

O.M. Gruber-Lavin, FRSA

Secretary General of the CSLI Lazarus Union



## STATEMENT BY THE LAZARUS UNION

### TODAY, WARS ARE FUNDAMENTALLY ILLEGAL UNDER INTERNATIONAL LAW.

This follows from the general prohibition of the use of force in Article 2(4) of the Charter of the United Nations. This provision reads: "***All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.***"

The prohibition of war of aggression was first agreed in a generally binding manner in the Briand-Kellogg Pact of 1928. However, this pact did not define the term war of aggression, so that at most one can assume a violation if it involves clear acts of aggression.

Since the occupation of Crimea in February 2014, the Russian Federation has violated the prohibition of the use of force under international law in accordance with Article 2 No. 4<sup>1</sup> of the Charter of the United Nations. Moreover, it was already an armed attack under Article 51 of the Charter at that time, triggering Ukraine's right to individual and collective self-defence. At the same time, the occupation of Crimea marked the beginning of an international armed conflict between the two states. The large-scale Russian invasion, which has been ongoing since 24 February 2022, represents a drastic escalation of the armed conflict, and the violation of the ban on the use of force and the armed attack continue.

This is the description of the situation based on the international law categories of *ius contra bellum* and *ius in bello*<sup>2</sup>.

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<sup>1</sup> According to Art. 2 No. 4 of the Charter of the United Nations, there is a comprehensive prohibition of the threat and use of force against the territorial independence of other states and thus also and especially a prohibition of war of aggression.

<sup>2</sup> Two different aspects of public international law are referred to collectively as the international law of war. On the one hand, this area of international law includes the law of war (*ius ad bellum*), i.e., questions of the legality of military force. On the other hand, the law of war also includes the law in war (*ius in bello*), i.e., rules on the treatment of combatants, non-combatants, cultural property, and other regulations which are intended to reduce the suffering and damage associated with war or to limit it to an unavoidable level. This part is also referred to collectively as international humanitarian law.

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## ARTICLE 51 - RIGHT OF SELF-DEFENCE

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The right of self-defence is laid down in Article 51 of the United Nations Charter and is an exception to the prohibition of the use of force. It gives each Member State the right of self-defence against armed attack.

*"Nothing in this Charter shall prejudice the natural right of individual or collective self-defence in the event of an armed attack against a Member of the United Nations until such time as the Security Council has taken such measures as are necessary for the maintenance of international peace and security". Measures taken by a Member in the exercise of this right of self-defence shall be notified immediately to the Security Council and shall in no way affect its authority and duty under the present Charter to take at any time such measures as it may deem necessary for the maintenance or restoration of international peace and security".*

*Charter of the United Nations and Statute of the International Court of Justice, Chapter VII, Article 51: United Nations Regional Information Centre for Western Europe.*

***The LAZARUS UNION, as an NGO with general consultative status with the Economic and Social Council of the United Nations (ECOSOC), registered in Austria, considers itself to be guided in its assessment of the conflict solely by the provisions of the Charter of the United Nations, and refrains from taking any political position or partisanship, especially against the background of the Austrian Federal Constitutional Law of 26 October 1955 on Austrian neutrality.***

The LAZARUS UNION supports the declaration of the UN Secretary General António Guterres of 24.2.2022:

*We are witnessing Russian military operations within the sovereign territory of Ukraine on a scale not seen in Europe for decades.*

*Day after day, I have made it clear that such unilateral actions are in direct contradiction to the Charter of the United Nations.*

*The Charter is clear: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations."*

*The use of force by one country against another is a repudiation of the principles that each country has pledged to uphold.*

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*The decisions of the coming days will shape our world and directly affect the lives of millions and millions of people.*

*In the spirit of the Charter, it is not too late to save this generation from the scourge of war.*

*We need peace.*

Oliver M. GRUBER-LAVIN OCHOA

Secretary General & VP United Nations