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## Unveiling the Legal Impacts: The Unilateral Termination of the 1997 Russian-Ukrainian Friendship Treaty

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### Abstract

In 2022, Russian forces seized the capital of Ukraine, Kyiv, and reported more than 700 attacks on health facilities, personnel, and transport vehicles, resulting in the deaths of over 200 people. Despite encountering complex issues, Ukraine and Russia concluded the 1997 Russian-Ukrainian Friendship Treaty, which addressed matters of equality, sovereignty, and territorial integrity. However, Ukraine unilaterally terminated the Treaty in 2018. This research aims to analyze the legal implications arising from the unilateral termination of the Treaty, focusing on the realm of international law. The research employs a combination of normative legal research, analytical conceptual approaches, and case studies. The findings indicate that the termination of the Treaty adhered to Article 54(a) of the Vienna Convention on the Law of Treaties 1969. Nevertheless, the termination has resulted in legal uncertainty and has the potential to exacerbate pre-existing tensions, particularly regarding territorial integrity, which have intensified since 2014.

**Keywords:** *Friendship Treaty; Russia; Russo-Ukrainian War; Ukraine.*

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### Introduction

The conflict between Ukraine and Russia is one of the conflicts in the European Continent that has not found a bright spot to date. As a result of the fact, the issues that exist between Ukraine and Russia are so complex and complicated, There is still no clear solution to the problems that exist between the two countries. Since 24 February 2022, the World Health Organization (WHO) has reported more than 700 attacks on Health facilities, personnel and transport vehicles, killing more than 200 people. In addition, Ukraine's Ministry of Health reported that 144 medical infrastructure vehicles had been destroyed and 1,013 damaged (Hadi, 2023). The most recent attack that Ukraine carried out was against Moscow, which is the capital of Russia. It was not only harmful to Ukraine, but it also included Russia. Unlike at the beginning of the conflict, when the Russian forces seized the capital of Ukraine, Kyiv, Ukrainian troops today use drones to advance into the middle of Russia (Akmal Ma'arif & Maksum, 2023).

Basically, Ukraine and Russia had established mutually beneficial relationships. As shown by the fact that in 1997, Ukraine and Russia signed a

Friendship Treaty, which was carried out by the first president of Russia and the second president of Ukraine. Nevertheless, the arrangement was dissolved before the expiration of the deadline originally stipulated in the Treaty. The origins of the Treaty governed three principles on equality, sovereignty, and territorial integrity. In addition, most of the agreements in the Treaty between Ukraine and Russia were dedicated to collaboration in various areas, including the military, the economy, and education (Haque, 2022).

Due to the Russo-Ukrainian War that began in 2014, the Treaty was unilaterally terminated by Ukraine. In September 2018, Ukraine publicly announced its decision not to renew the Treaty, leading to its expiration on 31 March 2019. This decision occurred amidst deteriorating relations between Russia and Ukraine, exacerbated by Russia's annexation of Crimea and its support for separatist forces in Ukraine's Donbas region. In fact, the original purpose of the Treaty was to prevent both countries from invading each other or declaring war (Allison, 2022).

Taking into consideration the current state of affairs, it is possible to understand the importance of the Treaty that Ukraine and Russia have signed. In this particular context, there is an immediate need to incorporate clauses into the Treaty that will guarantee the interests of individual states (Wojtowicz, 2022). It is essential to have special provisions in force that guarantee peace, national security, sovereignty, and territorial integrity between Ukraine and Russia. The previous Treaty had articles that could be used if there were threats to peace or issues relating to national security. Regarding the issue, both Ukraine and Russia were provided with the opportunity to engage in consultations in order to find a solution to the potential conflict that may manifest itself. It created a solid legal foundation for dealing with potential conflicts and promotes dialogue as an effective way of responding to challenges that may arise (Kotova & Tzouvala, 2022).

The measures that had been taken to establish the Treaty as a foundation of relations between Ukraine and Russia also reflected the importance of commitment in their relationships. With the Treaty serving as a foundation, the two countries would be able to build deeper cooperation in order to accomplish their mutual goals. It is necessary to investigate the possibility of taking a strategic decision that involves the creation of a new agreement that has the potential to make a beneficial contribution to bilateral relations (Serge Galam, 2023). The termination of the Treaty can have a considerable impact on the dynamics and stability of the region, which is why it is of the utmost importance to pay attention to the impact of the termination. In order to prevent further uncertainty and

possibly violence, it is necessary to do a comprehensive analysis of the potential impacts that each country could encounter (Topuzov et al., 2022).

The ongoing conflict between Ukraine and Russia has attracted great attention and interest, encouraging a lot of people to seek a deeper understanding of the issue. Atul Alexander's research on *Crisis and General International Law: Lessons from the Russia-Ukraine Conflict* discussed that the ongoing Russian aggression in eastern Ukraine has instilled a possible third-world war due to the structural shortcomings studied, including consent, veto, lack of accountability, and flimsy sanctions regime. The research showed that although general international law provides several avenues to overcome these structural crises, it has failed to deliver due to a lack of will from the States. However, the research only highlighted the structural crisis in general international law to effectively combat the tragedy unfolding in Ukraine (Alexander, 2023).

In addition, there is research entitled *Impact of the Russian-Ukrainian Conflict on the Treaty of Friendship between Russia and Ukraine* written by Julian Daniel and Arlina Permanasari. In the research, the authors discussed that the inequality of natural resources and industries that encourage countries to work together gives rise to a norm so that each country is not only concerned with its interests. Instead, all actions or relations made with other countries must pay attention to the rules of international law that arise based on international treaties, international customs, general legal principles and judgments of scholars, international organizations or international institutions to achieve a legal order that does not interfere with the peace, international security and justice. The research only highlighted the impact of the Ukrainian and Russian conflict on the Friendship Treaty (Daniel & Permanasari, 2022).

Furthermore, I Komang Dananjaya and Nyoman Satyayudha Dhananjaya, conducted research on the Russian-Ukrainian Conflict, specifically with the title of the *Legality of Russia's Special Military Operation Against Ukraine from an International Law Perspective*. Their analysis focused on whether Russia's use of force in self-defense for the Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR) met the criteria set by international law. The conclusion was that the nature of Russia's operation was illegal according to these criteria. The research primarily only emphasized the discussion of Russia's Special Military Operation against Ukraine within the context of international law (Dananjaya & Dhananjaya, 2022).

In previous research, researchers have predominantly focused on discussing the Russo-Ukrainian war from an international legal perspective, examining both the conflict's legality and its impact on bilateral relations. However, there has been

a notable absence of discussion regarding one of the root causes of the conflict, namely the unilateral termination of the 1997 Russian-Ukrainian Friendship Treaty. Therefore, this research aims to analyze the legal impacts arising from the unilateral termination of the Treaty, with a particular emphasis on the realm of international law. Additionally, this research aims to inform the international community about the significant role of the 1997 Russian-Ukrainian Friendship Treaty in maintaining harmony between Russia and Ukraine.

## Problems

Based on these issues, the problems that will be researched are as follows:

1. How does the unilateral termination of the 1997 Russian-Ukrainian Friendship Treaty align with international law?
2. What are the upside and downside impacts following the unilateral termination of the 1997 Russian-Ukrainian Friendship Treaty?

## Methods

A combination of normative legal research, analytic conceptual approach, and case approach was utilized to conduct the research, emphasising international law relevant to the issue in question (Manullang et al., 2022). The authors additionally rely upon instruments of international law, including the United Nations Charter, the 1997 Russian-Ukrainian Friendship Treaty, and the Vienna Convention on the Law of Treaties 1969. The material sources for this research are based on the textbook, journal, online website, and online news collected through literature study and systematic description. These sources are analyzed with a focus on the treaty termination, particularly in the context of Russian-Ukrainian relations, to comprehensively explore and understand the legal framework and impact surrounding treaty termination.

## Discussion

### **1. Unilateral Termination of the 1997 Russian-Ukrainian Friendship Treaty in the Realm of International Law**

On 31 May 1997, Ukraine and Russia signed an agreement named the Treaty on Friendship, Cooperation, and Partnership. The Treaty is referred to as the "Great Treaty". In the context of the bilateral investment treaty between Russia and Ukraine, the effective date of termination of the Treaty is set for 27 January 2025. The Treaty was concluded by the second president of Ukraine, Leonid Danylovykh Kuchma, and the first president of Russia, Boris Nikolayevich Yeltsin. The Treaty set out the fundamental principle of strategic partnership between the two countries, which included reaffirming the inviolability of existing borders,

respecting the territorial integrity of both countries, and mutually agreeing not to use one's territory to detriment the security of each other. Additionally, the Treaty emphasized the commitment to non-interference in each other's internal affairs and the non-use of force or threat of force, including economic and other means of pressure (Umland & Tarasiuk, 2021).

The Treaty entered into force on 1 April 1999 after the parliament of Ukraine, the Verkhovna Rada, passed the Law of Ukraine No. 13/98-VR on 14 January 1998. Russia's lower house of parliament, the State Duma, passed a resolution on 17 February 1999. The Treaty was initially established for ten years, with a provision for automatic renewal at subsequent 10-year periods. Unless both parties indicate an intention to terminate the Treaty, one party must withdraw no later than six months by notifying the other party before the end of the current period, as outlined in Article 40 of the Treaty (Ioffe, 2022). On 1 April 2009, the Treaty was automatically renewed for another ten years without having to re-diplomacy by each party. However, the National Security and Defense Council of Ukraine (NSDC) decided not to renew the Treaty on 6 September 2018. It followed that the president of Ukraine, Petro Poroshenko, initiated the process of the Treaty termination by issuing a decision to implement the NSDC's decision. On 21 September 2018, the Minister of Foreign Affairs of Ukraine, Pavlo Klimkin, sent a note to the Ministry of Foreign Affairs of Russia and the United Nations (UN) that the Treaty would end by means not automatically renew for another ten years as originally planned, which allowing the Treaty expired on 1 April 2019 (Henrikson, 2022).

In the realm of international law, Ukraine's unilateral termination of the Treaty on Friendship, Cooperation, and Partnership with Russia should be analyzed in light of Article 54 of the Vienna Convention on the Law of Treaties 1969 (VCLT). The Article outlines two primary clear and straightforward methods for terminating the Treaty, which include (a) following the specific provisions outlined in the Treaty itself and (b) obtaining the consent of the contracting party. In the case of Ukraine, the country followed the procedure outlined in Article 40 of the Treaty. The article explicitly allowed for the termination of the Treaty six months prior to its renewal by providing written notification to the other contracting party. This decision to unilaterally terminate the Treaty complied with the VCLT, specifically Article 54(a), which emphasizes the importance of adhering to the treaty's provisions for termination (Seegel, 2023). On the other side, both Ukraine and Russia had valid reasons for terminating the Treaty. The legal basis for termination could be grounded in Article 60 of the VCLT, which allows a party to terminate an agreement if the other party commits a material breach (Kızılyürek, 2021).

**a. Reason of Ukraine not to terminate the Treaty after Russian Aggression**

From the point of view of Ukraine, the country could have the legal grounds to unilaterally terminate or suspend the Treaty on Friendship, Cooperation, and Partnership with Russia based on the material breach committed by Russia. This material breach was evident in Russia's aggression in 2014, which included the annexation of Crimea and support for separatist forces in the war in Ukraine's Donbas region (Dando et al., 2023). This aggression would have qualified as a material breach since it violated the essential provisions of the Treaty, specifically Articles 2 and 3, which emphasized the respect for territorial integrity and inviolability of the borders. These provisions were crucial to accomplishing the object and purpose of the Treaty, which was to maintain peaceful relations and resolve territorial issues between the two countries. Therefore, the material breach committed by Russia could be considered a valid reason for terminating the Treaty, as outlined in Articles 60(1) and (3) of the VCLT (Hilpold, 2023).

After the aggression in Russia lasted for a long time, the Ministry of Foreign Affairs of Ukraine initiated a comprehensive review of the legal framework governing the country's relations with Russia. This assessment aimed to evaluate the feasibility of terminating the Treaty with Russia (Ma'arif & Maksum, 2022). Nevertheless, Ukrainian authorities ultimately decided not to terminate the Treaty, as it served a crucial purpose in allowing Ukraine to file international legal claims against Russia for its actions in Crimea and Donbas before international courts and tribunals, including the International Court of Justice (ICJ) and the European Court of Human Rights. The Treaty on Friendship, Cooperation, and Partnership between Ukraine and Russia, signed in 1997 and ratified in 1998, did not include a compromissory clause. However, Article 37 of the Treaty outlined a dispute settlement mechanism for resolving disputes related to the interpretation and application of the Treaty through consultation and negotiations (Mahmutovic, 2023). This mechanism was crucial in addressing potential conflicts between the two nations, particularly in situations where there was a threat to peace, disturbance of peace, or infringement upon the national security, sovereignty, and territorial integrity of either party. Article 7 of the Treaty specifically provided that if such a situation arose, the parties could engage in consultations to resolve the issue (Behnassi & El Haiba, 2022).

Apart from the material breach committed by Russia, the termination process of the Treaty lasted a long time. The factorization occurred due to

the long review process conducted by Ukraine. Ukraine viewed the Treaty as a fundamental agreement that formed the basis for its bilateral relations with Russia, and it believed that withdrawing from the Treaty would exacerbate tensions between the two countries. After conducting the review, the Ministry of Foreign Affairs of Ukraine gathered data indicating that Ukraine and Russia had concluded more than 450 bilateral agreements in 2014. Notably, only 10% of these agreements were deemed invalid in April 2018 (Kuzio & D'Anieri, 2018). In other words, despite the ongoing tensions, Ukraine and Russia remained committed to the commitments outlined in their bilateral agreements, which further complicated the termination process (Mdzinarshvili & Sa'atun, 2022).

#### **b. Possibility of Russia to terminate the Treaty after Ukrainian Violation**

From Russia's point of view, the country expressed its willingness to negotiate to update the bilateral legal framework. Despite allegations of Ukraine's violations of the Treaty, Russia alleged that Ukraine also had violated certain provisions of the Treaty. According to the Foreign Ministry of Russia, Ukraine had violated Article 6 of the Treaty, which states that: *"Each of the High Contracting Parties shall refrain from participation in or support of any actions directed against the other High Contracting Party, and is obligated not to enter into any agreements with any countries directed against the other Party. Neither of the Parties shall also permit its territory to be used to the detriment of the security of the other Party"*. This alleged violation was linked to Ukraine's ratification of the Memorandum of Understanding between Ukraine and the Alliance on Host Nation Support for operating the North Atlantic Treaty Organization (NATO) and amendments to Ukraine's Military Doctrine, which proclaimed the strategic goal of joining NATO (Marthen Napang, Syaiful Rohmann, 2020). Not only that, Russia claimed that Ukraine had also violated Article 12 of the Treaty by adopting a number of laws 'waging a consistent offensive against the Russian language and the rights of Russian speakers in Ukraine'. These laws included the Law on Language Quotas for Television and the Law amending Ukrainian Legislation to Restrict the Entry of Anti-Ukrainian Foreign Print Procedure. Russia's stance was that Ukraine should be held accountable for the occurrence of Russia's material breach and, therefore, was precluded from invoking Article 60 of the Treaty, which allows for the termination of a treaty due to a material breach (Permana, 2022).

Regardless of all the countries that share a border with Ukraine, Russia had the most significant position in terms of their relationship. Essentially,

Ukraine's choice of foreign policy has a significant impact on its geographical and geopolitical relationships with Russia. Although they had a close relationship, it was ultimately destroyed due to conflicting interests, leading to the termination and indefinite delay of the Treaty's application. Each side had different perspectives on justifying the termination of the Treaty. The expiration of the Treaty resulted in the absence of a legal framework for collaboration between Ukraine and Russia regarding the maintenance and guarantees of their relations (Firdaus, 2022). Therefore, with the termination of the Treaty being an instrument of protection in several areas such as military, economy and trade, investment protection, transportation, education, and human rights, it is necessary to see what happens after the termination of the Treaty (Fedorenko & Fedorenko, 2022).

## **2. Post-Impact of Unilateral Termination of the 1997 Russian-Ukrainian Friendship Treaty**

The signing of the Russian-Ukrainian Friendship Treaty in 1997 aimed to establish a legal framework for the bilateral relationship between Russia and Ukraine. Basically, the Treaty served as the foundation for resolving differences of opinion between Russia and Ukraine on forming the Commonwealth of Independent States (CIS). It is a regional intergovernmental organization consisting of countries from the former Soviet Union that was formed following the dissolution of the Soviet Union (Arbatova, 2019). The primary objectives of the treaty were to provide a legal basis for ensuring mutual recognition and respect for the sovereignty and territorial integrity of both nations, fostering cooperation, ensuring security, establishing a mechanism for resolving disputes, and promoting friendly relations between Russia and Ukraine.

Despite the initial agreement, Ukraine declared on 19 September 2018 that it would not extend the Treaty due to the annexation of Crimea by Russia on 20 February 2014, confirming the violation of the inviolability of borders existing between them, which unequivocally breached the treaty's provision regarding the inviolability of borders between the two nations. This decision was a direct response to Russia's actions, which were deemed a material breach of the treaty's obligations (Zakhar Tropin, 2021). Overall, the termination of the Treaty has significant legal implications and potentially exacerbates existing tensions, particularly in the area of territorial integrity, which has been a contentious issue since 2014. This decision also underscores the challenges in the relationship between Ukraine and Russia (Cecannecchia, 2022). Russia's ongoing aggression against Ukraine is a pressing concern, and its impact on the relationship between the two nations is undeniable. Given the length of the dynamics between Ukraine



and Russia, it is crucial to be able to see what impacts have occurred after the unilateral termination of the Treaty between Ukraine and Russia. However, there are indeed differences in views from the two countries regarding the termination of the Treaty, so it is essential to consider both the positive and negative implications of this termination (Khorram-Manesh et al., 2023).

Further examination reveals the following impacts that have arisen subsequent to the termination of the Treaty, as follows:

**a. Upside Impacts of Unilateral Termination**

For Ukraine, terminating the Treaty on Friendship, Cooperation, and Partnership with Russia can be seen as a significant step towards asserting its independence and autonomy in foreign policy. It encourages the diversification of its foreign relations. In other words, Ukraine can seek to build stronger ties with other countries or international organizations, reducing its dependence on any single country for strategic support. After the termination of the Treaty, Ukraine may be able to pursue its strategic interests without being bound by the restrictions or influence of the Treaty (Kreps & Kriner, 2024). The termination of the Treaty was a direct response to the aggression Ukraine faced from Russia in 2014, which was characterized by the Russian military's intervention in Ukraine following the installation of an anti-Russian government. The aggression was called the Donbas War, which was a phase of the Russo-Ukrainian War in the Donbas region of Ukraine starting when armed Russian-backed separatists seized government buildings and then launched an operation against the Ukrainian military. In response to aggression, Ukraine aimed to strengthen its ties with NATO by ratifying the Memorandum of Understanding on Host Nation Support and amending its Military Doctrine (Haque, 2022).

The relationship between Ukraine and NATO began in 1991, with Ukraine initially seeking to establish a closer relationship with the alliance. This endeavor was further solidified when Ukraine applied for integration with NATO's Membership Action Plan (MAP) in 2008, marking a significant step towards strengthening its ties with the alliance (Alexiyevets & Alexiyevets, 2020). Despite this progress, the restrictions outlined in the Treaty on Friendship, Cooperation, and Partnership between Ukraine and Russia still hindered it. They posed a significant obstacle to Ukraine's NATO membership aspirations (Xia et al., 2024).

The Treaty on Friendship, Cooperation, and Partnership between Ukraine and Russia can also be viewed as a significant restriction on Ukraine's

ability to join NATO due to its provision that prohibits Ukraine from entering into any agreements with other countries directed against Russia. This provision was a major obstacle to Ukraine's NATO membership aspirations, as it would have allowed NATO to expand its military presence on Russia's borders, potentially threatening Russia's security (Mher Sahakyan, 2022). The reason behind this restriction was that NATO's expansion into Ukraine had the potential to make Ukraine a front for NATO. The alliance had direct military power on Russia's borders and could threaten Russia's security. In essence, it was seen as a direct challenge to Russia's security interests (Villasmil-Espinoza et al., 2022).

Following the termination of the Treaty, Ukraine had the potential to have NATO membership due to the absence of restrictions stated in the Treaty's provisions and free from Russia's influence to determine its future and foreign policy. On 6 December 2018, the Ukrainian parliament declared the Treaty to be terminated by passing a bill on the termination of the Treaty, which was subsequently amended to Ukraine's Constitution in part of Ukraine's strategic direction towards becoming a member of the European Union (EU) and NATO on 21 February 2019 (Wise et al., 2024). The strategy was contained in the preamble to the Constitution, stated in three articles and transitional provisions. Officially, Ukraine registered to be a NATO member on 30 September 2022 (Dananjaya & Dhananjaya, 2022). In addition, the termination of the Treaty on Friendship, Cooperation, and Partnership between Ukraine and Russia may also encourage the negotiation of new treaties or legal frameworks that better align with both countries' current needs and priorities. Despite the ongoing tensions and complexities in their bilateral relationship, the termination of the Treaty can create a window of opportunity for dialogue and engagement between Russia and Ukraine, potentially leading to more realistic discussions on their bilateral relationship. In the aftermath of the termination, both Russia and Ukraine may re-evaluate their relationship, leading to a more nuanced understanding of their mutual interests and priorities. This progress could result in the negotiation of new agreements that prioritize their current needs, including the establishment of a dispute settlement mechanism to address the ongoing conflict in the Russo-Ukrainian War (Raharja & Widoyoko, 2023).

#### **b. Downside Impacts of Unilateral Termination**

For Russia, the termination of the Treaty on Friendship, Cooperation, and Partnership with Ukraine significantly reduced the restrictions on Russia's ability to pursue certain policies or initiatives, allowing it to take action

against Ukraine without having to consider the potential consequences of those actions on its bilateral relationship. This termination effectively eliminated the constraints that had previously limited Russia's actions, enabling it to pursue its interests without being bound by the provisions of the Treaty. The relationship between Russia and Ukraine has been increasingly strained since 2014 when a revolution against the supremacy of Russia led to a significant escalation in tensions between the two nations. The conflict culminated in successfully negotiating the Minsk Agreement in 2015, which aimed to bring peace to the region (Dananjaya & Dhananjaya, 2022). However, the revolution also opened the door for Ukraine to pursue its aspirations for membership in the EU and NATO. This development deeply troubled the President of Russia (Anjani & Paksi, 2023). The prospect of NATO establishing a military base on Russia's borders was particularly concerning for the President of Russia, who saw it as a direct threat to Russia's national security. When a power vacuum emerged in Ukraine, Russia seized the opportunity to annex Crimea from Ukraine, further escalating tensions in the region. Additionally, Russia supported pro-Russian separatists fighting against the Ukrainian military in the Donbas war, which has continued to be a source of conflict between the two countries (Hill-Cawthorne, 2019).

Since the termination of the Treaty in 2019, Russia carried out real military aggression in Ukraine. It was because of the absence of restrictions on respecting territorial integrity and the inviolability of borders. For that matter, the Treaty provided the restrictions, especially in Articles 2 and 3 that stated: (2) *“The High Contracting Parties, in accordance with the provisions of the UN Charter and obligations under the Final Act of the Council for Security and Collaboration in Europe, shall respect each other's territorial integrity, and confirm the inviolability of the borders existing between them; and (3) The High Contracting Parties shall construct their relations with each other on the basis of principles of mutual respect for sovereign equality, territorial integrity, the inviolability of borders, the peaceful settlement of disputes, the nonapplication of force, including economic and other means of pressure, the right of peoples to decide their own fates freely, nonintervention in internal affairs, the upholding of human rights and basic freedoms, collaboration among nations, and the conscientious fulfillment of international obligations assumed, as well as other generally accepted norms of international law.”*

By not expanding the Treaty on Friendship, Cooperation, and Partnership between Ukraine and Russia, it could create an opportunity for Russia to act without considering the restrictions outlined in the Treaty, potentially leading to a more aggressive and unilateral approach to its

relations with Ukraine. For instance, the issue of attacks has been circulating since November 2021. A satellite image showed a new buildup of Russian troops on the border with Ukraine. On the other side, Russia also tried to carry out large-scale military exercises in early January 2022, further escalating tensions between the two countries. On 24 February 2022, the President of Russia officially announced the military aggression against Ukraine, marking a significant escalation in the conflict (Fedorenko & Fedorenko, 2022).

The aggression created increasing conflict between the two countries, which raised geopolitical risks in various aspects, including problems faced by financial markets on a regional and international scale. The conflict has continued to the present day from the Cold War to the ceasefire between them. Despite the previous Treaty's commitment to maintaining the integrity of the country and, in general, the economy, education, and human rights, the termination of the Treaty did not ensure the resolution of problems and guarantee the integrity of the two countries (Belavusau et al., 2021). In fact, the conflict has resulted in significant human suffering, with the Office of the United Nations High Commissioner for Human Rights (OHCHR) verifying the number of civilian casualties in Ukraine during the Russian aggression from 24 February 2022 to 10 September 2023, around 9,614 adults and among these 554 children and as many as 17,535 adults and among that number 1,180 children (Manullang et al., 2022). Additionally, the conflict has also resulted in significant economic and social impacts, with the number of internally displaced persons (IDPs) in Ukraine reaching over 1.5 million (Yudaruddin & Lesmana, 2024). Therefore, it can be seen that the termination of the Treaty did not ensure the resolution of problems and guarantee the integrity of the two countries. The ongoing conflict has resulted in significant human suffering and economic and social impacts.

**Table 1.** number of human suffering and economic and social impacts

<b>Number of Casualties during the Russian Aggression 2022-2023</b>			
<b>Killed</b>		<b>Injureed</b>	
<b>Adult</b>	<b>Children</b>	<b>Adult</b>	<b>Children</b>
<b>9.060</b>	<b>554</b>	<b>16.355</b>	<b>1.180</b>
<b>9.614 People</b>		<b>17.535 People</b>	

*Source: Department Research Statista, 2023*

The aggression committed by Russia openly violated international law, disregarding the fundamental principles of sovereignty, territorial integrity, and non-interference in the internal affairs of states. For that matter, Ukraine

is a member of the United Nations (UN), which means independence and sovereignty state. Russia has no power to restrict the sovereignty of Ukraine by dictating Ukraine's alliances and foreign policy choices, as well as by blackmailing it and violating its territorial integrity. Furthermore, Russia's aggression undermines the principles of the international rules-based order, which is built on the principles of respect for sovereignty, territorial integrity, and non-interference in the internal affairs of states. This order is essential for maintaining peace and stability on the European continent, and Russia's actions threaten to destabilize the region and undermine the foundations of international cooperation (Alexander, 2023). Specifically, Russia's actions violate the principles contained in the Vienna Convention on the Law of Treaties 1969, which emphasizes the importance of respecting the sovereignty, territorial integrity, and non-interference in the internal affairs of states. Additionally, Russia's actions violate the UN Charter, which prohibits the use of force or threat of force against the territorial integrity of a state, except in cases of self-defense or when authorized by the UN Security Council (Green et al., 2022).

### **c. Russian Aggression of Ukraine**

Russia is one of the big countries and has influential strengths that affect Russia's role in international relations due to Russia's influence globally. On the other hand, Ukraine is a former country of the Soviet Union that became independent on 1 December 1991 based on a large-scale referendum by the Ukrainian people for Ukrainian independence that could be valid and recognized by the national community. If we refer to the country's track record, it can be seen that the difference between Russia and Ukraine lies in their influence and strength. Certainly, it also affects the power of the state to build relations and influence on a national scale or a global scale. (Andrii Voitsikhovskiy, Oleksandr Bakumov, Olena Ustymenko, 2022) Naturally, a large and influential country like Russia has cooperative relations with Ukraine, which is included in the category of countries that are still in the realm of building power to influence in the global realm. The relationship between Ukraine and Russia has lasted long since 1997 after they signed the Russian-Ukrainian Friendship Treaty. However, on the way, the relationship between them experienced a fairly long dynamic until the termination of the Treaty between the two countries (Mutiarin et al., 2022).

On 24 February 2022, Russia invaded Ukraine. It was done through the writings of the president of Russia, Vladimir Putin, in his speech. In his speech, he recognized the independence of two regions in pro-Russian

Ukraine, namely the Donetsk and Luhansk regions, by signing a recognition of the region's independence. The sign led us to look again at some of the provisions outlined in the Treaty between the two countries, namely in the preamble of the Treaty, which stated that the strengthening of friendly relations, good neighbourly relations and mutually beneficial cooperation in accordance with the vital interests of the peoples of each country and supporting the vital peace of their people and supporting international peace and security (Maistrenko et al., 2021).

However, in reality, the Russian aggression that occurred after the termination of the Treaty continues to this day. The conflict between Ukraine and Russia is protracted if counted from the signing of the Treaty even to its termination. Until now, it has become a major conflict with the military aggression of Ukraine by Russia. The previous Treaty protected state integrity in the establishment of the Treaty and was based on respect for sovereign equality, territorial integrity, and inviolable borders. The opposite is happening now with Russia's aggression of Ukraine. The two countries' problems greatly impacted Ukraine, Russia, and even the international world. Suppose one looks further at the impact of this aggression on Ukraine. In that case, this aggression has caused a humanitarian crisis, damage to health infrastructure, education, and public facilities, as well as a huge economic loss (Seyednejad & Nadalizadeh, 2022). According to data from the Kyiv School of Economics, in April 2023, the amount of infrastructure damage inflicted by Russia's massive aggression reached \$147.5 billion. Among them, the housing sector is \$54.4 and the loss in the education sector has reached \$9.1 (Martz, 2022). Compared to Russia, the aggression has caused heavy economic sanctions from the West. It has caused the Russian economy to experience a recession and weakened Russia's position in the international world (Al Gharaibeh et al., 2023).

However, the description above does not talk about the substantial and insignificant losses experienced by countries. However, it is related to how the two countries' efforts to communicate legal formulations can be sought to minimize these losses, including the existence of the Treaty that have been terminated. It can be seen that the relationship between Ukraine and Russia, although fairly long-lasting, has worsened after the termination of the Treaty between the two countries, including the lack of legal framework in the form of agreements that can bind the two countries not to harm each other, interfere with each other (Dananjaya & Dhananjaya, 2022). The Treaty between the two has previously regulated and guaranteed matters currently affected by Ukraine's Russian aggression. It can be seen in several Articles in

the Treaty between the two countries, namely Article 12 on the national treatment of citizens from other countries, Articles 13-14 on economy and trade, and Article 17 on science education (Hoffmann, 2022). It is evident that the pre-termination period was characterized by a strategic partnership and economic integration efforts between Russia and Ukraine, with specific military details and legal frameworks in place. Conversely, the post-termination period has significantly deteriorated, with Russia's unilateral actions resulting in increased military presence and legal uncertainties.

## Conclusion

In the realm of international law, Ukraine's unilateral termination of the Friendship Treaty between Russia and Ukraine in 1997 was constitutionally valid. Following the termination of the Treaty, Ukraine will be able to exercise independence and autonomy in the formulation of its foreign policy, allowing it to pursue its strategic goals without being bound by the restrictions or influence of the Treaty. It includes the ability to maintain membership in the North Atlantic Treaty Organization (NATO). However, as a result of the Treaty's termination, the relationship between Ukraine and Russia has become more complicated. It is because there is no legal framework to govern the friendship between the two countries. Since the Treaty was terminated in 2019, Russia has engaged in real military aggression in Ukraine, and on 24 February 2022, Russia made an official declaration that it has continued to engage in military aggression. In addition to causing a significant economic loss for Ukraine, the attack has also resulted in a humanitarian disaster, as well as damage to public facilities, educational institutions, and healthcare infrastructure. In the meantime, it has also resulted in heavy financial penalties from the West, which has led to a recession in the Russian economy and has decreased Russia's standing in the international community.

In light of the fact that the termination of the previous Treaty encouraged the negotiation of new treaties or legal frameworks, it is recommended that Ukraine and Russia re-create the Friendship Treaty. Ukraine and Russia may re-evaluate their relationships after the termination of the previous Treaty, which will lead to realistic discussions on their bilateral relationship. Despite the tensions, these negotiations will provide an opportunity to foster agreements prioritizing their current needs. This new treaty should include a dispute settlement mechanism in the Russo-Ukrainian War, providing a framework for resolving conflicts and promoting peace and stability in the region. Furthermore, future Friendship Treaties should include clear provisions, transparency, economic cooperation, flexibility, and conflict prevention mechanisms to strengthen agreements and

reduce the likelihood of conflicts. This approach will be a best practice for countries based on lessons from the Russia-Ukraine conflict.

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