

## The Right to War and Katechon in the Geopolitics of Crisis<sup>1</sup>

**Reza Najafzadeh\***- Assistant Professor, Department of Political Science and International Relations, Faculty of Economics and Political Science, Shahid Beheshti University, Tehran, Iran.

**Amirhamed Talebian**- PhD Graduate of Public International Law, Faculty of Law, Shahid Beheshti University, Tehran, Iran.

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### Abstract

Conducting a special military operation in Ukraine has created a crisis in legal and geopolitical order. Political documents such as “On the Historical Unity of Russians and Ukrainians” and “on conducting a special military operation” cannot be truly re-read except by re-interpreting the geopolitico-theological texts of the Heideggerian theoreticians of the Russian Katechonic identity. By re-visiting the theory of Katechon, this article aims to examine the so-called Katechonic identity of Russia in the geopolitics of crisis and the dimensions of the Russian mindset in intervention in legal rule making in the global state of war. In fact, the main question of this article is how the Katechonic identity of Russia is defined in apocalyptic geopolitics, and theories such as neo-Eurasianism and National Bolshevism, based on theological and philosophical foundations, have worked to prepare an anti-legal order beyond the international legal order? The Russo-Ukrainian War is the main case. This article is in the framework of radical political theology, critical theory in international law and critical geopolitics.

**Keywords:** Use of Force, Russian Katechonic Identity, Geopolitics of Crisis, Critical Theory, State of Exception.

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1. This article is derived from the PhD thesis of International Law -“the Origins of Criticism in International Law: a Passage from Marxism”- written by Seyyed Amirhamed Talebian and defended in Shahidbeheshti University in which, Dr. Najafzadeh was one of the advisory professors. This article is extracted from one of the sections of the thesis completed by advisory points of Dr. Najafzadeh.

\* E-mail : [r\\_najafzadeh@sbu.ac.ir](mailto:r_najafzadeh@sbu.ac.ir)

## **1. Introduction**

War is becoming a general phenomenon, global and interminable. Today the possibility of democracy is obscured and threatened by the seemingly permanent state of conflict across the world. Democracy remained an incomplete project throughout the modern era in all its national and local forms, and certainly new confrontations in recent decades have added new challenges. Again and again the primary obstacle to democracy is the global state of war (Hardt and Negri, 2004: xi and 3). Especially, today's state of exception, this permanent global state of war, has increasingly taken on an apocalyptic form, and the end of time has created a huge danger in the Katechonic thoughts. Political documents such as "On the Historical Unity of Russians and Ukrainians" (12 July 2021) and "on conducting a special military operation" (24 February 2022) cannot be truly re-read except by re-interpreting the geopolitico-theological texts of the Heideggerian theoreticians of the Russian Katechonic identity.

On February 24, 2022, Putin declared war against Ukraine and launched attacks with missiles and destructive weapons against various Ukrainian cities. On February 16, the Russian parliament passed a resolution demanding Putin to recognize the independence of two regions in eastern Ukraine supported by Russian forces. On February 21, Putin issued two governmental decrees that recognized the independence of the two regions and then present them to parliament for approval. (The Kremlin Events, 2022) Subsequently, Putin ordered the Russian military (Meduza, 2022) to conduct peacekeeping operations in the two regions: "Donetsk People's Republic" ("DNR") and "Luhansk People's Republics" ("LNR"). On February 22, the Federal Council (the highest authority of the Russian parliament) agreed with Putin to dispatch peacekeeping troops. (Federation Council of the Federal Assembly of the Russian Federation, 2022) In a public statement on February 22, Putin announced that the borders of the two regions whose independence is recognized by extends to their main areas that are under the control of the Ukrainian government. As a result, the war started in the eastern Donbas region of Ukraine. In the meantime, "The Special Monitoring Mission of the Organization for Security and Co-operation in Europe" (OSCE) has warned about the permanent violation of the 2014 ceasefire agreement. (OSCE Special Monitoring Mission to Ukraine Daily Report 41/2022 issued on 22 February 2022) Ukraine has

always had a strategic position for Russia, because it is considered a kind of bridge between Russia and Europe. The disputed region of Donbas in eastern Ukraine -which borders Russia- contains a large population of ethnic Russian groups that share a common Russian culture in interaction with Russia. Ukraine believes that Russia is involved in strengthening the rebel forces in Ukraine, and since Ukraine gained independence on August 24, 1991, it has been closely monitored by Russia since late 2014. For example, the former president of Ukraine was strongly influenced by Soviet communist culture, (Encyclopædia Britannica, Viktor-Yanukovych) and his cooperation with Russia was more evident when the amendment of the Ukrainian constitution (Ukraine's Constitution of 1996 with Amendments through 2019) -the removal of the presidency- did not end up with Ukrainian interests. Moreover, the president of Ukraine at that time withdrew from the agreement with the European Union (Association Agreement,2014) under the pressure of Russia and finally fled from Ukraine subsequent to many protests. In 2014, Petro Porashko became the president of Ukraine as an American protégé, which eventually led to Russia supporting rebel forces in eastern Ukraine and Crimea, and finally, in a controversial referendum (on March 16,2014) Crimea was acquired and create a derivation in eastern Ukraine, which is called the Donabas region, and is now the main battlefield of the current military conflict. Then it was the turn of the United States to become sensitive to the independence of Ukraine (U.S. Department of State,2021) and to recognize the existence of Ukraine immediately and to emphasize that the Soviet military equipment should be withdrawn from Ukraine (Arms Control Association,2022) and also provide preparations for Ukraine accession to NATO; Although NATO itself has made many mistakes in this process, (Kuleba,2021) and the two Minsk agreements have not reached a significant result to support Ukraine with NATO forces (Hafeznia,2023).

This event has renewed the legal and philosophical issue of the right to war and made it necessary to think about the theoretical foundations of new military confrontations and the constitution of a new state of exception. Right to war or Jus ad Bellum in Russia`s special military operation has its philosophical foundation in theory of Eurasianism or the fourth political theory. In addition to having solid foundations in the Christian and philosophical traditions of Russia and Eurasia, these theories have prominent geopolitical implications for the state of crisis in the 21st century.

Eurasianism is an ideological and social-political current born within the environment of the first wave of Russian emigration, unified by the concept of Russian culture as a non-European phenomenon, and presenting — among the various cultures of the world — an original combination of Western and Eastern features; as a consequence, Russian culture belongs to both East and West, and at the same time cannot be reduced either to the former nor to the latter. Patriarchy and nationalism is the common thread of all the thinkers that articulated a kind of geopolitics of apocalyptic crisis. Alexander Dugin has been repeatedly considered as an intellectual chimera and theo-philosopher of this apocalyptic thought during the Putin era. ``Eurasianism's main value consisted of ideas born out of the depth of the tradition of Russian history and statehood. Eurasianism viewed Russian culture not as simply a component of European civilization, but also as an original civilization, encompassing the experience not only of the West but also — to the same extent — of the East. The Russian people, from this perspective, must not be placed either among the European nor among the Asian peoples; it belongs to a completely unique Eurasian community. Such originality in Russian culture and statehood (displaying European as well as Asian features) also defines the distinct historical path of Russia and of her national and state program, which does not coincide with that of the Western-European tradition.`` (Dugin,2014 a:13. For a humanist approach to geopolitics and an image of emerging geopolitical structure, see Hafeznia,2010 and 2022).

The main question of this article is how the Katechonic identity of Russia is defined in apocalyptic geopolitics, and theories such as neo-Eurasianism and National Bolshevism, based on theological and philosophical foundations, have worked to prepare an anti-legal order beyond the international legal order? To get closer to the answer to this question, after reviewing the theoretical foundations of geopolitics of the current crisis, we try to examine these dimensions of the problem: explanation of the geopolitics of the crisis, power and threat balance in the international order, the suspension of the law in the National Bolshevich mind, the failure of the rule of prohibition on use of force -which is in the conflict between legal realism and surrealism-, and also the analysis of the position of non-western imperialism and neoliberal relations, and finally, the right to war and neoliberalism in the form of de-territorialization of sovereignty.

## **2.Theoretical Framework: Katechon, Apocalyptic Geopolitics, and Heartland of Christ**

This article is theoretically the result of the conjunction of radical political theology, critical theory in international law and critical geopolitics (Agamben,2011; Singh and Mayer,2014; Ingram and Dodds,2009). The Greek term Katechon or Katechon which was introduced in the Christian tradition from St. Paul to Orthodox and Catholic scholars as the deterrent and preventer of the Antichrist, has a unique place in this geopolitical thought. Dugin in his *Putin vs Putin* refers to The Nomos of the Earth to define the Katechon as a concept derived from Thessalonians, which refers to that which prevents the Antichrist from manifesting in the world. (Dugin, 2014 c:712).

In the world of new political and geopolitical theory, no one has emphasized Putin's responsibility before Christ as much as Dugin:

``I think that the best course would be to eradicate the state and replace it with the Holy Empire, a basileus, a comprehensive katechonic Tsardom, where the divine rays directly fuse with the great God-bearing people and make all other mechanisms and historical realities serve the higher aim, which is embodied in the secret inner existence of the God-bearing people. Therefore I am a strong opponent of the contemporary autonomous state and I tend to blame it for all absurdities and confusion. At the same time, I am an equally strong supporter of the Empire.`` (Dugin,2014 c:121-122)

Then an Empire, in place of a nation-state, best suits for the civilization of land. The traces of Schmitt's *Großraum* are clearly visible here. Schmitt's Monroe Doctrine in the form of spatial theory of *Großraum* was, in fact, a special re-articulation for Europe. In 1933, he explicitly stated that "we are merely excavating the healthy core of an international legal *Großraum*-principle, and developing it appropriately for our European *Großraum*." (Schmitt,2011:52; Schmitt,1997). And it is easy to understand how the Russian theorists have adopted these theories and given their own articulation. In the realization of this imperial civilization, Putin has a heavenly mission in addition to a historical responsibility. ``Moscow gained special importance when Constantinople fell, when Russia became the last Orthodox Tsardom, and the last Orthodox empire. The city always played a significant eschatological role in Orthodox Russia. It was said that 'Moscow is the Third Rome'. The meaning of the Tsardom was that of a state which

recognises the truth of the Orthodox church in its entirety, and which is traditionally considered a barrier in the way of the son of perdition, the Antichrist, the katechon, 'the one who withholds' (the Second Epistle of Paul to the Thessalonians). The fall of Byzantium meant, from the apocalyptic Orthodox perspective, the dawn of apostasy and the universal rejection of Christianity. Moscow is the capital of an essentially new state: not national, but imperial, soteriological, eschatological, and apocalyptic. It is the last outpost of salvation, the Ark, the ground prepared for the descent of the New Jerusalem. 'And there will be no fourth.'" (Dugin,2014 c:12-13). Neo-Eurasianism develops the doctrine of the ontology of power, or of the Christian Orthodox concept of power as Katechon (Dugin,2014 a:24).

The fourth political theory is based on a kind of political theology that, in addition to its solid roots in the Russian Christian tradition, also has distinct Schmittian origins. Carl Schmitt called the Christian empire a Katechon against apocalyptic catastrophe and a barrier against the end of history. Katechon means the Restrainer. In Schmittin eschatology the Christian Empire was a Katechon or Restrainer of the Antichrist. In this theological geopolitics, the idea of *respublica Christiana* is the cornerstone of the image of good. As Schmidt states:

The history of the Middle Ages is thus the history of a struggle for, not against Rome. The constitution of the army of the march to Rome was that of the German monarchy. The continuity that bound medieval international law to the Roman Empire was found not in norms and general ideas, but in the concrete orientation to Rome. This Christian empire was not eternal. It always had its own end and that of the present eon in view. Nevertheless, it was capable of being a historical power. The decisive historical concept of this continuity was that of the restrainer: katechon. "Empire" in this sense meant the historical power to restrain the appearance of the Antichrist and, the end of the present eon; it was a power that withholds (*qui tenet*), as the Apostle Paul said in his Second Letter to the Thessalonians. This idea of empire can be documented in many quotations of the church fathers, in utterances of Germanic monks in the Frankish and Ottonian ages, above all, in Haimo of Halberstadt's commentary on the Second Letter to the Thessalonians and in Adso's letter to Queen Gerberga, as well as in Otto of Freising's utterances and in other evidence until the end of the Middle Ages. This provides a sense of an historical epoch. The empire of the Christian

Middle Ages lasted only as long as the idea of the katechon was alive (Schmitt,2006:59-60).

Schmitt's theory of Großraum and space is fundamental here. Historiosophic paradigm of National Bolshevism (Nikolai Ustrialov) and its interpretation (Mikhail Agursky) is dogmatic formulation of Eurasianism (Utechin,1964). Six patterns come from the National Bolshevism:

1 .The Kiev period as the advent of the forthcoming national mission (from the ninth through the thirteenth centuries);

2 .The Mongolian-Tatar invasion as an obstacle to the levelling European trends; the Great-Russians are formed on the basis of the “eastern Russians” under the Horde’s control (from the thirteenth through the fifteenth centuries);

3 .The Muscovite Empire as the climax of the national-religious mission of Rus’, the Third Rome (from the fifteenth to the end of the seventeenth century);

4 .The Roman-German yoke (the Romanovs); the collapse of national unity; separation between a pro-Western elite and the popular masses (from the end of the seventeenth to the beginning of the twentieth century);

5 .The Soviet period; revenge of the popular masses; the age of “Soviet messianism”; the reestablishment of the basic parameters of the main Muscovite line (the twentieth century);

6 .The phase of troubles that must end with a new Eurasianist push (the end of the twentieth century and the beginning of the twenty-first century).

The sixth phase indeed is the really existing geopolitics of crisis and this is where the Katechontic identity of Russia should be restored (Dugin,2014 a:23-24).

In this geopolitical paradigm, the territory of contemporary Russia, earlier the Soviet Union (USSR), and still earlier the Russian Empire, is the Heartland; it is the land-based (telluric) core of the entire Eurasian continent. Mackinder called it “the geographical pivot of history”, as Schmidt called it Großraum (Schmitt,2011 and 1997; Hooker,2009). Eurasianists are dealing with a “spatial meaning” which can become the heritage of the society placed on this territory. It will be perceived and included in the social system and will ultimately express itself in political history. Beginning from the fifteenth century, Russia steadily and sequentially moved toward taking on the characteristics of the Heartland, which gradually led to the identification of Russian society with the

civilization of Land, or tellurocracy. The Heartland is not characteristic of the culture of Eastern Slavs, but during their historical process, Russians found themselves in this position and adopted a land-based, continental civilizational mark. For that reason, Russian geopolitics is the geopolitics of the Heartland; land-based geopolitics, the geopolitics of Land. Eurasianist geopoliticians see the world from the position of the civilization of Land and calls Russia as a “Civilization of Land”. The main manifesto of the national Bolshevism *Last War of the World-Island: The Geopolitics of Contemporary Russia*, illustrates the fundamental features of this civilization as so: conservatism, holism, collective anthropology (the narod is more important than the individual), sacrifice, an idealistic orientation, and the values of faithfulness, asceticism, honor, and loyalty. The ideational model of this civilization of land in the sociocultural sphere, as a general trait of Russian society throughout its history, was expressed in politics as ideocracy, which also had different ideological forms, but preserved a vertical, hierarchical, “messianic” structure of government (Dugin,2015:8-11; Hafeznia,2023).

Eurasianism as a *Weltanschauung* has international appeal. The ideologues of nationalist Bolshevism think about something beyond party activism. In the Katechonic system of thought, the basic concept of ideological organization is "movement" and not party, because in apocalyptic geopolitics, the movement can be defined across borders, but not the party. That's why they believe that most peoples of the Commonwealth of Independent States (CIS) countries, as well as multitudes abroad, share Eurasian values. The narrow framework of parliamentary and party relations has had “detrimental impact” from the point of view of Katechonic ideology, and this has led the Eurasianists to realize the necessity of abandoning the structure of a Russian political party in order to transform into a broader, international “Eurasianist Movement.” In November 2003, the International Eurasian Movement Congress was held at the House of the Press in Moscow, and in December 2003, the government officially recognized the Movement. The party cells of Eurasia begin to transform into branches of the Eurasian Movement. Many new groups and individual members start to join it. Organizational structures of the Eurasian Movement abroad come into existence in Kazakhstan, Belarus, Tajikistan, Kyrgyzstan, Ukraine, Azerbaijan, Armenia, Georgia, Bulgaria, Turkey, Lebanon, Italy, Germany, Belgium, Great Britain, Spain, Serbia, Poland,

Slovakia, Hungary, Canada, and the United States. In this way, the International Eurasianist Movement on a new global scale has mobilized huge financial, spiritual and political forces from 2003 onwards to re-shape the geopolitics of apocalyptic mind (Dugin,2014 a:21).

The legal and political elements of Russian attack on Ukraine are very similar to the elements of the American attack on Iraq during Iraq's invasion of Kuwait. On one hand, Iraq has always denied the existence of Kuwait, but Russia has always emphasized the existence, independence and sovereignty of Ukraine; On the other hand, Iraq itself was considered an aggressor on the territory of Kuwait, and America had a stronger reason for the legitimacy of its action, and when Iraq attacked Kuwait, America did not even wait to raise the issue in the Security Council, and took the initiative without resorting to the collective security system or a resolution from the Security Council; But in the Ukraine crisis, shockingly none of the governments of the world, including the United States, have launched any military attack against Russia, while the situation of the two crises is mostly the same (For a detailed analysis, Hafeznia,2023).

The point to be pondered is why the world reacted quickly and responded militarily against Iraq's attack on Kuwait, but against Russia's attack on Ukraine, at best, the world invited both sides to peace and philanthropy? Even by considering the hypothesis of arms assistance to Ukraine, the performance of the United Nations has been extremely simplistic. The political nature of international law is fully proven by the Ukraine crisis. Putin always uses the word "demilitarization" in order to avoid using words referring to armed conflicts and not to give a political excuse to the world; But one cannot deny the very fact that Russia's attack on Ukraine is a crime against humanity -and war crimes if armed conflict is assumed- and is one of the greatest tragedies of the contemporary century.

The reality is that Russia today cannot be considered a communist country, and the analysis that the war between Russia and Ukraine is actually a war between communism and capitalism is a superficial analysis and far from paying attention to the realities of the international community. International law does not have enough power to regulate international relations in all aspects and is completely subject to the political and economic interests of governments. It is necessary to examine the most important events that happened during the Russian attack in Ukraine and by analyzing the strategic, ideological and geopolitical goals of Russia in the region and

generally in the contemporary world, a contemporary Russian approach to international law will be inferred (For Russia`s foreign policy in new global geopolitics, Veicy,2023; Karami,2022; Koolae and Abdi,2018).

### **3 .Findings**

#### **3-1 .Geopolitics of Crisis, Power and Threat Balance**

In today's world, the Central and Eastern European countries are involved in the "Historical Wars". Russia and Ukraine seem to be included in the framework of the war in the European mind. Such approaches can be seen in domestic laws with the literature of war in a legal form. In the Ukraine crisis, concerning arms control, despite Ukraine's right to legitimate defense due to Russia's intervention in its territory, based on the fact that different governments support Ukraine in terms of weapons, the issue of humanitarian interventions and the issue of the collective security system can be raised. Russia has questioned many seemingly rules of humanitarian law by attacking schools, hospitals and residential areas and also attacking civilians and has committed war crimes. The problem is that each party, relying on the rules of international law, publishes the claim of the legitimacy of their operation. Russia's action is somehow the same as America's action in the 2003 attack on Iraq, when George Bush carried out the attacks in the name of the "New World Order". The big problem of the "international society" is that the world's top five powers (the five permanent members of the Security Council) have not reached a minimum possible agreement not only on common concepts and values related to international peace and security, but also their insights are distinctive from each other (Hafeznia,2023).

The majority of the United Nations General Assembly considered Russia as an aggressor state. (UNGA resolutions ES-11) In the United Nations Security Council meeting on September 30, 2022, many governments condemned Russia for its actions, but ultimately due to the possibility of veto by Russia, a resolution was not approved in the framework of the Security Council. In a report to the Human Rights Council, (Update by the Chair of the Independent International Commission of Inquiry on Ukraine, at the 51st session of the Human Rights Council, 23 September 2022) the International Criminal Court alongside with "The Independent International Commission of Inquiry on Ukraine" have reported evidence of war crimes, including indiscriminate killings, and gender-based violence against civilians. When Russia intervened in Syrian crisis in 2015, Russia has been

thinking to become an active actor in Middle East and North Africa since then, and has gradually tried to promote its own policies in the name of international law. But with Russia's invasion of Ukraine, the image Russia sought to build fell apart. In this regard, Russia has always tried to bring China as a partner, and although this partnership developed in a wide range - especially after the corona pandemic- but each of them followed a different path in politics and economics. So it is difficult to talk about a unified Eastern bloc, although China did not consider Russia as an aggressor in the crisis.

The issue of aggression and neutrality are now involved in the Ukraine crisis, which has questioned the international legal order. On one hand, Russia has invaded the territory of Ukraine, and on the other hand, governments such as China, India, Brazil, and Turkey are following the path of neutrality. This problem causes many analysts to emphasize the importance of realism in law and international relations, but the reality is that in the contemporary world, realist doctrines simply cannot analyze and solve this crisis and reach a safe point. In the current international legal order, powerful states do not necessarily play based on "rational behavior", and the rule of rational behavior is no longer fully applied. As a factual argument, it is enough to look at wars and interventions in the last three decades to see the irrational behavior of the great world powers in many cases.

The problem of conflicts in practice leads to a security dilemma, where the security of one government endangers the security of another, which is not relevant to international law, and finally, both sides end up in insecurity. In the present crisis, eastern European governments are trying to join NATO to be safe from Russia; but on the other side, Russia itself is worried that by their membership to NATO, they will be a great threat to Russia. The crises in Ukraine and to some extent in Georgia are rooted in this dilemma of security in international law and relations.

The rational behavior mentioned by realists includes recourse to justification within the framework of international law; but in contemporary global crises, international law has always been suppressed and the irrationality of the actors of the current world order has been proven right. The function of international law in the current era has not been able to proceed alongside with international politics and overcome the boundaries of traditional approaches. The Ukraine crisis is more than an examination in weakness of

international law, and also a test for new approaches in world politics. The methodology of international law basically does not have the ability to fit into this behavior of the states in order to be able to accompany the interests of the states in such a way that international peace and security will ultimately be achieved for benefits of humanity, the same goals and principles as stipulated in the United Nations Charter (for some scenarios for the future of the world in light of the Ukraine crisis, Hafeznia,2023).

### **3-2 .Suspension of Rules**

As Agamben formulates on the Germany`s Decree for the Protection of the People and the State (February 28,1933), in the state of exception, the law is not configured as of a new body of norms that spells out new prohibitions and new duties, but that the law enacts itself only by means of its unformulability (Agamben,2005:105).

In his speech on February 24, 2022, (Putin, 2022) referring to Article 51, paragraph 7 of the United Nations Charter, Putin announced that he would start a "Special Military Operation" in Ukraine, and continued that the Western governments are guiding the international legal order in a way for them to be able to make it possible to continue violating international law without any consequences. In fact, this is a strain of the Russian Katechon's identity in the geopolitics of crisis seeking to rearrange the spaces.

In his speech, Putin mentioned the inability of the Security Council to solve the crises in Yugoslavia, Libya, and Iraq, which has also relevant to NATO. Besides, as the western countries progress technologically and militarily, their control over international law increases and this situation is ultimately considered a threat against Russia. Putin continues this operation is considered a form of legitimate defense, and also the Ukrainians should be saved from neo-Nazis and Western powers. It is evident that, Putin's recourse to Article 51 of the United Nations Charter has no legal basis, because there has been no imminent attack against Russia, and the massive arming of Western forces is not considered a threat against Russia in itself. Putin has never officially questioned international law and has not denied the principle of non-aggression .

(Marks,2022) The identity of Russian Katechon in the geopolitics of crisis can be further analyzed that in the Ukraine crisis, the problem is not that international law has not recognized the crimes committed in Ukraine, or that there is no clear rule regarding Russia's aggression against Ukraine, but

the main crisis is the application of international law rules.

One of the most important issues raised in the Ukraine crisis is the credibility of the United Nations, all possibilities are listed only on papers and in the United Nations Charter. The United Nations Security Council also has no executive ability in practice, while it is the only international institution which has the authority to compel countries to cooperate against Russia, as well as the possibility of assisting international courts and tribunals in prosecuting and punishing war criminals. It is stated in the United Nations Charter that member states of the Charter are committed to prevent human rights violations, and its basis is that the system of collective security has emerged in accordance with the United Nations Charter, which is actually a benefit to the international society. The provisions of international law on "Territorial Integrity" -which is specified in Article 2, paragraph 4 of the United Nations Charter- are limited and incomplete, and this causes many customs to spread in unbridled and belligerent forms around the world. International law has sometimes placed itself in a vicious circle. On one hand, there is "Uti Possidetis Juris" rule, which is the basis of the right to self-determination and issues such as the succession of governments; and on the other hand, Russia, with its exploitative interest in the "Remedial Self-determination", sought to justify its military intervention in the Crimean Peninsula in 2015, while Western governments used the right to self-determination for Kosovo's separation from Serbia.

### **3-3 .Failure of the Rule against the Use of Force in the Current International Order: Legal Realism or Surrealism**

In Schmittian theological geopolitics, the belief that a restrainer holds back the end of the world provides the only bridge between the notion of an eschatological paralysis of all human events and tremendous historical monolith like that of the Christian empire of the Germanic kings. He says, ``Compared to the doctrine of katechon, the political or juridical structures that perpetuated the Roman Empire were not essential; they already were evidence of a decline and degeneration from piety to scholarly myth`` (Schmitt,2006:60). The emperor's office was inseparable from the work of the katechon, with concrete tasks and missions. This was true of a monarchy or a crown, i.e., of rule over a particular Christian land and its people (Schmitt,2006:62).

Schmitt contended that European jurisprudence -the legacy of Roman law, and the customs established over the centuries- was a katechon, i.e., a

restrainer of the "total functionalization" of law. European jurisprudence was the guardian of a European identity embodied not in frozen traditions, but in an ongoing cultural project, meaning that any new *nomos* of the earth would not result from "the unearthing of a temporal institutions" (Schmitt,2006: 25).

With an extreme realist attitude, the use of international law in the present crisis is only by using a kind of "Semi-legalism" by powerful governments. But it is not easy to defend this idea in extreme application of international law nowadays. For example, regarding the prosecution of Putin in the International Criminal Court -although in general some have criticized the performance of the court in centralized trials in third world countries-(Rademaker,2021) considering the importance of political power in determining the performance of international institutions, it seems that only after a coup in Russia, it is possible to talk about the prosecution and trial of Putin. The same thing happened with Milsevic in the former Yugoslavia, who was indicted in 1999 on charges of crimes against humanity, violation of the four Geneva Conventions, and war crimes at the International Criminal Court. (ICTY, Case No. IT-010xxx, Indictment) Not being elected for the next round as the president of Serbia, he was arrested by the court and sent to Hague in April 2001 for criminal proceedings at the International Criminal Court for the former Yugoslavia (ICTY). In Omar al-Bashir case, the president of Sudan, an arrest warrant has been issued in 2009 for crimes against humanity, including murder, torture and rape, but he has not yet been sent to the prisons of the International Criminal Court.

In this regard, Putin can make the International Criminal Court ineffective by playing politics and by following the Russian identity in the geopolitics of crisis. Garth Ivanise (former foreign minister of Australia) believes that Russia uses the responsibility to protect (UNGA Resolution A/RES/73/195) as a justification for its interventionist military goals in order to oppose the American military intervention in Georgia. (Ivanise, Garth, 2008) Putin ends up in favor of military intervention, and it seems that Putin's goals go beyond humanitarian intervention and include the acquisition of land. He uses the literature of humanitarian intervention with this end in mind. Meanwhile, the concept of "Peacekeeping" is also a point of dispute, which Putin claims to implement in two regions of Ukraine with his own consent (Kiselyova,2022; Balmforth,2022). The consent of governments in this regard is required according to paragraph 4 of article 2 of the United

Nations Charter. The consent of Ukraine government was not obtained by Russia. Russia does not pay any attention to the role of the Security Council and also mandates and the legal basis for peacekeeping including principles of peacekeeping in this matter.

Several analyzes have been presented in the field of international law regarding Russia's attack on Ukraine, (Stahn,2022) and they ultimately lead to the failure of the prohibition of use of force in international order. It is clear that Russia -which is now pursuing the Russian Kathechonism in the geopolitics of the crisis- has violated Article 2, paragraph 4 of the United Nations Charter, but what were the consequences of this violation against Russia in the end? The fact is that international law –with a structural weakness- does not have sufficient collective enforcement mechanisms to adequately respond to Russia's actions. Although the best and only possible answer is through the Security Council, it will definitely face Russia's veto. Regarding NATO's attack, it should be said that NATO's intervention in a non-member state is against international law and is not possible in practice, and even if it was possible, it would definitely not have the effect of the Security Council. Regarding the International Criminal Court and the International Court of Justice, both the issue of politics and the issue of jurisdiction may be presented serious obstacles. This is why Ukraine crisis is considered an examination of international law.

### **3-4 .Non-western Imperialism and Neoliberal Relations**

The war between Ukraine and Russia has challenged the rule-based legal order which is under influence of conflicting interests between states. This war is actually one of the manifestations of conflicting interests and ideologies in the current neoliberal order. Russia's attack on Ukraine has raised important issues in international law, including the responsibility of the Russian government for aggression against Ukraine, international humanitarian law and the law of war, protection of forcibly displaced persons, human rights and commercial rights, protection of foreign investors, the collective security system, and many other matters.

Russism (or Ruscism or Rashism) as a contemporary anti-western thought, in line with the recovery of lost lands of the former Soviet Union, like Brezhnev's thinking, as well as with the "Expansionist" policies of the current Russia, lead to a conclusion that Moscow wants to position itself as savior of contemporary slaves from the clutches of the Westerners. This mindset is the continuation of Russian Kathechonism, which has resulted in

the geopolitics of crisis. Attempt to rebuild such a figure will eventually lead to humiliation of international law. Russia is trying to implement the same policy in Ukraine that it had in the face of Chechnya, Georgia and Syria. Russia does not even comply with the order of the International Court of Justice and there is no binding power to enforce the court's rulings in this regard.

Although Western imperialism has played an important role in the formation of modern international law, one cannot ignore the role of non-Western imperialists who follow various forms of legal violence and expansionist mindset. One of the most important states that follow the non-western but imperialist voice of international law is Russia. Russian mindset -as a contemporary non-western voice to international law- seeks the development of "Eurocentric international law", and this idea is in a materialistic and non-cultural framework that Russia, with its warlike thoughts in attacking Ukraine, actually seeks to reject the idea of the "Jus Ad Bellum" rules in a way that Western governments have expanded.

The problem of imperialism in international law has been expanded by the thinkers of third world approaches to international law in the last two decades (Anghie,2005; Gathii,2007; Chimni,2012). The liberal criticism of international law considers this discipline the controversy of imperialism, while the main critical theories are against this understanding of international law and consider the world war against terror to have no legal foundation (Natarajan,2011; Mégret,2006). Some considers the third world approaches as a mere rhetoric for states who did not take part in shaping international law, and now they have become claimers. (See for example: Michelson, 1998 & Lorca, 2014) The argument is that modern international law moves on the axis of concepts such as government, human rights, and sovereign internal affairs, which are the products of Western capitalist national governments; that is why the analysis of international law by Russia in the attack on Ukraine is rejected more easily than by the United States in the attack on Iraq, precisely because America and European governments have been more successful in establishing their concepts to international law than governments like Russia and have had better results.

In order to justify the attack on Ukraine, Russia claimed that the goal is to de-Nazify Ukraine, and that the Ukrainian government is genocidal in Donbas and must stand against the new colonialist oppression of the West (Lavrov,2022). Also, Russia has claimed that Ukraine is building weapons

of mass destruction. Although the Russian approach to international law has always been opposed to humanitarian interventions in words, (Mälksoo,2015) But the Russian government has always resorted to it in recent years, contrary to the fact that the American exceptionalist doctrine has always believed that Russia will not rely on this issue. The parody of the current international order is that in the meantime, Russia has always invoked humanitarian interventions, but the United States has not presented such a speech in all cases. This parody is exactly the continuation of the Russian Katechon's identity, which has reached a kind of geopolitical crisis in current order.

### **3-5 .The Right to War and Neoliberalism: Deterritorialization of Sovereignty**

No one has clearly emphasized the Katechonic image of Russia and the centrality of Putin's role in this image as much as Dugin ``I think that the West conceives Mr. Putin as a conservative, authoritarian politician, but most importantly as a person, who has returned Russia back to the history and dealing with Russia is always a great obstacle. We have spectated this numerous times in Russian history, as during the period of the Russian Empire, as in times of the Second World War, as during the Cold War. Russia is the keeper of the alternative order, which is its katechontic destiny. Katechon, which is a Greek word, means something, that doesn't allow the reality to fall into the abyss. Putin has restored the katechontic identity of Russia and that's why representatives of the opposite power are being hostile towards him. Globalists depict him as a monster. I think we have something in common.`` Schmitt's dichotomy of friend and enemy, for Dugin, clearly lines up in the form of the duality of the saint and the devil. ``To be a demon for the postmodern and liberal West`` he said ``is almost the same as to be a saint for the rest of the world, for all other civilizations that contest the universality of the western, liberal epistemology`` (Dugin, 2022; Lewis,2020:193-214).

The representation of a conceptual confusion in the Russian argument to international law is focused on the right of legitimate defense of individuals against Ukraine and NATO forces and the right of collective legitimate defense in support of the two regions of Donetsk and Luhansk. The Russian voice of international law has used collective legitimate defense to justify use of force. In Russian mindset, sovereign equality justifies legitimate defense, which includes a "sovereignist" approach to international law and gives a narrow interpretation of the right to war. As a result, collective

legitimate defense and the permission of the Security Council, which are specified in the United Nations Charter, are the only two legitimate ways of resorting to force, and the methods mentioned in the Charter are not exclusive.

The Russian international law rhetoric that claims the spread and expansion of Nazism in Ukraine refers to two regions and claims that both have an anti-Nazi approach and can exercise their own right to self-determination and then they are entitled to act against Ukraine. It is clear that the contemporary Russian voice to international law does not have intellectual coherence even in the most radical critical thinking; although this fact itself is a confirmation of the weakness of international law. Contradictory interpretations of international law, which have created two blocs in the world and are responsible for multiple interpretations of the right to war, are a sign of the hegemonic crisis in the contemporary world, as well as the ideological and geopolitical transfer of international law from the dominance of American neoliberalism.

Russia's tendency to increase its domination in other lands by violating rules of international law is a new form of imperialism in the world order, which is different from the models of modern imperialism in the neoliberal order. Russia does not stand firmly against the concept of liberal sovereignty, but instead offers a semi-sovereign approach that has some elements of liberal sovereignty and at the same time seeks to escape from it, rather than abusing the concept of sovereignty like the United States (Immerwahr,2019; Li,2018).

By attacking Ukraine, Russia has actually questioned the fundamental principle of the post-World War II order; that is, sovereignty within the framework of internal borders. In 2007, during a conference on security policies in Munich, Putin expressed his desire for a world order and that he should look at the global security structures again (Putin,2007). He has always emphasized that NATO has resulted in ignoring respects for national borders and America is always seeking to build a unipolar world for its own benefit, where there is only one center for making decisions and exercising power and force in the world. In 2021, by publishing an article, Putin talked about Russia's historical commonalities with Ukraine and held the West responsible for forcing Ukraine to change its identity (Putin,2021). In fact, the international society is trying to argue that governments can move beyond the borders, if there are strong anti-Western grounds. Putin even

insists in some cases that Ukraine is a part of Russian history and has the same culture as Russia, and the people living in many of its regions call themselves Russian and Christian. In December 2021, Putin asked NATO and the United States not to dispatch more forces to the east and not to interfere in the former Soviet republics (Eichensehr,2022).

The attack on Ukraine is more controversial than the Iraq crisis. In August 1990, Iraq attempted to annex Kuwait to its own territory. Several resolutions were issued in the United Nations Security Council rejecting and condemning this action) ,SC Resolutions 687, 660, 1134, 1137 & 1441( and finally Resolution 1441, which mentioned Iraq's non-compliance with the resolutions as well as terrorist operations, provided an excuse for America and its allies to attack Iraq. It can be seen that the situation of Iraq and Ukraine are not exactly the same in international law, and the violation of international law in the Ukraine crisis and the lack of appropriate response from the international community is a cause of concern. America did not attack Iraq claiming territorial annexation, although America's attack on Iraq was not legal in terms of international law; but Russia has exactly questioned the fundamental principle of territorial sovereignty. Russia always addresses international law and that is exactly a sign of the structural and substantive weakness of international law. Contemporary international law is a product of Western and liberal mindset on legal order, but this fact is not necessarily an excuse for attacking other lands. In Iraq and Ukraine crises, there is no reliable evidence of the development of weapons of mass destruction.

This crisis has arisen from the United Nations Charter itself in paragraphs 2 and 4 of Article 1, where there is a conflict between the principle of territorial integrity and the principle of self-determination; that in the end, the principles are not ended up with getting the land through force. As a result of the economic and geopolitical changes in the contemporary world, many researchers predicted major wars in the world (Kagan,2017; Allison, 2017). Meanwhile, territorial claims are raised more than other ones. It can be seen that especially in the last two decades, the subjects of the current international order have mainly had claims and wars over land acquisition. The analysis of Russia's performance in this case is also debatable with regard to the history of numerous Russian interventions in the governments of many countries, although as stated, Russian interventions in Chechnya, Georgia, Syria and Ukraine are more serious than other ones. Most of

Russia's interventions -apart from Syria- have been in the post-Soviet Eurasia region. In political directions, Russia always pursues developmentism, regional hegemony, multipolarization of the world, creating a kind of ideological leadership based on geopolitics in the East of the world, calling for the fight against terrorism and the financing of terrorism, the need to establish regional alliances and cooperation against westernized international law, supporting Russian minorities who are seeking to exercise their right to self-determination in different lands, and ultimately establishing their power in the region.

As it has been pointed out, Russia seeking to become the superior power, has always protected itself from the strengthening and expansion of the areas under the jurisdiction of NATO, as well as American exceptionalism and unilateralism, respectively, in international law and politics. The main driver of Russia's foreign policy, from which the contemporary Russian approach to international law derives, is the formation of Russia as a great power (Cuppuleri,2021). This goal was also stated in the Russian foreign policy document in 2016, and in 2021 this document has been modified. Permanent military presence on the borders of Russia has been one of the results of this Russian approach to international law and relations. For example, in 1993, Boris Yeltsin, the president of Russia, requested international organizations to grant him powers to maintain peace in the region. It was precisely for this reason that Russia insisted on intervening in the Balkans in the 90s under the shadow of United Nations peacekeeping missions.

#### **4 .Conclusion**

When Agamben talks about the threefold articulation of the law in the state of exception comparing with the state of the law in the horizon of messianic katargesis, he provides a philosophical foundation for genealogical analysis of the suspension of the law in the National Bolshevich mind (Agamben, 2005:106). As we have seen, the suspension of the law in these Katechonic state also has this triple logic:

- 1 .indiscernability of an outside and inside of the law
- 2 .unobservability of the norm; in the state of exception it becomes impossible to distinguish between observance (osservanza) and transgression of the law.
- 3 .absolute unformulability of the law.

After the collapse of the Soviet Union, the Russian approach to international

law continued in a different direction in comparison with the Cold War, and even more extreme than before, international law is now placed in the hands of Russia as a tool. This Russian voice is the same Russian Katechonic identity which was studied in this article considering the geopolitics of crisis. Russia's regionalist policy in order to expand its superior power has always focused on not expanding NATO and interfering in the international organizations, so that Russia can expand its military and security plans in the Eurasian region. With the expansion of NATO in 2004, many republics left over from the collapse of the former Soviet Union joined NATO, and NATO leaders announced in April 2008 that Ukraine and Georgia would also join it in the future. The European Union also started new policies cooperating with the East of the world in 2009 (Charap,2017). International law is now in the post-Cold War world, and the constant positivist rhetoric on violations of international legal rules is based on the Russian Kathechon identity which is abusing insecure and weak structure of international law in the geopolitics of global crisis. Also it should be acknowledged that the continuation of such interventions in the contemporary world will bring about fundamental changes in the global legal order (Pert,2017; Cavandoli, 2022; Chachko and Linos,2022; Green and et al,2022; Lerch,2022; Twardowski,2015; Kreß, 2022; Marcinko and Rogala,2016).

Russia's intervention in the neighboring states from the former Soviet Union puts a new rhetoric -even in some concepts such as mandatory rules and international human rights obligations with a different understanding- exactly against the rhetoric of the contemporary neoliberal order in international law that presents the dominant liberal principle of modern international law. In the post-Cold War world, including the 90s of the 20st century, Russia planted the seeds of a new Russian mindset in international law, and now, as if in the post-Cold War world -and in return to a kind of practical or de facto Cold War- Russia is looking for its own harvest. Its imperialist ideas are against American imperialism. The intervention in Ukraine has occurred with more precise and decisive planning, both politically and economically, compared to the intervention in Crimea; however, from a legal point of view, it is more traumatic than previous interventions in violation of international law. The legal justifications that Putin has presented regarding the intervention in Ukraine, although in the eyes of mainstream international law, are considered false and rhetorical arguments, but in fact, he is the initial promoter of a Russian voice to

contemporary international law in Geopolitics of crisis based on the Russian Katechonic identity. A voice claiming that either the power of the West and NATO in the Eurasian region will be reduced or stopped or that Russia's power will develop through interventions that have become more disastrous and destructive day by day, because Russia is protestor to the dominant voice on international law, which is an American voice.

The war between Russia and Ukraine also affects the atmosphere of the Middle East and the role of international law in there. The structural and substantive weaknesses in the security and legal framework applicable in the Middle East region have made it impossible to speak of a regional security order in this region, and even Asia has not yet reached an Asian Court of Human Rights. Russia has used this security chaos for applying the rules of international law in Asia and the Middle East, especially in Eurasia, to fulfill its own goals. It is clear that since the collapse of the former Soviet Union in the 90s and the end of the Cold War, with the formation of critical theories, the Russian voice on international law also has a critical facet about the mainstream approaches. Even during the Cold War, especially the West Asian region was one of the regions where the former Soviet Union tried to minimize the dominance of America. Russia's leadership approach with a Katechonic mind in Asia has caused it to have great abilities to influence regional organizational decisions and the region is in a geopolitical crisis. Even in expanding its policies, since the early 2000s, Russia has tried to engage in intellectual and ideological interactions with the countries of the Persian Gulf Cooperation Council. In recent years, this Russian policy has been accompanied by American retreats in West Asia; to prove this statement, one can compare the performance of America in the Iraq crisis with one in the Syrian crisis and understand how America uses its exceptionalist rhetoric of international law with much more caution today.

The evolution of the Russian mercenary armies should also be interpreted in the context of the geopolitics of the crisis and the challenges of neo-Eurasianism. After years of operating in the shadows, the Wagner Group has stepped into the light in the middle of the invasion of Ukraine. Wagner had worked in the Central African Republic (CAR) and other countries and the future of contracts signed between these countries and the Wagner mercenary group was a matter in Russia's invasion in Ukraine. Putin stepped in to transfer prison recruiting to the Defense Ministry, cutting off the flow of recruits to Wagner. Prigozhin thinks that Russians should be free

to criticize the country's top military commanders. Prigozhin succeeded in capturing the Russian army's southern command headquarters in Rostov-on-Don, the nerve center of the invasion of Ukraine. One way to interpret the recent developments of the Wagner Group in ideological landscape is by studying Eurasianist theorists like Alexander Dugin. Prigozhin's actions, from the formation of the Wagner Group in 2014, begin to form a consistent constellation of projects to the global hegemon. Prigozhin is inseparably tied to Dugin's own circle, and Prigozhin's actions should be understood as an operationalization of Duginist thought. An ideology guides a group of people by a receptive mindset like Eurasianist ideology in Russia. Current Ukrainian conflict is motivated by a contemporary construction of these ideologies. The conceptual framework of Duginist neo-Eurasianism has the influence on major players in Russia today, most notably in Prigozhin's sudden rise of power.

On one hand, Moscow needs to guarantee the price of oil in the market, and on the other hand, it needs to expand its nuclear energy business, as well as having a share of other huge energy projects in other parts of the world. In spreading Russian mindset to international law, Russia is also promoting pan-Islamism, and so its interaction with Iran and Arab countries is also on the agenda. From this point of view, the Shia-Sunni dichotomy is also important in the geopolitical politics of the region. This is why Russia after the attack on Ukraine immediately organized several meetings with the heads of these countries to reassure its own allies. It is possible to firmly insist on the fact that the most obvious and fatal example of the Russian voice/approach to international law is manifested in Russia's attack on Ukraine.

This is how, in Agambenian term, indiscernability of an outside and inside of the law, unobservability of the norm in the state of exception, and absolute unformulability of the law make up the legal/anti-legal aspect of Katechonic identity in the vast area of Neo-Eurasia. The fourth political theory, centered on the Heartland and with suspension mechanisms, can place any region in its gravity field, de-territorializing and re-territorializing. Since in the post-prophetic state, Katechon acts through a pseudo-charisma force, the decline of this pseudo-charisma will either suspend the right to war itself or will continue the state of exception until an unknown time.

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