Atlantic Treaty regulates: In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Today, we see that international law does not work fully in a full-scale war. The revision of jus cogens now needs special attention.

The imperative norm is adopted by agreement of the international community as a whole. In the same way, it is recognized as an imperative norm, ie the higher legal force of the imperative norm is generally recognized. Deviations from the imperative norm are inadmissible in both bilateral and multilateral agreements. Any treaty is void if at the time of its conclusion it contradicted the mandatory norm of the general IL (Article 53 of the Vienna Conventions of 1969, 1986).

The imperative norm can be changed only by the following norm of the general IL which has imperative character. The supreme legal force of the principles is manifested in the fact that they belong to the category of imperative norms (jus cogens), ie deviation from them neither individually nor by agreement of the subjects of the IL is unacceptable.

The UN Charter and the Declaration of Principles of International Law set out seven basic principles: sovereign equality of states; conscientious fulfillment by the states of the undertaken obligations; settlement of international disputes by peaceful means; refraining from the threat or use of force; equality and self-determination of peoples; cooperation of states; non-interference in matters within its internal competence of any state.

All these principles in one form or another have been violated by the Russian Federation.

Why is the proper effectiveness of international institutions being questioned today? Because now quite a lot of deadlines are subject to revision. In particular, the so-called “special operation” of the real war in Ukraine, restrictions on the activities of international organizations through the veto power of the aggressor state significantly affect the ability to perform their functions as a whole.

Now the question arises not only about reformatting the legislative field of Ukraine. But in general, a review of fundamental approaches to building international institutions to avoid such stalemate situations from which there seems to be no way out.

Today we are talking about the so-called “A New Moment in San Francisco”.

Richard Gowen, UN Director, in a lecture given at the Geneva Center for Security Policy on May 3, 2022, on “The Ukrainian War: A New Moment in San Francisco?” noted the following. The honest answer is that we don't know. The

war looks like it may drag on for a prolonged period. Even if a cessation of hostilities proves possible in the coming months, we may face a lengthy standoff between Russia and Ukraine, and more broadly between Russia and the West. The longer this crisis goes on, the bigger its potential effects on international cooperation will become. Russian media are already framing the conflict as a proxy war with NATO. The U.S. has declared that its goal is to weaken Russia by supplying Ukraine with weapons and EU members are working on decoupling themselves economically from Moscow, while also arming Ukraine. There is a risk that the war could escalate into a much broader and deeper confrontation (although if it climaxes in a nuclear exchange, debates about global governance reform will not be anyone's top priority).

**Conclusions.** Unfortunately, today most international institutions need to be reformatted because they work inefficiently. A large number of responses to Ukraine's call to international institutions to take concrete measures to end military aggression in Ukraine began with the words: "This is not provided for in the UN Charter, and so on." However, we must understand that international organizations are based on international law. First came international relations. Then they were partially regulated by international law. And only on the basis of these norms did international organizations emerge.

Today we see a clear change in the very foundations of international law in times of war. Regulatory sanctions are often insufficient or the mechanism for imposing them is quite complex and lengthy, which is unacceptable in the face of such global challenges. And today we must talk about new types of international responsibility, new restrictions, sanctions against the aggressor state, against certain officials, and so on.