



## **The Russian Invasion in Ukraine: An Anti-Constitutional Moment ?**

### **The Krzysztof Skubiszewski lecture 2023**

Poznan, 21 November 2023

“[S]ince wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed.”

(Constitution of the United Nations Educational, Scientific and Cultural Organization, 16 Nov. 1945).

## **I. Introduction**

24<sup>th</sup> February 2022: “*Zeitenwende*”?

## **II. Concepts**

Global constitutionalism. Constitutional (Grotian) moments

## **III. The first pillar: Peace**

1. De-constitution by the Russian aggression
2. Re-constitution: A boost to curtailing the veto

## **IV. The second pillar: Humanity**

1. The humanisation of international law
2. The Russian aggression as a boost to humanisation
3. Gaza: De-humanisation?

## **V. The third pillar: the Planet**

1. Harnessing humans rights for ecological action
2. Post-humanist critiques
3. Response: A “more than-human” international law

## **VI. Conclusions**

1. Peace: Erosion of the prohibition on the use of force and mere procedural innovation
2. A humanisation of the *ius ad bellum*
3. The “greening” of both the law of peace and the law on humans

Only a house of cards?

***Key literature***

- Patryk I. Labuda, 'On Eastern Europe, "Whataboutism" and "West(s)plaining": Some Thoughts on International Lawyers' Responses to Ukraine', EJIL talk! 12 April 2022.
- Eliav Lieblich, 'The Humanization of Jus ad Bellum: Prospects and Perils', *European Journal of International Law* 32 (2021), 579–612.
- Anne Peters, 'Against a Deconstitutionalisation of International Law in Times of Populism, Pandemic, and War', *Journal of Constitutional Justice* 9 (2022), 135-192.
- Anne Peters, "La guerre en Ukraine et la limitation du droit de veto au Conseil de sécurité", *Revue Européenne du Droit* 4 (2023), 96-103.
- Tom Sparks and Anne Peters (eds), *The Individual in International Law: History and Theory* (Oxford University Press 2024).
- Michael P. Scharf, "Grotian Moments: The Concept", *Grotiana* 42 (2021), 193-211.