

WAR AND TERRORISM: HAS RUSSIA'S WAR IN UKRAINE TURNED INTO TERRORISM?

Stela KARAJ *

ABSTRACT: *The ongoing conflict in Ukraine has had a profound impact on both the local population residing in the affected regions and individuals worldwide. Several analysts, reporters and organizations believe the Russia war in Ukraine has enough probes of terrorist activities from attacker, Russian formations. It's not only Wagner militia but regular Russian armed forces implicated in terrorist attack. Consequently, numerous cases are now subject to tribunals, focusing on charges related to terrorist crimes. Schools, hospitals, civilian infrastructure, and vulnerable groups such as children and women have become primary targets of Russian attacks. The failure to address these concerns necessitates a re-evaluation of the available tools within international law to prevent wars or facilitate their peaceful resolution.*

This paper aims to examine the parallels between the processes, instruments, and tactics employed in warfare and terrorist attacks. It delves into the underlying concept behind various international legal norms, which seek to render the military option less appealing than peaceful alternatives. The case of Russian aggression in Ukraine serves as a tangible example, shedding light on the shortcomings of international law in deterring violations and acts of aggression. However, it also underscores the significance of ongoing development and enhancement of international legal frameworks. In this paper, we will explore the complexities of the conflict and examine whether the actual war in Ukraine can be classified as a terrorist act. Despite its inherent limitations, through this paper we conclude that human international law remains indispensable in confronting terrorist attacks and must be continuously assessed and reinforced to effectively address intricate challenges.

KEY WORDS: *International Law; Russia's war; terrorism; conventional warfare; UN; Ukraine.*

JEL code: K 33

* Lawyer and Lector in the Department of Legal Sciences, for the subjects of "Human Rights" and "Labor and Insurance Law" at EUT. Her research interests are focused on "UN Security Council in Security Crisis Management in the context of International Law". She currently holds the position of Chief of Staff at the European University of Tirana, ALBANIA.

1. INTRODUCTION

The ongoing Russian aggression in Ukraine remains a subject of keen interest for numerous researchers and political analysts specializing in international law. Alongside widespread condemnation from various parties, this aggression has significantly disrupted the established framework of the international order. The Russian-Ukrainian War, which began in 2014, emerged because of geopolitical tensions, historical grievances, and conflicting aspirations. Russian -Ukrainian war involves not only elements of war but also raises questions about terrorism. This conflict has had a significant impact on the region, resulting in tens of thousands of deaths and displacing numerous individuals from their homes (IEP, 2022).

Understanding the motivations behind the war and terrorism in this conflict is crucial. For Russia, the desire to maintain influence in Ukraine and prevent its westward alignment plays a central role (Stoessinger, 2005). By supporting separatist movements, Russia aims to achieve political objectives while avoiding direct confrontation with Ukraine or international backlash. On the other hand, Ukraine's primary motivation is to protect its sovereignty and regain control of the occupied territories (ISW, 2022).

The Russian-Ukrainian War has had profound consequences for both sides and the international community. The loss of life, displacement of people, and economic devastation are among the direct consequences of the conflict. The war has strained relations between Russia and Ukraine, as well as between Russia and the West. It has also highlighted the challenges of addressing conflicts involving hybrid warfare tactics, which combine traditional military methods with non-state actors (Masters, 2023).

Resolutions denouncing Russia's unjustified and unwarranted conflict have been embraced by international organizations and numerous nations across the globe. Despite these condemnations, Russia remains undeterred by the protracted nature of the war. Relentlessly and indiscriminately, they persist in ruthlessly attacking both military and civilian structures, resulting in a considerable loss of life and the displacement of many Ukrainian citizens. Recognizing the gravity of the situation, the United Nations General Assembly and Secretary-General have referred to this crisis as a "moment of danger," warning of a potential worldwide catastrophe (UN, 2022).

Despite concerted efforts, the task of halting Russia's ongoing offensive has become increasingly challenging. The implementation of sanctions by Western nations has proven ineffective in curbing Russia's aggressive actions. The United Nations Security Council faces obstacles in achieving unanimous adoption of resolutions, primarily due to Russia's veto power and China's position on the matter. Moreover, numerous countries exhibit reluctance to align with the Western sanctions, not only due to their existing ties with Russia but also owing to the ominous warnings issued by Vladimir Putin. His threats of dire consequences for any intervention in the conflict serve as a deterrent, emphasizing the unprecedented magnitude of the potential fallout (Biersteker, 2022).

The ongoing war in Ukraine between Russia and Ukraine is a complex and multifaceted conflict that has raised questions about the classification of acts within it as terrorism. While the conflict involves elements of conventional warfare and insurgent activities, the labeling of the war in Ukraine as a terrorist act requires careful examination and analysis. In this article, we will delve into the nuances of the conflict, evaluating the characteristics

and motivations that define terrorism and exploring whether these elements are present in the Ukrainian war (Kozłowska, 2023).

Through this case study, we aim to explore the multifaceted aspects of war and terrorism¹, emphasizing their devastating consequences on individuals, societies, and international relations. Let us delve into the complexities of this conflict, understanding its origins, impacts, and potential solutions.

2. METHODOLOGY

This paper employs a combination of primary and secondary sources to examine the factors leading to the conflict and subsequently conducts a detailed analysis utilizing an International Law framework. This qualitative research draws upon various resources, including books and other primary sources, as well as public media articles and news reports that provide insights into the ongoing situation in Ukraine. Furthermore, this paper employs a methodological approach that draws upon the legal underpinnings of international law, incorporating the analysis of specific articles from the United Nations that are consistently cited and referenced throughout the research. The existence of this conflict drove me to analyze and address the context of conflictual behavior through a comparative approach that is firmly grounded in the fundamental principles of warfare. More specifically, this paper is focused on international humanitarian law, often referred to as the "laws of war," which fundamentally aims to protect civilians and other non-combatant groups from the dangers and hazards associated with armed conflicts. This paper aims to delve into the intricacies of the conflict in Ukraine and assess whether the ongoing warfare can be categorized as a terrorist act.

3. LITERATURE REVIEW

Warfare in the twenty-first century is quite distinct from warfare in the Middle Ages. The 2022 aggression displayed by Russia towards Ukraine has expanded the understanding of hybrid (non-linear) warfare, which surpasses conventional cause-and-effect models of conflict by encompassing interconnections, dynamics, and processes (Fox, 2017). The paper draws upon theoretical concepts originating from the writings of St. Thomas Aquinas in the 13th century, within the context of the "just war" doctrine². During the 17th century, as Europe experienced prolonged warfare culminating in the Peace Treaty of Westphalia in 1648, the concept of a just war regained prominence. Following the immense loss of life during the First and Second World Wars, the notion resurfaced and garnered renewed attention (Vergara, 2020). With that said, the article is based on the

¹ The term "war" refers to a state of armed conflict between two or more parties, typically involving the use of military force and organized violence to achieve political objectives. It often entails large-scale hostilities, engagement of national armed forces, and may be governed by international humanitarian law.

"Terrorism", on the other hand, is a tactic employed by non-state actors or individuals to instill fear, create panic, and advance ideological, political, or religious goals through the deliberate targeting of civilians or non-combatants.

² The "just war" doctrine, also known as the theory of *ius ad bellum*, is a moral and ethical framework that seeks to establish criteria for determining the justifiability of going to war and the conduct of warfare. It is rooted in the belief that armed conflict should be morally justified and limited by certain principles.

principle that international law recognizes only three justifications for the use of armed action against a sovereign state:

1. *When a country is defending itself.*
2. *When another country has requested assistance, such as Russia legally sending troops to Syria at the behest of the Assad regime.*
3. *If the UN Security Council determines that the war is legal under Article 51³ of the UN Charter. An example of this would be the invasion of Kuwait by Saddam Hussein, which led to the authorization of a multinational military response by the Security Council (Wilmshurst, 2005).*

However, in contemporary times, hybrid actions are progressively being employed as tactics within openly armed conflicts, as exemplified by the ongoing war in Ukraine.

Mumford defines hybrid war as a complex type of conflict with multiple causes that occurs within an environment characterized by various threats, involving interactions between states and non-state actors, whether openly or covertly. In this form of warfare, a combination of conventional and irregular tactics is employed to extend influence, protect interests, and occasionally gain territory (Mumford, 2016). On the other hand, Solmaz directs attention to Thomas Mockaitis's examination of British Counterinsurgency in the Post-imperial Era in 1995 when exploring the origins of hybrid warfare (Solmaz, 2022).

The term gained significant popularity after the release of Frank Hoffman's publication, *"Conflict in the 21st Century: The Rise of Hybrid Wars,"* by the Potomac Institute for Policy Studies. Hoffman and his team of researchers analyzed modern theoretical frameworks to present a fresh scientific paradigm for future wars. They juxtaposed the characteristics of these theories with historical conflicts to illustrate potential hybrid threats. Three categories of theories, namely "fourth-generation wars," "complex wars," and "war without limits," were carefully examined (Hoffman, 2007).

The concept of hybrid warfare gained significant attention following the Ukrainian crisis, commonly known as "Russia's operation in Crimea," in 2014 (Solmaz, 2022). Additionally, the full-scale war in Ukraine in 2022 contributed to the discourse surrounding hybrid warfare. The so-called Gerasimov doctrine, presented by General Valery Gerasimov at a Russian military conference in 2013 and later published in the article *"The Value of Science in Prediction,"* acquired a distinctive significance. Although Gerasimov never explicitly used the term "hybrid," his concept indicates the trajectory of armed conflict evolution, aligning with the attributes commonly associated with hybrid war. Gerasimov emphasized the blurring boundary between the states of war and peace, with no formal declaration of war and a paradigm shift in traditional war patterns. The *"Arab Spring"* and events in North Africa and the Middle East served as examples. Gerasimov noted that the principles of warfare have also changed, with political, economic, psychological, and humanitarian instruments gaining importance alongside military means, particularly through information warfare and the actions of specialized units (Wróblewski, 2022).

³ Art. 51 "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary to maintain or restore international peace and security."

Both Hoffman's and Gerasimov's theories exhibit certain similarities, but they also display noticeable differences. Some shared aspects include the changes in modern warfare tactics, such as the decentralization of command structures, the convergence of strategic, operational, and tactical spheres of action, and the growing significance of non-military methods of warfare. Both theories acknowledge the increasing role of irregular forms of warfare, like guerrilla tactics and the utilization of small combat units, as well as the blurring distinction between war and peace and between combatants and civilians in future conflicts. However, there are fundamental distinctions between the two. Hoffman, in his concept of "hybrid warfare," focuses primarily on the tactics employed by combat units, giving less emphasis to non-military approaches in hybrid conflict. In contrast, Gerasimov strategically highlights the importance of non-military means of warfare, such as the use of propaganda activities, including modern information technologies, not only for disinformation and intelligence operations against enemy troops but also for winning the support of the population in conflict areas or manipulating their sentiments (Wróblewski, 2022).

4. THE CONCEPT OF WAR AND TERRORISM

Terrorism is a global phenomenon, and attempting to understand it should not be misconstrued as justifying it. However, if we refrain from seeking explanations, we will miss out on valuable insights. It is crucial to delve deeper and identify the underlying causes behind these horrific acts, as there is more to it than irrational and murderous impulses. While the September 11 attacks were driven by a fanatical desire to kill, the perpetrators were not mere deranged individuals who unleash violence indiscriminately. Terrorism is not a simplistic phenomenon; it stems from something deeper. The core beliefs held by these terrorists might also resonate with millions of other individuals worldwide who are not terrorists but harbor anger towards U.S. policies. Many countries, such as Sweden, Denmark, Holland, and New Zealand, are not preoccupied with terrorism. They do not deploy their troops or naval vessels everywhere, nor do they meddle in the affairs of others (Asif Efrat et al., 2021).

War and terrorism are two concepts that encompass acts of (collective) aggression. These terms are commonly employed in everyday language, by politicians, social scientists analyzing these phenomena, and legal frameworks governing human conduct. War and terrorism share numerous similarities. They both entail acts of extreme violence driven by political, ideological, or strategic motives, inflicted upon one group by another. The repercussions of both are grievous for the affected population, regardless of whether they were intended or not. However, war typically has a broader scope, resulting in more profound devastation. This is due to the involvement of states with formidable military forces and vast stockpiles of weapons. In contrast, terrorist groups seldom possess the professional or financial resources available to states (COE, n.d.).

Terrorism as a term is not subject to a universally agreed definition. Terrorism is known as a form of violence or coercion employed by non-state actors to instill fear and achieve political or ideological objectives. Key features of terrorism include deliberate targeting of civilians, the use of asymmetrical tactics, and the desire to create widespread panic and insecurity. That can create pressure on third parties such as governments to change their policy and position. Let us now assess whether these aspects are present in the Ukrainian

conflict. As Schmid wrote in the *Handbook of Terrorism Research (2011)*: “*Terror*” is, first, a state of mind, characterized by intensive fear of a threatening danger on an individual level and by a climate of fear on the collective level (Schmid, 2023).

A critical aspect in determining whether an act constitutes terrorism is the choice of tactics and targets. The separatist movements in Eastern Ukraine have employed tactics such as bombings, targeted assassinations, and guerrilla warfare. These actions have led to civilian casualties, infrastructure damage, and widespread fear among the local population. While these tactics may align with some characteristics of terrorism, it is vital to consider the broader context in which they occur (Petraakis, 1978).

In the realm of conflict analysis, the boundaries between war and terrorism can sometimes blur, leading to debates over how to categorize specific instances of violence. This is particularly evident in the ongoing war in Ukraine, where elements of both traditional warfare and acts that can be perceived as terrorism are present. Key characteristics of terrorism include:

1. *Political or Ideological Motivation*: Terrorism is typically driven by political or ideological motives, seeking to promote a specific agenda or cause. This motivation distinguishes it from other forms of violence.

2. *Non-State Actors*: While states can engage in acts of violence, terrorism is typically associated with non-state actors. These can include extremist groups, separatist movements, or individuals acting independently but aligned with a particular ideology.

3. *Targeting of Civilians*: One defining aspect of terrorism is the deliberate targeting of civilians or non-combatants. This distinguishes it from traditional warfare, which primarily involves conflict between military forces.

4. *Use of Violence and Fear*: Terrorism relies on the use of violence, often in shocking or indiscriminate ways, to instill fear and create a sense of insecurity within society. The goal is to influence public opinion, provoke reactions from governments, and disrupt societal stability.

5. *Psychological Impact*: Terrorism seeks to exploit the psychological impact of violence, aiming to generate fear, panic, and a sense of vulnerability among the targeted population. It intends to provoke a response and influence political or social change.

6. *Symbolism and Propaganda*: Terrorism often incorporates symbolic acts and media coverage to amplify its impact. It aims to gain attention, create publicity, and disseminate its ideological message to a wider audience (Patricia Brander et al., 2020).

4.1 Is the war in Ukraine a terrorist act?

To address this question effectively, it is crucial to establish a clear understanding of terrorism and war. Terrorism typically involves non-state actors utilizing violence, intimidation, or coercion against civilians to achieve political or ideological goals. It often aims to instill fear, disrupt social stability, and draw attention to a particular cause. On the other hand, war generally refers to armed conflict between states or organized groups, characterized using military force and strategies, including conventional warfare tactics (Claudia Hofmann and Ulrich Schneckener, 2011).

The conflict in Ukraine is widely recognized as a state-sponsored proxy war, with Russia supporting separatist movements in Eastern Ukraine. These groups, operating under the banners of the Donetsk and Luhansk People's Republics, have engaged in acts that can be considered terrorism, such as targeted attacks on civilians, bombings, and

asymmetric warfare tactics. The intention is to create fear, exert pressure on the Ukrainian government, and further Russia's political objectives in the region (Hughes, 2022).

A proxy war occurs when a major power stimulates or assumes a significant role in supporting and directing one side of a conflict, while contributing only minimally to the actual fighting. Proxy wars differ not only from traditional wars, where a state takes on the responsibility of its own defense or offense, but also from alliances where major or minor powers collaborate, each making substantial contributions based on their capabilities. For instance, the United States working alongside the Afghan government against the remaining elements of Al Qaeda and the Taliban can be considered more of a traditional alliance due to the extensive involvement of the United States, including the deployment of thousands of American troops and the execution of hundreds of airstrikes. Conversely, Iran's assistance to Houthi rebels in Yemen qualifies as a proxy war since Iran primarily supplies weapons and funding instead of deploying its own troops. Determining the threshold at which different levels of military support constitute a proxy war largely depends on one's perspective, but generally leans towards the lower end of the spectrum of involvement (Byman, 2018).

Russia utilizes proxies in Ukraine, while the United States frequently employs proxy warfare in its operations in the Middle East or Africa, such as supporting the Kurdish "People's Protection Units" against the Islamic State in Syria and collaborating with armed groups in Libya to combat terrorism. Proxy warfare also offers a method of fighting that can help limit escalation. States often deny their use of proxies; for example, Russia claims not to be involved in Ukraine despite funding various groups opposed to the government of Kyiv and providing them with its own armed support (Byman, 2018).

5. CONVENTIONAL WARFARE VS. ACTS OF TERRORISM.

The war in Ukraine exhibits characteristics of both conventional warfare and acts that can be classified as terrorism. Conventional warfare involves the use of military force and strategies, such as troop movements, artillery attacks, and territorial gains. These aspects are present in the conflict as both sides engage in battles and employ conventional military tactics. However, there are also instances that can be considered acts of terrorism within the conflict. Separatist groups have employed tactics such as bombings, targeted attacks on civilians, and guerrilla warfare. These actions aim to instill fear, undermine the legitimacy of the Ukrainian government, and create instability within the affected regions (Berry, 2023).

The classification of the war in Ukraine as a terrorist act varies depending on the perspective and interpretation. Some experts as Sean MC Fate, Thomas E. Ricks, David Marples argue that the actions of separatist groups supported by Russia meet the criteria of terrorism, given their deliberate targeting of civilians. They view the conflict as a hybrid war, combining conventional military operations with acts of terrorism. The concept of hybrid war (Ricks, 2022), which gained popularity through the work of Frank Hoffman, a former US Marine and defense scholar, emerged in a 2007 paper that examined the chaotic conflicts in Iraq, Afghanistan, and other regions where tactics underwent change and the distinction between civilians and combatants became blurred. Hoffman described hybrid wars as encompassing a wide range of warfare modes, including conventional capabilities, irregular tactics, and formations, acts of terrorism involving indiscriminate violence and

coercion, and criminal disorder. These diverse actions could originate from a single actor (Hoffman, 2007).

However, other authors as Dan Sabbagh, Alessandro Marrone contends that the conflict primarily falls under the realm of conventional warfare, as both sides are engaged in armed combat and territorial disputes (Sabbagh, 2023). They argue that the term "terrorism" should be reserved for non-state actors who primarily target civilians and lack a political or territorial agenda. Classifying the war in Ukraine as a terrorist act requires careful consideration of the context and international perspectives. Different countries and international bodies may have varying interpretations, influenced by their geopolitical interests, alliances, and policies.

The confrontations between Russian and Ukrainian armed forces give rise to an international armed conflict that falls under the purview of international humanitarian treaty law. The primary legal frameworks governing this conflict include the four Geneva Conventions of 1949, along with its first additional *protocol of 1977 (Protocol I)*, and the *Hague Conventions of 1907* that regulate the means and methods of warfare. Additionally, both Ukraine and Russia are signatories to the *1949 Geneva Conventions and Protocol I*⁴, thereby bound by their provisions (Droege, 2022).

The occupation of Ukraine by Russia on February 24, 2022, represents a breach of the prohibition on the use of force outlined in both the UN Charter and customary international law. The UN General Assembly, through a resolution passed on 2 March 2022 with an overwhelming majority of affirmative votes, officially classified Russia's actions as an "aggression by the Russian Federation against Ukraine, contravening *Article 2(4)* of the UN Charter. At the onset of the conflict, many UN General Assembly members acknowledged Russia as the party responsible for aggression. Despite Russia's veto power that impedes UN Security Council action, multiple nations raised allegations of Russia's violation of *jus ad bellum* during a Security Council meeting held on September 27, 2022 (Bellinger, 2022).

Based on the evidence found by the Independent *International Commission of Inquiry - UN*, on the Ukrainian state and population, the International Criminal Court has confirmed war crimes against civilians and the innocent population, specifically murders and sexual violence, based on a gender discriminatory mentality (Rights, n.d.).

Eventually, the International Court of Justice received evidence from over a dozen states accusing Russia of committing genocide in Ukraine. While all these crimes are abhorrent, the crime of aggression poses a significant risk to the fundamental principles of international law that foster peaceful coexistence among states, free from constant border threats. Upholding and respecting international law is essential for maintaining peace. Russia's leaders must take responsibility for their actions. The International Criminal Court has substantiated war crimes against civilians and innocent populations, including murders and sexual violence, with a specific focus on the gender discriminatory mindset. These confirmations are based on the evidence gathered by the Independent International Commission of Inquiry appointed by the United Nations in relation to the situation in

⁴ One of a series of agreements concerning the treatment of prisoners of war and of the sick, wounded, and dead in battle first made at Geneva, Switzerland in 1864 and subsequently accepted in later revisions by most nations. Protocol I, deals with international armed conflicts, a term that includes civil wars.

Ukraine (EC, 2023). Investigations into war crimes and crimes against humanity committed in Ukraine have been initiated by the Ukrainian General Prosecution Office, as well as by 13 EU Member States and the Office of the Prosecutor of the International Criminal Court (ICC).

The highest court of the United Nations, the International Court of Justice, has announced that it has granted requests from 32 countries to support Ukraine in a case against Russia concerning allegations of genocide. Being the initial country to intervene in the complaint, Latvia has accused Russia of breaching the 1948 Genocide Convention by making unfounded allegations of genocide against Ukraine in the eastern regions of Luhansk and Donetsk. These accusations have been purportedly used as a pretext for Russia's invasion. A historic number of 33 countries, which encompassed the United States, Canada, Australia, and every member nation of the European Union except Hungary, expressed their desire to join Ukraine's side in the case. Regrettably, due to a technicality, the judges of the U.N. court declined the request made by the United States. The court has determined that the declarations of intervention filed in this case are admissible except for the declaration submitted by the United States. Countries that have ratified the *post-World War II* treaty that criminalizes genocide are eligible to request intervention in cases falling under the jurisdiction of the treaty. However, since the United States did not fully accept certain provisions of the Genocide Convention when signing the treaty, the judges concluded that the country was not entitled to participate in the proceedings (Quell, 2023).

The "*Special Convention on the Prevention and Punishment of the Crime of Genocide*," commonly known as the genocide convention, outlines five actions that can result in charges of genocide, regardless of whether they occur during times of war. According to the convention, genocide is defined as the deliberate intention of one party to destroy partially or entirely a national, racial, religious, ethnic, or population group. The determination of genocide primarily relies on the intent behind the actions, rather than the overall number of deaths. The convention enumerates various violations, such as deliberately creating living conditions with the intention to physically destroy a group, inflicting severe physical or mental harm on group members, implementing measures to prevent births within the group, and forcibly transferring children of the group to another group. *Article 1* of the convention obligates parties to punish and prevent genocide (UN, n.d.).

However, Putin's allegation that Ukraine committed "*genocide*"⁵ against Russians in Luhansk and Donetsk is an excuse to justify Russia's use of force. Nonetheless, it does not give Russia the right to attack Ukraine under any circumstances. It is important to note that Ukraine has not engaged in any activities intended to destroy an ethnic, racial, religious, or national category. No proof exists of an intention to destroy any group in eastern Ukraine entirely or in part, as defined by the Genocide Convention. The use of power to prevent genocide operations or significant human rights violations is not authorized by the Genocide Convention or the UN Charter, even when the Ukrainian State may have violated

⁵ The word "genocide" was first coined by Polish lawyer Raphaël Lemkin in 1944 in his book *Axis Rule in Occupied Europe*. It consists of the Greek prefix *genos*, meaning race or tribe, and the Latin suffix *cide*, meaning killing. Genocide was first recognized as a crime under international law in 1946 by the United Nations General Assembly.

the human rights of Russian citizens in the east of Ukraine. Ukraine's quick counter-offensive has exposed even more horrible crimes committed by Russian forces on Ukrainian civilians and military troops as if to demonstrate the complete opposite. These are added to a long list of crimes against humanity uncovered in places like Bucha and Irpin (Rankin.J and Boffey.D, n.d.).

Russia has already experienced and is likely to continue facing increased isolation and additional sanctions imposed by international organizations, surpassing the strong financial measures consistently adopted by countries like the USA. Only a few states and legal authorities consider Russia's actions to be in accordance with international law. The Council of Europe has taken punitive action by suspending and excluding Russia from participating in the EC Parliamentary Assembly and the Committee of Ministers in accordance with *Article 8* of the Statute of the Council of Europe (COE, 2022).

According to the United Nations *Charter (2.4)*, Russia lacks the right to employ military force and is strictly prohibited from threatening other nations with war. However, there are two exceptions to this rule. First, in Chapter VII of the Security Council, armed force may be recommended with explicit approval, including from permanent member countries. Due to Russia's veto power, this scenario is currently unfeasible. Second, *Article 51* of the Charter permits states to use force in self-defense, provided it meets the criteria of proportionality and necessity (UN, 1945).

Paradoxically, the Russian government has put forth a defense justification by asserting that Ukraine has the potential to acquire and possess nuclear weapons, with the support of allied nations, thereby creating a scenario that falls under the umbrella of preventative self-defense. Russia is accountable for substantiating its use of force by arguing that it is essential for self-defense. However, this pretext may be precarious, as the continued attacks fail to meet the criteria of necessity or proportionality.

6. CONCLUSIONS

In conclusion, the Russian-Ukrainian War is a multifaceted conflict that blurs the lines between traditional war and terrorism. It underscores the complex nature of modern conflicts, where states engage in both conventional warfare and support proxy groups employing terrorist tactics.

Understanding the motivations and consequences of such conflicts is essential to finding peaceful resolutions and fostering stability in the region. As we analyze and learn from this case study, we gain insights into the broader dynamics of war and terrorism in the contemporary world.

The classification of the war in Ukraine as a terrorist act is a complex matter with no clear-cut answer. While elements of terrorism, such as deliberate targeting of civilians and the use of asymmetric tactics, can be observed in the conflict, it is essential to consider the broader context, motivations, and perspectives of the involved parties. The situation in Ukraine is best understood as a hybrid conflict, encompassing elements of both conventional warfare and irregular tactics employed by non-state actors.

Given the complexities of the conflict, it is crucial for international actors to engage in nuanced analysis and diplomacy to address the root causes and find a peaceful resolution. Labeling the entire conflict as a terrorist act oversimplifies the intricacies at play and may hinder efforts to reach a sustainable solution. A comprehensive understanding of the

motivations, tactics, and context of the conflict is necessary to navigate the complexities of war and terrorism in the Ukrainian context.

International law may have little to offer in these circumstances, but even if it is not likely to be helpful for the time being, the needs to evolve and safeguard the main purpose might request a more thorough changes on the bodies, UN chamber articles, to functionally prevent the conflicts in the future.

REFERENCES

- Asif Efrat et al., 2021. *Report on the Relationship Between Terrorist Threats and Governance Conditions in the European Union*, Brussels: European Commission.
- Bellinger, J. B., 2022. *Council on Foreign Relations*. Available at: <https://www.cfr.org/article/how-russias-invasion-ukraine-violates-international-law>
- Berry, B., 2023. Russia's War in Ukraine: What are the emerging military lessons?. In: *Strategic Policy*. s.l.:s.n., pp. 33-41.
- Biersteker, T., 2022. *Sanctions against Russia and the Role of the United Nation*. Geneva Graduate Institute. Available at: <https://globalchallenges.ch/issue/12/sanctions-against-russia-and-the-role-of-the-united-nations/>[Accessed November 2022].
- Byman, D., 2018. Approximating War. *The National Interest*, September-October. pp. 10-19.
- Byman, D. L., 2018. *Why engage in proxy war. A state's perspective*. Brookings. Available at: <https://www.brookings.edu/articles/why-engage-in-proxy-war-a-states-perspective/>
- COE, 2022. *Resolution CM/Res(2022)1 on legal and financial consequences of the suspension of the Russian Federation from its rights of representation in the Council of Europe*. Council of Europe. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a5b15f[Accessed 2 March 2022].
- COE, n.d. *War and terrorism*. Council of Europe. Available at: <https://www.coe.int/en/web/compass/war-and-terrorism#:~:text=In%20many%20ways%20war%20and,population%20%E2%80%93%20where%20intended%20or%20not>.
- Droege, C., 2022. *Armed conflict in Ukraine: a recap of basic IHL rules*. Humanitarian Law & Policy. Available at: <https://blogs.icrc.org/law-and-policy/2022/03/17/armed-conflict-in-ukraine-a-recap-of-basic-ihl-rules/>[Accessed 17 March 2022].
- Claudia Hofmann and Ulrich Schneckener, 2011. Engaging non-state armed actors in state and peace-building: options and strategies. *International Review of the Red Cross*, 93(No. 883), pp. 602-617.
- EC, 2023. *Statement by President von der Leyen on the establishment of the International Centre for the Prosecution of Crimes of Aggression against Ukraine*. European Commission. Available at: https://ec.europa.eu/commission/presscorner/detail/en/statement_23_1363
- Fox, A., 2017. Hybrid Warfare: The 21st Century Russian Way of Warfare. *Research Gate*, 01 May. pp. 16-37.
- Hoffman, F. G., 2007. https://www.academia.edu/48742856/The_Rise_of_Hybrid_Wars. 13 ed. Arlington, Virginia: Potomac Institute for Policy Studies.
- Hughes, D. G., 2022. *Is the war in Ukraine a proxy conflict?*. King's College London. Available at: <https://www.kcl.ac.uk/is-the-war-in-ukraine-a-proxy-conflict/>[Accessed 2022].
- IEP, 2022. *Ukraine Russia Crisis: Terrorism Briefing*, Sydney: The Institute for Economics & Peace.
- ISW, P., 2022. *Ukraine Conflict Updates*. Institute For The Study of War. Available at: <https://www.understandingwar.org/backgrounder/ukraine-conflict-updates>[Accessed 15 August 2022].

- Kozłowska, S. B. a. J., 2023. *Russia says drones lightly damage Moscow buildings before dawn, while Ukraine's capital bombarded*. AP News on Go. Available at: <https://apnews.com/article/russia-ukraine-war-kyiv-6e50b9485a0608bbcf9420db7a6b6e3a> [Accessed 30 May 2023].
- Masters, J., 2023. *Ukraine: Conflict at the Crossroads of Europe and Russia*. Council on Foreign Relations. Available at: <https://www.cfr.org/backgrounder/ukraine-conflict-crossroads-europe-and-russia> [Accessed 14 February 2023].
- Mumford, A., 2016. *The Role of Counter Terrorism in Hybrid Warfare*, United Kingdom: The University of Nottingham.
- Patricia Brander et al., 2020. *War and terrorism*. Council of Europe. Available at: <https://www.coe.int/en/web/compass/war-and-terrorism> [Accessed 2020].
- Petrakis, G., 1978. A problem of definition, guerrilla, terrorist political, transnational. *The detective: The journal of army criminal investigation*, pp. 12-15.
- Quell, M., 2023. *Top UN court allows a record 32 countries to intervene in Ukraine's genocide case against Russia*. AP News. Available at: <https://apnews.com/article/ukraine-russia-genocide-court-un-cc9d2e9781b948e268389065aa703de7> [Accessed 9 June 2023].
- Ricks, T. E., 2022. *Russia, Ukraine and 'Hybrid Conflicts'*. The New York Times. Available at: <https://www.nytimes.com/2022/01/31/books/review/the-war-in-ukraines-donbas-david-marples.html> [Accessed 31 January 2022].
- Rights, U. H., n.d. *War crimes have been committed in Ukraine conflict, top UN human rights inquiry reveals*. United Nations. Available at: <https://news.un.org/en/story/2022/09/1127691> [Accessed 23 September 2022].
- Rankin, J. and Boffey, D., n.d. *Killing of civilians in Bucha and Kyiv condemned as 'terrible war crime'*. The Guardian. Available at: <https://www.theguardian.com/world/2022/apr/03/eu-leaders-condemn-killing-of-unarmed-civilians-in-bucha-and-kyiv> [Accessed 3 April 2023].
- Sabbagh, D., 2023. *Traditional, heavy warfare has returned to Europe with Ukraine conflict*. The Guardian. Available at: <https://www.theguardian.com/world/2023/mar/06/traditional-heavy-warfare-has-returned-to-europe-with-ukraine-conflict> [Accessed March 2023].
- Schmid, A. P., 2023. *Defining Terrorism*, Netherlands: International Centre for Counter-Terrorism (ICCT).
- Solmaz, T., 2022. *Small Wars Journal*. [Accessed 2022].
- Stoessinger, J. G., 2005. Why Nations Go to War. In: s.l.: University of San Diego, pp. 341-384.
- UN, 1945. *UN Charter*. UN Available at: <https://www.un.org/en/about-us/un-charter> [Accessed 24 October 1945].
- UN, M. C. a. P. R., 2022. *General Assembly Overwhelmingly Adopts Resolution Demanding Russian Federation Immediately End Illegal Use of Force in Ukraine, Withdraw All Troops*. United Nations. Available at: <https://press.un.org/en/2022/ga12407.doc.htm> [Accessed 2022].
- UN, n.d. *The Genocide Convention*. UN Available at: <https://www.un.org/en/genocideprevention/genocide-convention.shtml>
- Vergara, E., 2020. Aquinas, Just-War Theory, and Pandemic Response. *Inquiries Journal*, Volume 12, No 11, p.
- Wilmshurst, E., 2005. *Principles of International Law on the use of force by states in self - defense*, London: s.n.
- Wróblewski, W., 2022. Terrorism and the Hybrid Warfare in Aspect of War in Ukraine. *Polish Political Science Yearbook*, Volume 51, p. 51(4).