

The analysis of Geolaw in the spectrum of Ukraine War and the prospective challenges

El análisis de Geoderecho en el espectro de la guerra de Ucrania y los desafíos prospectivos

A análise do Geodireito no espectro da Guerra da Ucrânia e os desafios prospectivos

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ABSTRACT

This article aims to discuss the need to reformulate the GeoLaw, epistemological basis between Law and Geopolitics, into the international relations based on the analysis of the Ukraine War and the risks of not using them for the effectiveness of the United Nations system. In this way, the conception of the United Nations and its bodies is approached, adopting the deductive method, through bibliographic and documentary research, to which it is verified the presence of possible legal responses that were not used by foreign policy makers around the globe, impacting the effectiveness of the system.

Keywords: United Nations; Ukraine War; Geopolitics; Geolaw.

RESUMEN

Este artículo tiene como objetivo discutir la necesidad de reformular un Geoderecho en las relaciones internacionales a partir del análisis de la Guerra de Ucrania y los riesgos de no utilizarlos para la eficacia del sistema de las Naciones Unidas. De esta forma, se aborda la concepción de las Naciones Unidas y sus órganos, adoptando el método deductivo, a través de la investigación bibliográfica y documental, a lo que se verifica la presencia de posibles respuestas jurídicas que no fueron utilizadas por los hacedores de política exterior en todo el mundo, impactando en la eficacia del sistema.

Palabras clave: Naciones Unidas; Guerra de Ucrania; Geopolítica; Geoderecho.

RESUMO

Este artigo visa discutir a necessidade de reformulação de um Geodireito, base epistemológica entre Direito e Geopolítica, nas relações internacionais com base na análise da Guerra da Ucrânia e os riscos da não utilização desses para a efetividade do sistema das Nações Unidas. Dessa forma, aborda-se a concepção da Organização das Nações Unidas e dos seus órgãos, adotando o método dedutivo, por meio de pesquisa bibliográfica e documental, ao que se verifica a presença de possíveis respostas jurídicas que não foram utilizadas pelos formuladores de política externa ao redor do globo, impactando na efetividade do sistema.

Palavras-chave: Organização das Nações Unidas; Guerra da Ucrânia; Geopolítica; Geodireito.

1 INTRODUCTION

In a scenario of global challenges such as the climate emergency, humanitarian crises, and wars, the 20s of the twenty-first century began with the greatest challenge of the last hundred years, apart from the great two world conflicts of the twentieth century, the Great War (1914-1918) and the Second World War (1939-1945). Since the Second World War, Europe has not witnessed a conflict of the dimensions of the War in Ukraine¹, in which one of the countries involved is a nuclear power with a permanent seat on the Security Council, Russia, following a crossing through a major health emergency capable of paralyzing the global chains of trade and movement of people since the last traumatic experience lived, that is, the “Spanish” Flu or Influenza Flu.

¹ This research does not ignore the mark of the Balkan War in the 1990s, after the dissolution of former Yugoslavia, permeated by serious humanitarian violations in an ethnic and religious context that resulted in the death of approximately one hundred and forty thousand people.

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The acronyms and abbreviations contained in this article correspond to the ones used in the original article in Portuguese.

Initially, it should be pointed out the need to analyze the international conflicts of the current decade of the twenty-first century in a broader context that does not ignore the relationship between Law and its norms in the world that tries to regulate itself, and Geopolitics, which encompasses territorial, historical and economic concerns more broadly, with the relationship between these being the study of Geolaw, incipient epistemological science in Brazil, but already developed in Europe, by Natalino Irti, or in the United States, with Phillip Bobbitt, from the interests of the state's strategists, and which points to the conscious or unconscious relationship of forces between Law and Geopolitics, as well as its relationship with classic authors such as Friedrich Ratzel, Alfred Mahan or Harold Mackinder.

Thus, for this article, a bibliographic review was conducted, through the research of scientific articles of Geopolitics and International Law. In addition, the deductive method is adopted, starting from the study of the origin of international institutions to analyze the specific case of the War in Ukraine and the response (or absence) of the United Nations, created from its predecessor League of Nations, and its responses to the War in Ukraine and the post-Covid19 world.

Therefore, it is argued that international society, anarchic by nature, in a realistic perspective of international relations, has international institutions that need improvement and reform, even if enshrined in the liberal principles of the Yalta Declarations and in the Charter of the United Nations, with the creation of the United Nations (UN) in 1945, either out of respect for the present realities, as the observance of international law, or by the historical dimensions lived.

2 THE CREATION OF AN INTERNATIONAL NORMATIVE FRAMEWORK

The Human Rights, in a perspective of search for the respect for the dignity of a person and the conception of the individual, as heirs of the Liberal Revolutions, the French and American Revolutions (STAMMERS, 2015), are, in fact, illustrated as a concern in various ancient societies or in Medieval Christianity, as presented by St. Augustine or St. Thomas Aquinas (SOUSA, 2020).

It is noteworthy, on the other hand, that International Law and International Relations were developed with cooperation, dialogue, and negotiation of a world order, especially under the liberal orientation of the United States of America (USA) after the Great War (1914-1918) with the leadership of Woodrow Wilson, in the light of Hugo de Grotius and Immanuel Kant, the latter having inspired Wilson's design, according to Rauber (2009):

In this process, the founding of the League of Nations constitutes the first attempt to put into practice philosophical projects of peace and is therefore of particular importance. The mastermind behind this attempt was then-US President Thomas Woodrow Wilson. Wilson came to know the philosophy of the Königsberg scholar during his studies at Princeton and Baltimore and in his later career as a politician, he benefited greatly and often implicitly promoted Kantian ideas. This influence on Wilson's political mindset became apparent when, in January 1918, he presented his famous fourteen points, many of which were closely related to Kantian principles of law—including the proposal for an association of nations. It is not surprising, and it was often noted that the political realization of this proposal, namely the League of Nations, also brought remarkable traces of Kantian thought. (RAUBER, 2009, p. 52)².

It is not ignored that Wilson's project was based on the replacement of the previous paradigm that would be behind the possible causes of the Great War (1914-1918), Political Realism, whose logic would be the national interest and military force, from the perspective of authors such as Machiavelli or Thomas Hobbes, the latter with more prominence, according to Patriota (2010):

If Kant is invoked as a source of inspiration for the process of establishing multilateral mechanisms for the promotion of peace, which began with the Hague Conferences of 1899 and 1907 and led to the constitution of international organizations after each of the great conflicts of the twentieth century, the opposite attitude, of skepticism towards international cooperation and attribution of emphasis to the role played by powers—especially the military in relations between states, is usually associated with the name of Thomas Hobbes (PATRIOTA, 2010, p.11).

² In the original: In this process, the foundation of the League of Nations constitutes the first attempt to put philosophical peace projects into practice and therefore is of particular importance. The mastermind behind this attempt was the then US president Thomas Woodrow Wilson. Wilson has come to know the philosophy of the Königsberg scholar during his studies in Princeton and Baltimore and in his later career as a politician he has greatly benefited from and often implicitly promoted Kantian ideas. This influence on Wilson's political mindset has become salient when in January 1918 he presented his famous fourteen points, many of which were closely related to Kantian principles of right – including the proposal of an association of nations. It is of no surprise and has often been noted that the political realisation of this proposal, i.e., the League of Nations, also bore notable traces of Kantian thought (RAUBER, 2009, p. 52).

Although one can note its foundations in the Peace of Westphalia (1648), for example, in the formation of nation-states, the creation of the League of Nations in 1919 allows for the assembly of liberal values that would give resonance to various dilemmas pointed out in the Hague Conferences (1989 and 1907) that preceded the Great War, such as the claim of smaller or medium-sized countries, on the recognition of principles such as Legal Equality and respect for their sovereignty countries, as Rui Barbosa defended in Hague in 1907.

In contrast, there was the desire of the victorious powers to establish a body responsible for collective security under their auspices, in a realistic formulation of power, therefore, contradictory to the more pronounced utopian or liberal logic, but which, in the wake of the teachings of E. H. Carr that “no political utopia will achieve even the most limited success, unless it grows out of political reality”³ (CARR, 1995, p. 9), resulted in the League of Nations.

The scale of the acts perpetrated, especially during the Second World War, in Europe and Asia, resulted in the desired union of efforts and reshaping of the international order, seeking to purge impulses of aggression between States and, on the other, to combat the deliberate starvation of political agents on crimes of extermination and humanitarian violations, such as those that occurred in the context of the war.

In this desire for a new international order, the Charter of San Francisco or Charter of the United Nations brought the founding framework of an order based on universal and ethical values and with legal and political force, protecting the rights of sovereign States without relegating the role of the individual (SHELTON, 2013).

In the same collective spirit, in 1948 the Universal Declaration of Human Rights was signed, which, although it did not have the legal nature of an international treaty, as defended by the U.S. delegation, was “a declaration of basic principles of human rights and freedoms that will be sealed with the approval of the peoples of all nations”, the president of the United Nations Commission, Eleanor Roosevelt, responsible for the declaration, argued (PIOVESAN, 2009, p. 146).

As reality presents, however, the United Nations maintained under the leadership of the victorious powers of the Second World War, the Security Council, reunited a summit of countries with the power to decide on international peace and security, with the support of the

instrument of the Veto, an act capable of preventing any deliberation contrary to the interests of those who uses it, in the hands of the five permanent members of the Security Council, the USA, the United Kingdom, France, China and Russia (cf. PONTES, 2018).

With the establishment of the main international institution, the UN, other specialized auxiliary agencies⁴ of the main organization were created or inserted within the scope of the latter, in the light of what had been determined by the Charter of the United Nations in its first article, third paragraph, as one of the purposes of the United Nations “to achieve international cooperation, to solve international problems of an economic, social, cultural or humanitarian character.”

Thus, institutions such as the International Labor Organization (ILO), which had been created in 1919 linked to the League of Nations, with its legal extinction and the creation of the UN, the ILO became a specialized agency of the UN in 1946. The same as way the World Health Organization (WHO), founded in 1948 in Geneva, Switzerland, aimed at issues of hygiene and epidemics, which involves the protection and concern of global epidemics such as the one we find ourselves in, or the Food and Agriculture Organization (FAO).

The concern with the elaboration of an international regulation was not aimed simply at limiting the sovereignty of States, but at overcoming the international framework of mistrust and exacerbated nationalism of the nineteenth century and the first half of the twentieth century.

Moreover, the effectiveness of international norms and of the multilateral organizations themselves created needed to be faced, under penalty of being means of propagation of empty meanings and not, “the sum of the real factors of power” in an analogy to the thought of Ferdinand Lassalle (2001) about the role of the constitutions of States. Effectiveness, in the language used within the United Nations, is associated with the “language of administration of organizations, although it is a topic still little explored in the specific scope of international organizations” (PONTES, 2018, p. 42) and that supposes the adoption of means capable of achieving the desired objectives.

Within a legal perspective, to which this research is affiliated, effectiveness would be the realization of a right in the real world, as taught by Barroso (1996, p. 20).

³ In the original: no political utopia will achieve even the most limited success unless it grows out of political reality (CARR, 1995, p. 9).

⁴ In the economic aspect, in addition to the meeting of organizations such as the International Labor Organization (ILO) among others, there is also the American architecture in the foundation of financial institutions such as the World Bank and the International Monetary Fund (IMF), as well as the General Agreement on Tariffs and Trade (GATT), which would result in the creation of the World Trade Organization (WTO).

In addition, Pontes (2018), when talking about the effectiveness of the United Nations Organization and its Security Council (UNSC), points out that effectiveness would occur through procedures based on the purposes of its agenda:

The concept of effectiveness has, therefore, two facets: a procedural one, related to the agency's own deliberation, and a substantive one, concerning its ability to ensure that its norms have the desired effects. Therefore, it refers both to editing norms and their application. The fact that this concept is recurrently handled within the UNSC is a demonstration of the hybrid nature of the body: quasi-legislative, due to it making decisions and establishing mandatory norms, and quasi-judicial, due to it having the means (use of force or through sanctions) to enforce these same decisions (PONTES, 2018, p. 42).

From another perspective, for advancing the debate, in the aspect of the universalization of human rights, not only the Universal Declaration of 1948 was a beacon for countries, but it would open the doors to a series of international treaties of humanitarian protection and constitutionalizing these rights in the states, that would provoke a discussion regarding the globalized constitutional right (TUSHNET, 2008).

Moreover, it is not ignored that the use of the rhetoric of universal human rights is often a political instrument to intervene, weaken, impose, or turn sovereign states into pariahs, true victims of a political system, not an international legal system as it was partially conceived in its genesis, along the lines of Neves' "imperialism of the human rights" (2005, p. 23 and p. 27).

It adopts here a view of dialogue of International Law with Constitutional Law for the conception of possible solutions to the global challenges that affect the human reality felt directly, or indirectly, in the Ukraine War, through the scarcity of food and fuel, as well as with the Covid-19 Pandemic, in addition to the risks of a conflict in the Taiwan Strait or the great climate and energy challenge that lies ahead.

Therefore, is necessary an understanding, which demands from the analyst, an accurate view that is added to the internal law in a sophisticated way by the analysis of Law and Geopolitics and the necessary partnership of both sciences that results in Geolaw.

3 THE PRESENCE OF GEOLAW IN THE NATION-STATE AND THE WAR IN UKRAINE

Preliminarily, the epistemological response of Law (KANT, 1993, p. 44) is not analyzed during the Ukrainian War, but seeks to point out a prospective view of the possible paths to be adopted, under

the aspect of International Law and Geolaw, in the eventual challenges of the 21st century, in the desire to cross the challenges of a post-Covid19 world rupturing the old patterns of systole-diastole of war and peace (BIDNEY, 1981) in favor of a multipolar international society to overcome the misconceptions adopted in the 20th century.

With the expansion of the Welfare State, the legitimacy of the State in many countries was supported by the ability of the countries to provide health, education and other public services, according to the Universal Declaration of Human Rights, starting a period of achievements of constitutional law that would suffer a strong blow with the Pax Americana in the 1990s, which entailed the demobilization of strategic infrastructures in several countries of the world in the name of commercial liberalism, which, however, benefited its sponsor more than the adherent states.

In a broad perspective, the response of the Nation-State to its citizens, promoting economic growth and opportunities within a stable legal and economic framework, is highlighted as a means of preserving national structures that can avoid the confluence of internal factors directed to external conflicts, as Rothermund (2014) argues.

In the light of the economic crisis accentuated by the Crash of 1929, and the European political scenario established in the aftermath, in addition to the conditions arising from the Great War, the foundation of international financial structures aimed at, from a liberal perspective of international relations but within the molds of the hegemonic power of 1945, the USA, a world of relative stability that would ensure peace, while strengthening its own status as a military and economic power.

The rupture of the American policy of isolation that occurred in World War II was made possible by structural factors such as its policy of industrial strengthening through the adoption of the lessons of Thomas Jefferson and, more directly, of Alexander Hamilton on the need to, first, be economically strong to guarantee its security and well-being, supported by geopolitics in its heartland, separated from European conflicts and surrounded by the Pacific and Atlantic oceans.

Facing itself, the US, with its lesson fulfilled of an internally assured market and industries with capacity for international competition, during the Second World War, could look at others, expand its intentions, and ensure its interests worldwide, according to MacMillan (2018).

Thus, the former President Donald Trump's recently rehearsed America First policy was not about an isolationist action simply forsaken from a theoretical approach, but about the return of part of the view of foreign policymakers and civil society voices. This retreat from the interest in international action of the American strategist does not seem to be the abandonment of Pax-Americana as it was built, but a possible breather before plunging into the oceans of world geopolitics.

Therefore, analyzing the geopolitics of the post-pandemic world requires an accurate verification of economic and legal decisions, in addition to the traditional military actions associated with Realism. Geolaw, in this way, must be epistemologically understood as an autonomous branch of legal science that associates Law with Geopolitics to better study the phenomena of the Nation-State, a Herculean task in the postmodern reality in which borders are crossed no longer by armored vehicles or foreign military aircraft, but by various new forms of war, such as cybernetics, legal warfare through lawfare, economics, etc.

Moreover, the understanding of the role of countries during the Covid-19 pandemic and, currently, in the Ukraine War, seems to try to maintain – even if aware of all manners of restrictions – assured the relevance of financing structures in states, international trade and the humanitarian assistance network, in addition to the impact on global value chains has exorbitated the industrial agenda, affecting the production and transportation of grains, especially wheat, produced in both countries involved in the conflict – Ukraine and Russia – that flow through the Black Sea (FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, 2022).

In the dialogue between Law and Geopolitics, the latter had greater victories, within what Mead (2014) had warned in an article published on the Foreign Affairs magazine about the Russian political advances on Crimea in 2014, but which, according to that author, would be the mark of the coming years. In another publication, Fukuyama explained the isolationist phenomenon in times of Covid-19:

The reasons for this lack of cooperation, I think, are several. One is the return to geopolitical competition. Russia, China, and the United States, instead of seeing the pandemic as an occasion for cooperation, saw it as an occasion for competition in terms of who would take their vaccine, their national vaccine, to other countries and use that as the purposes of unilateral diplomatic advantage. The second reason really had to do with the rise of populist nationalism in the years before the pandemic. Many countries around the world, starting unfortunately with the United States, were looking for an opportunity to close their borders to people coming from abroad. The epidemic gave them a perfect opportunity to do this, as well as to gain new executive powers that they could use once the epidemic was over. (FUKUYAMA, 2021, s.n.)⁵

As for the Ukraine and its relationship with Russia, the return to geopolitics took place ostensibly with the Kremlin's ability to react already in its former areas of influence in the 2000s, with the re-entry of Russia in the status of world power, rebuilt by Vladimir Putin, who in the 1990s could not resist to the actions of the North Atlantic Treaty Organization (NATO) and the UN in Serbia, his historical ally.

In a test of geopolitics, Russia and its powerful oil and gas reserves, backed by a strategic alliance with Xi Jinping's China, test the ability of Western powers and NATO to respond to the Kremlin's initiative to reannex Crimea in 2014, but which on February 20, 2022 became a war with extra-regional risks, since, as Zbigniew Brzezinski taught, "without Ukraine, Russia ceases to be a Eurasian empire" (1997, 46).

In practice, the Ukrainian War is a manifestation that dates back to the Mackinderian conception of Eurasia's pivotal area, the Heartland (MACKINDER, 1904), which could give control of the World Island in an embodiment of a Russia-China alliance. No wonder, the concern about the movements of the government of mainland China towards Taiwan, its former territory until 1949, and the conclusion of agreements between Russia and China.

In fact, what is observed is that the imposition of sanctions on Russia leads to its departure from the system of exchange of means of payment, SWIFT, which has led to adaptations by the Kremlin, which sought to adopt the Chinese payment system, the CIPS (Cross-Border Interbank Payment System), adding greater strength to the Renminbi, the Chinese currency.

⁵ In the original: The reasons for this lack of cooperation, I think, are several-fold. One of them is a return to geopolitical competition. Russia, China, and the United States, rather than seeing the pandemic as an occasion for cooperation, saw it as an occasion for competition in terms of who would get their vaccine, their national vaccine, out to other countries and use that for unilateral diplomatic advantage. The second reason really had to do with the rise of populist nationalism in the years preceding the pandemic. Many countries around the world, beginning unfortunately with the United States, were looking for an opportunity to close their borders to people coming from abroad. The epidemic gave them a perfect opportunity to do this as well as to grab new executive powers that they could then use once the once the epidemic was over. (FUKUYAMA, 2021, s.n.).

China, in the context of Ukraine War, in addition to its strengthening as an economic power, may see its pretensions of unification with Taiwan realized before 2049, as the Chinese authorities yearn, through advance actions over the Taiwan Strait and possible bargains that avoid serious economic sanctions that harm its economic growth.

Moreover, with the consolidation of a strategic partnership with Russia, it finds alternatives to the encirclement made by the QUAD (Quadrilateral Security Dialogue), composed by the USA, Japan, Australia, and India. In a different way, however, there is talks of a much smaller importance of the strategic partnership signed at the beginning of 2022 between the two Eurasian giants, as Tedeschi (2022) argues, for example.

Whether or not there are controversies regarding the Russia-China relations, Ukraine War presents a major challenge to international society. If the instruments at the disposal of international law were put into action, the war alone could have been limited by legal and economic means such as sanctions, even if the typical obstacles of the United Nations Security Council such as the figure of the veto were present.

In fact, the veto power is the realistic manifestation of international relations that is guaranteed by the United Nations Charter for the permanent members (USA, UK, France, Russia, and China), who benefit and often use the power of veto to secure their strategic interests and those of their allies in complex geopolitical scenarios.

In the present Ukrainian War, there have been several attempts at debates about the imposition of sanctions on those involved in the aggressions against Ukrainian sovereignty, with the violation of the Charter of the United Nations, however, the Russian veto prevented any condemnations by the Security Council.

In an extrovert attempt at a response from part of international society, member states rescued from the Onesian “jurisprudence” the deviation used in the 1950s that moved the discussion of the War on the Korean Peninsula away from the Security Council to the General Assembly, composed no longer of a small select group, but all members of the UN.

The General Assembly Resolution 377 A (V) in 1950 removed discussions of the Korean War from the UNSC, resulting in the UNGA Resolution, Uniting for

Peace (Res. 377 A (V)/UNGA), condemning the war on the peninsula Korean, which was vetoed by the USSR at the time, in the meetings within the Security Council (PETERSEN, 1959).

In the current year of 2022, the practices of Resolution 377 – Uniting for Peace were put back into the parliamentary machine that is the General Assembly, probably as a possible response of the members of the United Nations to condemn the acts of aggression against Ukrainian sovereignty, violating the UN Charter, expressed in Resolution ES-11/1 (UNITED NATIONS, 2022).

The response given by the General Assembly on March 2, 2022, was aimed at diminishing or at least imposing limits on further advances not only by Russia, but by other countries seeking to resolve geopolitical issues, such as in the Taiwan Strait or other regional rivalries. If, moreover, the United Nations is not able of legitimately make decisions to avoid war, the following step is the discussion on the reason for its existence and, in another step, the questioning of the entire Yaltian system, without further reflection, in another postmodern exercise of our times.

On the other hand, in a reaction to the multilateral policy, trying to avoid a major crisis of the Yaltian system, in 2015 a joint proposal of France and Mexico presented a restriction on the use of the veto in the Security Council in cases involving serious humanitarian violations, in a recognition of transconstitutionalism⁶, in a legal expansion of the acting of the United Nations or its concrete implementation.

Finally, even before the Ukrainian War, in the year 2020, the principality of Liechtenstein conceived an understanding of summoning to the General Assembly any country that uses its veto power in the Security Council, to offer its explanations to the other members, a political-legal attempt to inhibit the use of the veto.

When one thinks of an international dynamic and the reality of the interdependence of nations in a globalized world, there would be an obligation of the members of the United Nations to provide diplomatic assistance for peace negotiations between countries involved in the Ukraine War, especially the members of the Security Council at the moment, as is the case of Brazil (rotating member in the two-year period of 2022-2023).

⁶ Transconstitutionalism is defended by Marcelo Neves (2009) as an analysis of Constitutional Law and Human Rights in the most diverse legal systems around the world and how this relationship is present transnationally through trade, travel, and exchange in the most diverse ways, including the adoption of legal models from other countries or the application of international treaties. Within this context we also speak of Metaconstitutionalism, the transcendence of certain human rights concerns to the international arena.

International cooperation, in fact, is the least aggressive and most necessary form for the maintenance of international peace and security, which resulted in the creation of the League of Nations and later noted in the Charter of the United Nations which provided, in light of the horrors witnessed by humanity, that the people of the United Nations decided to “preserve future generations from the scourges of war, which twice, in the space of our lives, has brought unspeakable suffering to humanity, and to reaffirm faith in the fundamental rights of man” (UNITED NATIONS, 1945).

There is, then, a replacement of the concept of military power experienced with the two Wars, by the concept of searching for a peaceful solution to conflicts, whatever they may be, in theory.

The predominantly moral obligation, however, could gain international legal force, as it happens, if agreed between countries, as observed in environmental agreements, essential to the next challenges of humanity in this 21st century, recalling the warning that the then Chancellor Saraiva Guerreiro, in a lecture at the Escola Superior de Guerra (ESG) in the 1980s, made:

When we look at the evolution of the international situation in the last five years, the conclusion is clear: the deterioration of the political and economic structure of the international system is notorious. The forms of political and economic tension dominate the framework of international coexistence and constitute the framework within which we build Brazilian foreign policy. Determining the effects that the deterioration has on diplomatic options and solutions is then our first goal. From now on, one of the obvious effects is that international structures poorly accommodate or do not accommodate the aspirations of developing peoples and countries, such as Brazil. The crisis means, for us, frustration, growing difficulties (GUERREIRO, 2018, p. 411).

The reading and reference of a speech delivered in the 1980s may cause perplexity, but it may point out the consequences of the paralysis of international action or the absence of a strategy capable of predicting and reformulating the international structures that must act on the international system within a logic of cooperation, uniting law to geopolitics.

4 CONCLUSION

The largest war on European territory, in a nuclear-sensitive country, against a nuclear-armed power, after the largest epidemic in the last hundred years that has hit countries around the globe and brought surprising challenges to our time, so lacking in leadership, invokes the question

of the preparedness of countries not only for the conflicts of now, but whether they are able to curb the impulses of violence formally rejected in the UN Charter.

The scope of the pandemic has demobilized the effective economic operations of most of the developed and developing globe, resulting in a very serious social crisis in the West in seventy years or more, perhaps stemming from the phenomenon of a neoliberal state of the Pax Americana of the 1990s and the absence of major debates among Geolaw analysts, or even of jurists and geopoliticians of yore, in debating and resonating warnings of the need to maintain minimum bases of integration under the risk of disintegration value chains and, subsequently, of legal systems in Sovereign States.

If we adopt a view that we are repeating certain episodes of the past, we will see that the 20th century shows us many examples of what is experienced, such as technological innovation, a scientific and communicational leap as has rarely been recorded, but with specific challenges such as the Covid-19 Pandemic, which can be compared to the “Spanish” Flu or even have overcome it.

Along with the Pandemic of the first quarter of the 21st century, the Ukraine War shows the need for Geopolitics related to the Law, in a World that is still trying to overcome a financial crisis, the crisis of 2008-2009, which does not cease to have parallels with the Wall Street Stock Exchange Crash in 1929. On the other hand, the return of geopolitics alone can no longer be at the service of pure national interest or force, under penalty of ruling over the force of law and going back to periods of global instability and insecurity.

As noted in the issues of international cooperation, the realization of human rights in a synchronized manner between the different states and in their territories would have been ways of materializing a metaconstitutionalism that could have ensured a less dangerous crossing in the stormy sea of Covid-19 and remove us from an even greater chaos that may come from the Ukraine War, with the unwanted polarity between the U.S. and China to the detriment of a multipolar world that adds to Brazil its place in the world.

On the contrary, the countries were not able, at least in an organized way, to conduct real consortiums, relegating to the next navigators of the ship the lessons of the storm, aiming to turn theory into action, cooperation into action, the Ukrainian War into the mission of some, omission of others.

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