

## Debate & Analysis

# Russia's war of aggression in Ukraine



**KEVIN AQUILINA**

The conflict in Ukraine raises several issues, internationally and locally.

**F**irst, it concerns a threat to freedom of expression not only in Russia vis-à-vis the press who cannot hear the other side of the coin but in Europe as well that has censored the reception of the Russian media. For instance, it is not possible to see locally tv station Russia Today. This is nothing but an act of censorship by the European Union (and the Maltese government) that supposedly claims to be safeguarding freedom of expression in Europe.

Are we not entitled to listen to the other side, a basic principle of natural justice, even if we might utterly disagree therewith? Constructive dialogue starts by listening to each other and understanding your opponent's divergent position. Due credit has to be given to Speaker of the House of Representatives Dr Anġlu Farrugia, who in his 6 June 2023 speech on the occasion of the commemoration of the Sette Giugno, emphasised that 'during the Inter-Parliamentary Union Assembly (IPU), where national parliaments of United Nations member states convene' ... Malta's stance was to request the IPU to facilitate 'discussions with the parliaments of Ukraine and Russia. Unfortunately, this position often encounters a certain resistance and indifference, even from European countries, as observed in the recent Conference of the Speakers of the Parliaments of the European Union member states that met in Prague a few months ago'.

In that conference, the Speaker 'proposed that we should express our commitment to exploring all possible avenues for Russia and Ukraine to cease hostilities and engage in peaceful dialogue'. He even 'argued that even if at the moment this seems impossible, one should at least bring this item up for discussion so as to create an opportunity for dialogue. The proposed amendment stated: "...affirm that an acceptable solution to end the war can only be achieved by open and effective dialogue amongst all the actors in the conflict, and insist

that a permanent ceasefire in the region is a prerequisite for an acceptable peace framework." Regrettably, although the amendment was clear, well-intentioned and moved within the deadline, it was disregarded'. Peace can only be constructed through construction dialogue and it is good to note the Speaker's sincere peace-loving initiative in this respect, even if so far it fell on deaf ears. But congratulations to the Speaker for his firm resolve to raise the matter for there is never a last chance when attempting to broker peace.

Second, it concerns international peace and security. Whilst the United Nations Security Council (UNSC) is entrusted with the safeguarding of international peace and security, no effective UNSC sanctions can ever be approved in relation to Russia's war of aggression against Ukraine as Russia – and its ally China – are two UNSC permanent members with a right to veto any resolution that is not to their liking that another UNSC member – Malta included – may attempt to pass through that Council.

Third, domestically, it has raised certain question marks with regard to Malta's neutrality, not in so far as whether Malta is a neutral state or not constitutionally speaking on paper, or whether Russia recognised and continues to recognise so far Maltese neutrality, but whether – through the so-called 'active neutrality' ingredient of Malta's neutrality, that sometimes is extended beyond logical and reasonable proportions (government's chewing gum principle of constitutional interpretation), Malta has gone overboard when it is clearly siding with Ukraine in all forms, diplomatically, economically, and humanitarily, short of military assistance thereto. Indeed, the position that the Maltese government has taken on this issue can be summed up in one principle – if I can call it so – of diplomacy: having the cake and eating it! On the one hand, government brags that Malta is a neutral state and goes out of its way to convince us that neutrality is the best thing for us, but on the other hand does everything possible and imaginable short of sending Maltese soldiers to Ukraine to breach constitutional neutrality by siding with Ukraine, to the very censure of Russia that – contrary to Ukraine – recognises our neutrality through a 1980 declaration. Yet, once again, government ignores blatantly the constitution, its provisions on neutrality and non-alignment, and, whilst refusing to revisit constitutional neutrality as the Finns and Swedes have done to bring it in line with Maltese diplomacy, continues to breach the rule of law. Quite a

contradiction indeed! But this seems the new way of Maltese diplomacy.

Fourth, thanks to Russia's war of aggression, Russia has brought about the aggrandisement of NATO and a stronger resolve of former USSR dominated central and eastern European countries to oppose the Russian threat of full invasion. Indeed, Finland has just joined NATO on 4 April 2023 and Sweden is also looking forward to follow suit later on this year. Were it not for Russia's war of aggression, an international crime in terms of the International Criminal Court's Rome Statute (to which Russia is not a party, but nor is Ukraine for that matter and neither the 'peace loving' EU nor any EU member state is putting pressure for Ukraine – in exchange for arms – to join the Rome Statute), Ukraine would have already joined NATO as well.

Fifth, thanks to Putin's short sightedness, Russia has now managed to surround itself with more NATO members or sympathisers than before, ensuring that its borders are NATO controlled with the NATO noose around Russia's neck tightening firmer and firmer, thereby exacerbating its own sense of insecurity. NATO could not have had a more loyal sympathiser than Putin who has managed to get neighbouring neutral states into, or in the process of joining, NATO. Perhaps NATO should appoint him its new Membership Officer for he is undoubtedly doing a marvellous job in that respect. One day, after this conflict is over, also Ukraine will inevitably join NATO. There can be no other trajectory than this for Ukraine post-Russia's war of aggression. The ensuing result is that NATO will receive three more members in its fold thanks to its arch enemy – Russia. The latter could not do a bigger favour to NATO than it has done! If that is not an act of betrayal by Putin of Russian interests, then what is? In football, we would say that Putin has scored a triple auto goal, a hat trick.

Of course, there is only one solution to the Russia-Ukraine conflict and that is diplomacy. None of the parties to the conflict, however, are willing to budge. Nor is there a world vision at the United Nations, Russia, USA, NATO, and the EU for a durable peace accord that will serve Europe not for one or two generations but for a lifetime if not more for what is on the cards on the diplomatic table is the Russia-Ukraine war of aggression and supplying arms to Ukraine. Even the EU has joined the NATO band wagon.

Unfortunately, the world can be characterised as a macrocosm of Malta's microcosm: it is a divided world. Whilst in Malta, we are divided along two political partisan

*"There is only one way how this conflict can finish once and for all – that is for Russia to join NATO and the EU. This does not mean that this solution will be plain sailing. It will not be. Nor does it mean that it is the best solution possible. But international peace and security require that one looks at war or conflict not from a national perspective but from the angle of durable world peace, something that we really miss in our modern 'civilization'."*

poles – the Labour and the Nationalist – with insignificant minor political parties on the fringe of this continuum, the world is also divided into two poles: the interest of states, on the other hand, and the interests of humanity, on the other. Although all states are populated by human beings, in international relations the interests of states are supreme whilst those of the people are subordinate thereto. International Law follows this principle of international relations and ascribes legitimacy thereto.

Planet Earth is constrained by the shackles of state sovereignty that is based on the principles of greed, egoism, exploitation, imperialism, colonialism, individualism, and sectoralism. World institutions are ineffective by design like the Maltese institutions that are dysfunctional in nature and are purposefully intended to be so. World institutions are not devised to promote the common good of all humanity but the national interest of one state to the exclusion and detriment of other states. The visible superstructure of international society is one of co-operation and friendship like that of Malta which is one that gives the (false) impression that it is governed by the rule of law; but the substructure – the foundations – upon which the international society rests is, to borrow Hedley Bull's concept, an anarchical international society where states are only and prima-

rily interested in their own interests. What is therefore needed is what Christian Wolff calls the 'Civitas Maxima', that is, a supreme State where individual States combine together to achieve their common aim to promote the common good of international society. Though, admittedly, the current international set up is light years away from achieving this.

There is only one way how this conflict can finish once and for all – that is for Russia to join NATO and the EU. This does not mean that this solution will be plain sailing. It will not be. Nor does it mean that it is the best solution possible. But international peace and security require that one looks at war or conflict not from a national perspective but from the angle of durable world peace, something that we really miss in our modern 'civilization'.

Both NATO and the EU are doing everything possible within their reach to alienate to the maximum possible extent Russia. None are attempting to use their good offices, or to support others who are attempting to do so, to mediate to resolve the ongoing war of aggression. They are not interested in this. Instead, they are adding more fuel to the fire. What they seek is Putin's downfall. For if the EU is only about peace as its propogandists want us to believe, it would not propose or approve – as an institution – grants of EU money to use for buying ammunition, weapons, and arms for Ukraine. Instead, if it is a peace-loving institution, it would not succumb to internal member state or third-party external pressure, but would break diplomatically its back to achieve a durable peaceful solution. But both intense will and good faith are totally lacking.

In that way, Russia will no longer perceive NATO as its enemy; nor will NATO perceive Russia as its enemy. It will be very difficult for Russia to beat Ukraine because Russia's war of aggression is not only directed at Ukraine but, indirectly, at NATO and EU member states that are supporting Ukraine's counter-offensive to defend their own sovereign territory against a foreign invading force in full breach of the United Nations Charter. Russia's aggressive war on Ukraine is also aggravated by internal disharmony through, for instance, mercenary uprisings that can lead, unless suppressed, to Russia's leadership implosion. Russia's neighbouring countries perceive the fall of Ukraine as their own fall and, once perpetrated, Russia can then move on to swallow larger tracts of territory. Hence, their urge to join, or consolidate their position in, NATO.

Continues on page 13 »

# Russia's war of aggression in Ukraine

Continued from page 10 »

Once Russia joins NATO, then NATO's lapdog in Europe – the European Union – will have no difficulty to admit Russia as a new EU member to supposedly keep peace in Europe and to brag how the EU has kept peace in Europe post-World War II. It is thus logically (though not necessarily realistically) in everybody's interest – Russia, Ukraine, the neighbouring countries of Russia, NATO, and the EU that Russia joins NATO and the EU. Of course, for this to materialise

there must be a new leadership in Russia that places Russian national interest first and foremost and not the myopic and distorted vision of an elected tyrant that is bringing undeserved havoc and suffering to both the peoples of Ukraine and Russian. But solving the ongoing war in Ukraine, short-sighted as this might be, will not necessarily lead to world peace, even though, hopefully, it might constitute a beginning in that direction. War can only be abolished when state sovereignty is renounced and the world ruled by planetary institu-

tions not institutions – like the United Nations – that are kept hostage by the permanent five members of the UNSC. The UN in its current set up will never be in a position to abolish war. It has so far failed humanity in fulfilling this aspiration. To banish war, the UN must be dissolved, state sovereignty discarded, and new institutions established whose purpose is to achieve the common good of humanity.

*Kevin Aquilina is Professor of Law at the Faculty of Laws of the University of Malta*



## OUT NOW

AT LEADING STATIONERS

For advertising opportunities contact us on 2133 45555 | email@malta.independent.com.mt

 **pressreader** PRINTED AND DISTRIBUTED BY PRESSREADER  
PressReader.com +1 604 278 4604  
COPYRIGHT AND PROTECTED BY APPLICABLE LAW