

# OPINION

by **Marian Draganov Ninov Ph.D.**

**Associate Professor at Military Academy "G. S. Rakovski"**

on a dissertation for awarding the educational and scientific degree "**doctor**"

in: field of higher education 3. *Social, economic and legal studies*

professional direction 3.6. *Law*

doctoral program "*International Law and International Relations*"

**Author** : Desislava Nikolaeva Dukova

**Topic** : International Law Aspects of the Crisis in Ukraine

**Scientific supervisor** : Prof. Nadia Georgieva Boyadzhieva DSc, Plovdiv University "Paisiy Hilendarski"; Institute of Balkan Studies with Center for Tracology - BAS.

## 1. General presentation of the procedure and the doctoral student

By order No. RD-21-670 of 24.03.2023 of the Rector of Plovdiv University "Paisii Hilendarski", I have been appointed as a member of the scientific jury to ensure a procedure for defense of a dissertation on the topic "International Law Aspects of the Crisis in Ukraine" for acquisition of educational and scientific degree "doctor" in the field of higher education 3. *Social, economic and legal studies*, professional direction 3.6. *Law*, doctoral program "*International Law and International Relations*".

The author of the dissertation is Desislava Nikolaeva Dukova - full-time doctoral student at the Department of Public Law Sciences with supervisor: Prof. Doctor of Law. Nadia Georgieva Boyadzhieva from Plovdiv University "Paisiy Hilendarski"; Institute of Balkan Studies with Center for Tracology - BAS.

The set of materials provided to me meets the regulatory demands and allows the preparation of an opinion on the dissertation work.

## 2. Relevance of the topic

The topic of the dissertation work "International Law Aspects of the Crisis in Ukraine" considering both the period when it was formulated and considering the time limitations of the research as stated in the introduction is of increasing relevance given the events in Ukraine since the beginning of 2022, when Russia's aggression escalated into a full-scale war. The problem that PhD student Desislava Dukova identified in international law space, namely the opposition between territorial integrity and sovereignty, on the one hand, and the right to self-determination

and the protection of human rights, on the other, was set in our time at the beginning of the 21st century with the crisis in Kosovo, which has not yet found its final solution in terms of full recognition of the statehood of this former Serbian autonomous region. The contradiction in Russia's behavior regarding these two cases is interesting - in the former case she does not recognize the right of secession of the Albanians in Kosovo from Serbia, and in the latter she considers such a right of the Russian population in different regions of Ukraine to be legitimate. Of course, this dual behavior of official Moscow stems both from the perspective of its strategic foreign policy interests and goals, which it has increasingly pursued over the past two decades, and from the fact of its status as a permanent member of the Security Council and the resulting thereof right of veto. The latter, combined with Moscow's status as a nuclear superpower, poses almost insoluble dilemmas for international law regarding these two current, albeit at different stages, conflicts near Bulgaria - the Serbian-Kosovan and the Russian-Ukrainian ones.

In a direct or indirect form, the revealed actuality is adequately reflected in the proposed dissertation work.

### **3. Knowledge on the problem**

Doctoral student Desislava Dukova, in her dissertation work, identifies and consistently argues the increasingly topical problem of international law and the architecture of international security, established after the World War II, expressed in the possibility of some members of the UN Security Council (in the specific case of Russia) to interpret and apply legal provisions depending on their own strategic interests and current goals.

The doctoral student's comprehensive theoretical analysis of the concept of "international crisis", moreover in comparison with related political or legal concepts such as dispute, conflict, aggression and war, shows a good theoretical awareness, supported by citing a significant number of Bulgarian and foreign authors. Factual knowledge of the emergence and course of the international crisis in Ukraine in the period 2013-2015 also leaves no doubt, though she could, regarding the genesis of the Russian-Ukrainian conflict, to had a look further back in time - at least to some events between the World War I and World War II. The detailed knowledge and analysis of the consequences of the studied crisis international relations and international law as well makes a positive impression.

### **4. Research methodology**

The research methodology is based on the methods of logical and legal-dogmatic analysis, as well as the legal-historical, systematic and comparative legal methods of analysis, which together allowed her to achieve the main goal of the research - to carry out an analysis of the international legal framework that concerns rights and obligations of the main actors in the Russian-Ukrainian

crisis, as well as to reveal the legal grounds for their actions. In this sense, the selection of research methods and approaches shows the ability of the doctoral student to investigate complex scientific and applied problems, such as the question of the international law aspects of the crisis in Ukraine.

## **5. Characterization and Evaluation of the Dissertation and the Contributions**

The dissertation in a relevant volume of 258 pages is structured into an introduction, three chapters, a conclusion and a bibliography based on 351 sources. 5 figures and 3 tables are available as illustrative materials in the paper.

The introduction includes all the necessary attributes of a dissertation work, and the current military-political crisis in Ukraine could be taken into account when justifying the topicality of the topic. Also, the time limits of the research search should be justified in the introduction, as far as the topic of the dissertation does not include any, and the Russian-Ukrainian crisis of 2013-2015 is neither the first nor the last such within the opposition between these two ethnicities.

The first chapter, as a theoretical one, focuses on clarifying the conceptual apparatus related to the object and the subject of research. As a result of the presented various concepts regarding the concept of international crisis and on the basis of a comparative analysis of them, the author's definition for the needs of the dissertation work is reached, which enriches the theoretical knowledge on the matter.

In the second chapter, the doctoral student Desislava Dukova focuses her attention to a detailed study of the genesis and development of the crisis in Ukraine in the period 2013-2015, as the starting point of the genesis is year 1989. A thorough analysis of the legal acts regulating the relations between Russia and Ukraine after the collapse of the USSR was carried out, reaching the categorical conclusion that "the claims of belonging to Russia of the Crimean Peninsula are not based on legal arguments in accordance with modern norms of international law, but largely rely on an archaic legitimization for redressing a historical injustice". The author's view that the annexation of Crimea by Russia is a clear violation of the territorial integrity and sovereignty of Ukraine is also motivated.

The doctoral student, leaving the field of legal studies, has made in the second chapter a successful military-political analysis of those internal political for Ukraine and foreign political for Russia processes that created the prerequisites for the crisis in 2013-2015, and also took into account the interests of third geopolitical factors such as the US, NATO and the EU. The consequences of this crisis on international law and international relations, in which processes of bipolar distinction appear in the international community in favor of one or the other party to the conflict, are evaluated and argued. The problem of the ineffectiveness of UN mechanisms to

prevent or resolve a crisis in which one of the two parties involved is a member of the Security Council is also analyzed, with special attention being paid to the lack of effectiveness of the application of various types of sanctions against violators of international law, especially when it is without UN sanction. The relevant conclusion is reached that the crisis in Ukraine reveals the highly contradictory nature of international law, which ultimately "could significantly undermine the interests of states following the international norms and principles and lead to a serious undermining of the international legal order".

In Chapter Three, the doctoral student Desislava Dukova focuses her research efforts in the direction of international law problems arising from the crisis in Ukraine. The opposition of the principles of respect for territorial integrity and non-interference in the internal affairs of Ukraine on the one hand, and the rights and humanitarian status of the Russian ethnic group in the country on the other, is thoroughly investigated, reaching the categorical conclusion that Russia's actions are illegal. The legality of the referendums in Crimea and the rest of the secessionist regions in Ukraine is examined in detail, and the author assesses them as illegal from the point of view of Ukrainian legislation and their manner of conducting. On the other hand, it is noted that the practice in this regard is diverse, where the right to self-determination can be realized even in contradiction to principles and norms, paying attention to the meaning and role of the so-called "corrective secession". Ukraine's actions to protect its interests through the mechanisms of the so-called lawfare are studied in depth in the chapter, as the role of the International Criminal Court is also evaluated. Regarding the actions of the latter, the author of the dissertation goes beyond the predetermined time frames by noting the actions of this court in the Russia-Ukraine case in the period from 2016 to the spring of 2022. The chapter also traces the attempts of the international community to find a solution to the crisis, reaching the conclusion "that the existing mechanisms for finding solutions to international crises by international and regional institutions are rather inadequate and insufficiently effective". In this chapter, the analysis of the "reaction of the Bulgarian public regarding the crisis in Ukraine" deserves attention, and it should be noted that the doctoral student presented above all the positions of the Bulgarian state institutions, and not so much of the Bulgarian public as a whole. Of course, the observed restraint of the Bulgarian official positions, especially with regard to the sanctions regimes, is also a result of taking into account the sentiments of the entire Bulgarian public, but this should be clearly distinguished in the research.

In the conclusion of the paper, nine conclusions are presented, which have their argumentation from the point of view of the research process within the three chapters. Of interest is the fourth conclusion, according to which the crisis in Ukraine in the period 2013-2015 practically represents a hybrid war. I support this conclusion to the extent that Russia managed,

through the hybrid use of various means of influencing the enemy in the face of Ukraine, to obtain significant territorial gains of particular strategic value, which it could otherwise achieve with the forms of classical military operations, but at the cost of significant losses in manpower and combat equipment. In this sense, I find adequate the conclusion of the doctoral student Desislava Dukova that it is necessary for the concept of "hybrid war" to find its place among the norms of international humanitarian law.

In conclusion, I believe that the doctoral student Desislava Dukova, especially in the first chapter, has achieved an enrichment of theoretical knowledge regarding the international legal perception and understanding of the conceptual apparatus in the field of crises and conflicts, reaching the author's definition of "international crisis". A new scientific problem has been formulated based on an in-depth analysis of the crisis in Ukraine from the period 2013-2015, which is expressed in the ineffectiveness of international law to prevent or resolve an international crisis in which the interests of a country are affected by a member of the Security Council, which selectively interprets various international legal norms in its favour within the framework of the "territorial integrity - right to self-determination" contradiction. On the basis of the systematization of a significant volume of international legal facts, the dissertation student has reached new knowledge about the genesis, development and prospects of the international crisis in Ukraine both for the studied period and subsequently. In this aspect, I positively perceive the contributions presented in the abstract, including that the conclusions reached in connection with the crisis in Ukraine can contribute to the development of the international legal framework for the prevention and resolution of crises.

## **6. Evaluation of the publications and personal contribution of the doctoral student**

The doctoral student Desislava Dukova has presented five independent publications in Bulgarian, the subject of which is related to the topic of the dissertation work. Four of them are papers presented at university annual scientific conferences, and one publication is an article in a specialized legal journal. The realization of these publications, reflecting significant moments of the dissertation work, speaks in itself of the positive perception by the scientific community in the country of the dissertation's author production.

I do not have any information that leads to doubts about the completely personal contribution of the doctoral student Desislava Dukova to the development of the dissertation work on the topic "International Law Aspects of the Crisis in Ukraine".

## **7. Abstract**

I believe that the presented abstract meets the requirements and reflects the main results achieved in the dissertation work.

## 8. Recommendations for future use of the dissertation contributions and results

My personal opinion is that the contributions and results in the dissertation work on the topic " International Law Aspects of the Crisis in Ukraine" developed by the doctoral student Desislava Dukova are a solid starting point for future research in two directions:

- new legal approaches for prevention and resolution of international crises;
- disclosure and definition of legal norms regarding hybrid wars.

## CONCLUSION

The dissertation *contains scientific, scientific-applied and applied results, which represent an original contribution to science* and **meet all** the requirements of the Law on the Promotion of the Academic Staff in the Republic of Bulgaria, the Regulations for its implementation and the relevant regulations of the Plovdiv University "Paisii Hilendarski".

The dissertation shows that the doctoral student Desislava Nikolaeva Dukova **possesses** in-depth theoretical knowledge and **demonstrates** qualities and skills for independent conduct of scientific research.

Due to the aforementioned, I confidently give my *positive assessment* of the conducted research, presented by the reviewed dissertation work, abstract, achieved results and contributions, and *I propose to the honorable scientific jury to award the educational and scientific degree "doctor"* to Desislava Nikolaeva Dukova in the field of higher education: 3. *Social, economic and legal studies*, professional direction 3.6. *Law*, Doctoral Program *"International Law and International Relations"*.

13.05.2023

Reviewer .....

Assoc. Prof. Marian Ninov Ph.D.