

WAR AND PEACE IN EUROPE:  
LEGAL AND ECONOMIC ISSUES  
OF RUSSIA'S AGGRESSION AGAINST UKRAINE  
AND THE IMPACTS OF THE WAR

A FOREWORD

*"[...] If the aim was the dissemination of ideas,  
the printing press could have accomplished that  
much better than warfare.  
If the aim was the progress of civilization,  
it is easy to see that there are other ways  
of diffusing civilization more expedient than  
by the destruction of wealth and of human lives".*

LEON TOLSTOY, *War and Peace*, Epilogue (Chapter Two), 1869.

THE war strikes Europe again. Russia's military aggression against Ukraine in violation of the United Nations Charter has triggered mass devastation and a catastrophic humanitarian crisis in the heart of Europe.

Since the 24<sup>th</sup> of February 2022, nearly 5 million refugees from Ukraine have registered in several European countries for temporary protection or similar national protection schemes<sup>1</sup>, and the population that remains in Ukraine – especially those in the proximity of cities under Russian attacks – is suffering day after day the horrors of war.

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<sup>1</sup> Situations: Ukraine Refugee Situation (unhcr.org)

This war erodes once more human rights and the social and economic advancement of Europeans. It hits the core aim of the integration project born after the Second World War to put an end to the bloody armed conflicts that devastated the Old Continent in the XX century, and to ensure peace and prosperity “creating an ever-closer union among the peoples of Europe”.

Beyond Europe, Russia’s aggression against Ukraine threatens to open a new era of armed conflicts where fundamental human rights are, again, brutally abused and the rise of global military and political tensions entails huge risks for international (dis)order and security. Further, it implies extraordinary social, economic, and environmental challenges. Just to mention some of the most evident and direct repercussions of this war, it is affecting the energy and food supply worldwide, hitting the foundations of the global economy already shaken by the Covid pandemic, and spreading the shadow of recession. Energy – nuclear and fossil – has become a powerful weapon on the European battlefield and beyond: the security of important Ukrainian nuclear plants has been put at risk, and the gas and oil supply disruptions – Russia being a critical gas and oil supplier for Europe – have deeply impacted the energy markets, soaring prices all around the world. Likewise, the war has a deep environmental impact and might undermine the aim to achieve a net-zero greenhouse gas emissions economy to fight climate change as the energy crisis has triggered new oil and gas investments in different parts of the world.

In this scenario, the journal *Central and Eastern European Legal Studies* devotes this special issue to echo the thoughts of renowned Scholars and Researchers who live and work on the front line of this horrid conflict and work for prestigious institutions such as the *Valentyn Mamutov Institute of Economic and Legal Research of the National Academy of Sciences of Ukraine*, and different Universities. Their articles reflect on some of the core legal problems and challenges that this war arises: from human rights protection to social, economic, and environmental impact of the Russian aggression and the war, and the recovery expectations of the Ukrainian people.

The first two contributions address key issues regarding human rights protection and its role during the war and in the recovery of

Ukraine. Lecturer HOLOVATENKO and Senior Lecturer KIBETS examine the challenge of protecting vulnerable people in Ukraine during the Russian invasion, focusing on the rights of prisoners and other persons deprived of liberty of movement (either in prison or in medical institutions). The paper examines the impact of war on the right to physical and psychological integrity (including protection from medical experiments, and access to proper sanitary and hygienic conditions) of this particular group of the population. It explains their critical situation and the difficulties that the Russian invasion entails in the protection of their human rights and examines the measures adopted by the Ukraine Government to overcome them. Looking to the future, Doctor SANCHENKO's article on "Human Rights Due Diligence in Europe and its Potential for Ukraine's Recovery" analyzes how the application of the principle of due diligence in the protection of human rights to companies and business entities - as outlined by the UN Guiding Principles on Business and Human Rights and the UN 2030 Agenda - might contribute to Ukraine's recovery from war devastation. The author calls for an effective application of this principle to protect human rights and to advance a reconstruction leading to sustainable economic growth and people's welfare.

The complexities of compensation for massive damages caused by the military Russian aggression against Ukraine are examined in the following two articles. Professor ZABLODSKA and Associate Professor ZAIETS examine the legal and economic problems of implementing international norms regulating the institute of military risk insurance. Their article denounces the atrocious destruction of the Ukrainian civilian lives, cities, and cultural and spiritual values caused by the Russian invasion and analyses the compensation mechanisms in the realm of International Law, in particular, the potential of insurance services. The authors explain how Ukraine authorities – in cooperation with international partners – are working on the introduction of a mechanism of military risk insurance, also with the aim to protect businesses and investors. The article jointly written by Professor USTYMENKO, Associate Professor TARASEVYCH, Associate Professor KIRIN, and Doctor GRADOBOIEVA also addresses the massive damages caused by the Russian attacks in the Ukrainian cities and communities and their environment. This work focuses on the

urgency of developing scientific methods for assessing the military impacts on the environment of cities and promoting their recovery according to the principles of transparency, accountability, and the rule of law. The authors analyze the methods approved in Ukraine to determine the amount of damage and losses caused by pollution resulting from Russia's armed aggression. It also proposes legal and procedural tools for building effective and internationally recognized (standardized) methods for determining damages caused to Ukraine's cities and environment, and the liability regime to compensate for those damages.

The war also implies huge challenges for the energy transition to a net-zero emissions economy according to the Paris Agreement, as well as for environmental protection in general, as analyzed in the subsequent three papers. Professor Oleg ZAICHUK and Yuri ZAICHUCK argue that the survival of authoritarian states depends heavily on their trade with democratic ones and that ending or preventing a war takes priority over long-term concerns such as climate change. These authors claim in their article on "The Precautionary Principle, Net-zero Transition and Model Liberalism after the War in Ukraine" that the energy transition to a net-zero economy and free trade with authoritarian states needs to be seriously reconsidered after the Russian Federation war against Ukraine. In fact, they contend that the "precautionary principle and common sense dictate that net-zero transition and climate neutrality would have to wait till aggressive authoritarian states are neutralized". A perspective that is in contrast with the opinion of other authors that argue that though the war might initially jeopardize the transition to a net-zero economy, it could still prove to be a turning point in accelerating progress toward this end. In this line, Professor DEREVYANKO also examines the political, economic, and environmental problems associated with hydrocarbon consumption. He reminds us that much of the oil and gas consumed in Europe have been traditionally imported from the Russian Federation whose revenues have helped to finance the war. Nevertheless, he suggests that the current situation brings, in fact, new opportunities to promote a green energy transition by stimulating in the transport sector an increase in the use of "green energy". Hence, he explores legal measures to support the production and use

of energy from green sources, restructuring the energy sector of Ukraine and replacing the extraction of hydrocarbon-type minerals with the production of energy from alternative green sources. Finally, Doctor TREHUB analyzes the legal challenges of bioenergy development as a driver of “green” energy transformation of Ukraine in the war and post-war periods. He explains that whilst the war is limiting the potential of the bioenergy industry due to damage to bioenergy facilities and the destruction of biomass, among other factors, the energy crisis is pushing for a faster transition to the use of low-carbon energy technologies and for an increase in energy security. In this context, he argues that there is significant progress in the legal regulation of biomethane production and use and that for the creation of a biomethane market it is particularly important to regulate the functioning of the biomethane registry. He also points out that the weak point of Ukraine’s bioenergy strategy and legislation is the lack of sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids, and biomass fuels, which are provided for in EU law.

Looking ahead to the economic recovery of Ukraine with the help of access to a free market, PhD candidate CHERNYKH’s article gives an account of the main global trends in blockchain legal regulations in financial institutions and commerce. The author argues that blockchain technologies should be applied not only in the field of virtual currencies or international trade operations but also in the field of public administration, and he points out the advantages of furthering the legal regulation and implementation of blockchain technology to foster Ukraine’s economic activity and the post-war recovery.

An essential and common element of all the articles is that, though they assess the devastating impacts of the Russian aggression against Ukraine from different points of view, all of them focus on legal and economic instruments to speed up the recovery of Ukraine from the bounds of the war.

Our deepest thanks to each of these authors, for the immense effort they have done to write these papers whilst suffering the brutal consequences of the war in Ukraine and for giving to the rest of the academic community – in Europe and beyond Europe – first-hand and

deep insights into some of the most important challenges that we have ahead.

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