

THE INVASION OF UKRAINE AND THE NEED FOR A CONJUNCTIVE-DISSOCIATIVE GRANT OF HUMANITARIAN ACTIONS

A INVASÃO DA UCRÂNIA E A NECESSIDADE DE SUBVENÇÃO DE AÇÕES HUMANITÁRIAS EM CARÁTER CONJUNTIVO-DISSOCIATIVO

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ABSTRACT

Objective: the issues related to human rights in the current world scenario, in which the invasion of Ukraine by Russia and the need to implement subsidies for humanitarian actions on a connective-dissociative nature are presented. **Methodology:** the studies are based on a deductive scientific methodology, through bibliographic review of literature on books about this topic and scientific articles, as well as the critical observation of the economic, social, and hermeneutic phenomenology. **Justification:** in view of the resumption in the world scenario of hate speech with Nazi and fascist biases, there is a preminent and exponential need for the reaffirmation of human rights contemporaneously. The present study is also justified and reaffirmed by this need to bring to the center of the academy a re-reading of human rights, especially in view of the recent event characterized by the invasion of Ukraine, a sovereign country, in an unfounded and unjustified way by another country, equally sovereign, Russia. **Results:** (i) the unfounded and unjustified invasion violating several rules of international law; (ii) the manifest violation of human rights and the commission of war crimes by Russia; and (iii) the urgent need for joint-dissociative humanitarian action by all countries involved or not, directly or indirectly in this armed conflict. **Contribution:** the scientific contribution is a continuous and resilient need on core and peripheral concepts involving human rights, their effectiveness and their implementation mainly in view of their manifest violation as witnessed worldwide in the armed conflict involving the invasion of Ukraine.

KEYWORDS: Human Rights; Invasion; Ukraine; Humanitarian actions

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RESUMO

Objetivo: as questões relativas aos direitos humanos no atual cenário mundial, em que se apresenta a invasão da Ucrânia pela Rússia e a necessidade de implementação de subvenções de ações humanitárias em caráter conjuntivo-dissociativo. **Metodologia:** utiliza-se o método dedutivo, por meio de revisão bibliográfica, a partir de obras sobre o tema e artigos científicos, bem como pela observação de forma crítica das fenomenologias econômica, social e hermenêutica. **Justificativa:** diante da retomada no cenário mundial de discursos de ódio, com tendências nazistas e fascistas há, de uma forma patente, uma necessidade preeminente e exponencial de reafirmação dos direitos humanos contemporaneamente. O presente estudo justifica-se e reafirma-se a partir desta necessidade de trazer ao centro da academia uma releitura dos direitos humanos, principalmente diante do recente evento caracterizado pela invasão à Ucrânia, um Estado soberano, de forma infundada e injustificada por outro Estado igualmente soberano, a Rússia. **Resultados:** (i) a invasão infundada e injustificada viola diversas regras de Direito internacional; (ii) a manifesta violação dos direitos humanos e o cometimento de crimes de guerra pela Rússia; e (iii) a necessidade urgente de subvenções de ações humanitárias em caráter conjuntivo-dissociativo por todos os Estados envolvidos ou não, direta ou indiretamente, nesse conflito armado. **Contribuições:** a contribuição científica auferida é a necessidade contínua e resiliente de revisitar os conceitos nucleares e periféricos relativos aos direitos humanos, a sua efetividade e a sua implementação, principalmente diante da sua manifesta violação como testemunhado mundialmente no conflito armado em comento.

PALAVRAS-CHAVE: Direitos humanos; Invasão; Ucrânia; Ações humanitárias.

1 INTRODUCTION

Since the human misdeeds carried out in the course of the two great world wars, there have been periods in which the history of humanity has experienced one of its worst chapters. The Holocaust stands out, characterized by the most serious violation of human rights, which extermination exceeded the figure of seven million people killed of the same ethnicity; the most significant number of deaths occurred in Central and Eastern Europe, mainly in Poland, occupied by the former Soviet Union.

In a joint union of worldwide efforts so that this chapter of the history of humanity would never be repeated, the thought arose not only in the academies led by social scientists, but in all individuals of a general and universal protection, whose core of intangibility was the preservation of the human being and their rights.

In this perception, human rights gained strength, density, depth and, above all, autonomy as a specific scientific branch.

Based on the premise established on the scientificity and autonomy of human rights, the present scientific study is dedicated in its general objective to the proposed theme on human rights issues in the current world scenario.

In this vein, the rereading of human rights from the contemporary time frame that involves today's issues, the research in question stands out by bringing to the center of the academic debate the invasion of Ukraine by Russia and the need to implement subsidies for humanitarian actions in a conjunctive-dissociative character, which scope is the involvement and implementation of such actions by all States involved or not, directly or indirectly in the conflict, which only highlights and gives more international prominence to the social tragedies that have existed in Ukraine for a long time.

For the contextualization of the proposed themes and the construction of scientific reasoning, the studies are developed from a deductive scientific methodology, through bibliographic review, from books on the subject and scientific articles, and mainly by the critical observation of economic, social and hermeneutic phenomenology.

The proposed problem focuses on the need to implement and re-read the concepts of human rights in a continuous way and associated with the social scenario inserted in a given place and time, in which the armed conflict and the invasion of Ukraine by Russia stand out.

The proposed studies will analyze the historical panorama of Ukraine, the refugee condition that has long involved the Ukrainian people. The studies also deal with the preminent and exponential need for respect for Ukrainian sovereignty throughout the world order and, finally, the need to implement grants for humanitarian actions on a conjunctive-dissociative basis by all States involved or not with the armed conflict led by Russia's invasion of Ukraine.

It is also observed that in the world scenario there is a tendency to resume hate speech, including with Nazi and fascist strands, which clearly corroborates the need to reaffirm human rights contemporaneously.

The present study is justified because it reaffirms the need for concepts related to human rights that cannot be forgotten. From this indispensability, the study gains relevance and importance, as it brings to the center of academia the debate and a rereading of human rights, especially in view

of the recent event characterized by the invasion of Ukraine, a sovereign State that was invaded unfoundedly and arbitrarily by another sovereign State.

The scientific contribution gained is the continuous and resilient need to debate core and peripheral concepts related to human rights, their effectiveness and implementation, especially due to their manifest violation, as witnessed worldwide in the armed conflict under study.

There is also a need for updating and resilience on the construction, implementation and continuous realization of human rights aimed at an international policy detailed in humanitarian actions that must necessarily count on the support of humanitarian actions and policies of all States, in a conjunctive-dissociative way, according to the internal possibilities of each State, its economic capacity and its internal interests to contribute to a set of actions that have as their main scope the reduction of the human tragedy experienced by the Ukrainian people.

2 A HISTORICAL OVERVIEW OF UKRAINE

After the introduction to the subject, we will make some considerations about the historical foreshortening of Ukraine and its internal issues that gave rise to the immigration of its population to other States, in which Brazil stands out, specifically the State of Paraná.

Since the Stalinist period, between 1927 and 1953, it was one of the policies of the former Union of Soviet Socialist Republics, a movement of expulsion and, diametrically opposed, a movement of refuge for groups of people from Eastern Europe.

In this sense, geopolitical precisions were concealed to give the world a false appearance of socio-political hegemony that, in fact, never existed in the States that made up the former Union of Soviet Socialist Republics.

The historian André Ulysses de Salis portrays this issue when he points out that:

The analysis of the processes of silencing and the construction of the taxonomy of refugees from Stalinism indicate that the categorization carried out in the Stalinist period concealed complex issues, involving the participation and consent of other governments and nations, including the Western powers, and its use served both to label adversaries and to conceal persecutions. (2020, p. 9)

In this way, a historical bridge will be built between the contemporary armed conflict in Ukraine and its past of immigration and refuge and the institution of *Stalinism* and the consolidation

of the Union of Soviet Socialist Republics. By means of historical memory, it is necessary to analyze the historical context that motivated several nationals to be expelled and to take refuge and not allow the systematic proliferation of silence and oblivion erected around the theme by the various agents involved in the past and at present.

In spite of the existence of several legal documents that inaugurate the historical phase of contemporary constitutionalism known worldwide, after the events initiated by the Revolution of 1848 in Paris and the Constitution of Mexico of 1917, which was the first to institutionalize social rights, later accompanied by the German Constitution of Weimar of 1919, which provided, as well as a list of guarantees and social and economic rights (SILVA, 2014, p. 70), this phenomenon was not experienced in Eastern Europe and in the republics that made up the former Union of Soviet Socialist Republics.

At the end of the Second World War, there was a growing Soviet expansion towards Eastern Europe in those States, with several geopolitical, social and cultural implications, in which the *holodomor*, the actions of the *partisans* and the arrival of the Red Army as vectors of propulsion that initiated several complex processes of refuge stand out.

From the historical records, we seek to reconstruct those events that gave rise to the expulsion and their specific reasons, which genre was the establishment of Stalinism.

The historical fragments point to the following specific reasons that underpinned the refuge, expulsion and immigration of the Ukrainian community at the time: (a) the collectivization of land implemented by Lenin; (b) the Great Famine of 1932, which destabilized the relations between Soviet Russia and the other republics, the protagonist of which was Ukraine; (c) the activities of the *partisans* in Eastern Europe, which is intertwined with the ideological and cultural conflicts between Soviet Russia and the German-speaking communities in which the victory of the Red Army triggered a displacement of those communities to various States. Immigration to Brazil, in the central region of the State of Paraná stands out, which characteristic is the strong presence of immigrants and refugees from Eastern Europe, such as Ukrainians, Poles, Russians and the German-speaking population that lived in the East.

The revision of the Leninist policy of NEP⁶ with the aim of speeding up the process industrialization led to the agrarian destructuring of the USSR. The collectivization and the definition of who were the "foreign agents" in Russian territory are closely associated with the refuge, at the end of the 1920s, of the German-speaking community of Witmarsum to Brazil. (SALIS, 2020, p. 23)

The transposition of Stalin's system of collectivization of the land and means of production and embraced by Lenin's policy was not a peaceful social movement.

It should be noted that the Stalinist policy of transforming the rural structure of the Soviet Union, the striking feature of which was the elimination of private ownership of land in favor of collectivization and the full determination of the functions of the land by the State resulted in a real collapse not only social, but also productive supply of the interconnected communities, which gave rise to several conflicts and revolts in productive rural areas of the peripheral republics of Soviet Russia and gave rise to the promotion of refuge, expulsion and immigration of the nationals who lived there in that early phase of Stalinism.

It should be noted that these nationals have always been considered non-nationals by the Stalinist system, which was implemented through conflicts arising from the collectivization of the means of production.

In this sense, Anne Applebaum asserts that:

Millions resisted collectivization, hiding grain in basements or refusing to cooperate with the authorities. These refractories were labeled as *Kulaks* (rich peasants), a term that (very similarly to the definition of "saboteur") was so vague that almost everyone fit into it. (2016, p. 38)

The institution of Socialism in the Soviet Republics was a process that divorced itself from social pacification, the scenario of which is minutely reported by Archie Brown when he clarifies that:

The concessions made to the peasants by the New Economic Policy were not popular with many ordinary Communist citizens. [...] Stalin advocated an indiscriminate war against the kulaks and the implementation of brutal collectivization. [...] In many regions, peasants preferred to kill the animals on their farms rather than collectivize them. In the first three months of 1940, there were more than 1,600 cases of armed resistance. In November 1929, Stalin said: "We have passed from a policy of limiting the exploitative tendencies of the kulak to a policy of eliminating the kulak as a class." [...] Forced collectivization and massive revolt in the interior had dire consequences. Millions of peasants were uprooted from their land, and by the end of 1930 at least 63,000 heads of family had been arrested and executed. (2011, p. 86–87)

Faced with the establishment of conflicts arising from the collectivization of land and the means of production, a second problem arises as one of the fundamental vectors of the process of expulsion, refuge and immigration of the Ukrainian people, the crisis known as *The Great Famine of 1932*.

The social conflicts in the rural areas of the Soviet republics made it impossible for the farmers involved in social conflicts to carry out their main activity aimed at food supply in a systemic way, which compromised the internal and external supply of food, and thus aggravated the national climate of deep and mutual resentment in the relationship between Soviet Russia and the other Soviet republics, especially Ukraine, which was called anti-revolutionary and should be extirpated from Soviet territory.

The Great Famine of 1932 was one of the main responsible for corroborating the fissure in the diplomatic relationship between Ukraine and Soviet Russia, which gave rise to Bolshevik expansion, characterized as a major human tragedy caused essentially by the hunger of the residents of that territory.

The economic aspect intended by Stalinism at that time was the transposition of a collectivization of the land and the means of production; likewise, it was intended in a veiled and silent way through the institutionalization of the new regime far beyond its economic aspect, disguised as a pseudo liberation, desired by the policy of collectivization, the elimination of the exploitation of the owners as a class, which initiated a process of social prophylaxis of family, religious and ethical groups existing in the Republics that made up the extinct Union of Soviet Socialist Republics and led to the massive execution of Individuals.

The clash with the family and religious structure was part of the theorization of the revolutionary project and appeared, even if implicitly, in the measures carried out in the process of collectivization. However, the ethnic, or rather "ethnic cleansing" aspect was systematically employed, but in a veiled manner and never officially admitted. The threat and the "anti-revolutionary danger" represented by the landlord, by religion or by the family nucleus encompassed and, obviously, concealed very badly the figure of the "other". (SALIS, 2020, p. 26)

In that scenario, there was an evident contextualization with the actions *of the partisans* in Eastern Europe, which is not distinguishable from the ideological and cultural conflicts between Soviet Russia and the German-speaking communities, after World War II, in which the victory of the

Red Army triggered a displacement of those communities to several States, in which immigration to Brazil stands out.

The contemporary conflict between the two sovereign States, Russia and Ukraine, must have as its obligatory *iter* the knowledge of this historical foreshortening that only corroborates the flagrantly sensitive situation existing between these two States, whose supposed retaking of territory brings as a decisive foundation for the Kremlin the resumption of a colonialist conception fostered by Stalinism.

3 THE REFUGEE STATUS OF THE UKRAINIAN PEOPLE

In the previous chapter, several scientific cuts were made, as it would be impossible to report in this research with great details, pertinent, about the historical panorama of conflicts between Ukraine and Russia. However, it is not possible to move towards a scientific construction regarding the proposed theme by silencing and disregarding the past.

The refugee *status* attributed to the Ukrainian people is not something recent, but recurrent in history, as explained previously since the institution of the new Stalinist regime.

The territories now known as Crimea had long been occupied by peoples called Mennonites, direct descendants of the Ukrainians:

Mennonites have a 500-year history of everyday regionalizations in foreign environments and have thus become great experts in the formation of transposition cultures. Since the emergence of the Anabaptist movement, this group has experienced religious and political persecution because of its beliefs. As a result, they have developed a culture that is very concerned with the preservation of traditions, constantly negotiating their adaptation to foreign contexts. Consequently, Mennonites have created differentiated and flexible social configurations in their respective societies at all levels of activity: in the family, in the ethno-religious sphere, and in their respective countries. (LÖWEN SAHR, C. L.; HEIDRICH, 2016, p. 538)

To maintain their cultural, religious, and traditional identities and especially to survive a true genocide, the Mennonites had to abandon their territories in those coming times, as they do today, and reinvent themselves as refugees due to the Russian invasion through an armed conflict.

On the other hand, it is very difficult for an individual forced to become a refugee when seeking asylum in another State. In this research, such factors integrate not only a fundamental right

of the individual, but also a fundamental international human right when analyzing it in the international geopolitical sphere. (BRAZIL, 2013; PIOVESAN, 2000; RIBEIRO, 2015)

In the meantime, the condition of refugee in itself, regardless of the deepening of ethnic, cultural, religious, linguistic and social values, imposes a manifest violation of human rights from an axiological point of view.

Luciano Braz da Silva comments in this sense, as he recognizes that from the process of reflection taken from the perspective of the Philosophy of Law, the Author builds the interconnection of the paths sought through a deductive logical reasoning in which biopolitics and biopower correlate (2021).

The Author further clarifies the various forms of violence that befall man as forms of domination and appropriation of his cultural heritage; reduce it to the kind of bare life (SILVA, 2021) and therefore violates their human rights. In another sense, refugee status clearly shows the violation of human rights. (PIOVESAN, 2018)

In addition to a crisis of Law conceived in a reading of social science, in which contemporary scientists face the need to construct answers and solutions to a crisis that results from the process of constructing logical and interpretative reasoning related to issues closely linked to power and domination, the problem faced is more of a political-legal phenomenon social and cultural – in other words, multidisciplinary, rather than a purely legal problem.

It is essential to develop a system with the scope of building an effective process and focused on the conception of a rereading of this problem not only as a legal phenomenon, but above all identifying it as a political-legal phenomenon that involves domination and power, in which it is linked to the ideas of popular sovereignty and cultural identity of peoples for an effective democratization and validity of Law at the domestic and international levels (HABERMAS, 1990).

Rodrigo P. Puzine Gonçalves, Daniel Rubens Cenci and Hellin Thaís Steffler assert that the processes of globalization and new technologies greatly contribute to the existence of inequalities, especially of opportunities among citizens. Development, in turn, requires expansion by mentioning the possibilities of choice and which in fact and really were never legitimate choices; it is not only a question of choices that refer to car models or television channels, but above all of the opportunities for the expansion of human potential that depend on socio-cultural factors such as health, education, communication, rights and freedom (2022).

Citizens can only use these rights on an equal footing if, at the same time, they are guaranteed sufficient independence in their private and economic existence and if they can both constitute and stabilize their identity in the cultural environment that each of them desires. Experiences of exclusion, misery and discrimination teach us that the so-called classical fundamental rights only acquire "equal value" (Rawls) for all citizens when accompanied by social and cultural rights. (HABERMAS, 2001, p. 36)

This establishes a position on the paradox in relation to human rights, especially on the issue of refugees. Hanna Arendt sums up this paradox well when she explains the condition of refugees in a very controversial phrase at the time: slaves had at least the typical rights of slaves, but refugees had no rights at all (1987).

Letícia Albuquerque and Thais S. Pertille, when addressing the theme of human rights, clarify that

[...] The paradoxes surrounding Human Rights are evident, an issue that is accentuated in the attempt to draft legal diplomas that guarantee humanity to those who naturally should already carry it. (2017, p. 360)

The conflict that encompasses Ukraine throughout its historical-temporal line clearly demonstrates in various attacks coming from the Kremlin, whether from the socialist regime, or, as we see today, a clear relationship of domination and power. When analyzing the contemporary armed conflict, there is a clear characteristic bias of genocide, in its technical sense, as it seeks the suppression of one race, its ethnicity and culture to the detriment of another.

The bombings and military attacks coming from Russia are mostly aimed at hospitals, maternity wards and children's schools. The discriminatory characteristics of rules of international law applicable to States involved in wars and military conflicts with the aim of domination, the reassertion of Russian power and the decimation of an ethnic group, which survives over time despite various external attacks, are lost.

The new challenges imposed on human rights can be observed in the (re)construction of their concepts and paradigms in an uninterrupted and continuous way, which main scope is the preservation of certain peoples who are most vulnerable to the onslaughts of external power and domination, as witnessed by all of humanity and more recently in relation to the Ukrainian people.

It is necessary to think of effective mechanisms so that ethical, cultural, linguistic and religious values are preserved in view of the extreme context imposed on refugees, which in the

history of humanity have always existed; however, a new perspective is imposed on social scientists in the construction of dogmas aimed at the preservation of human rights.

4 AN EXPONENTIAL QUESTION OF ORDER: THE WORLD'S RESPECT FOR UKRAINIAN SOVEREIGNTY

After analyzing some of the most impactful issues on the refugee status of the Ukrainian people, we will move on to the study of exponential issues related to respect for Ukrainian sovereignty.

There is no way to dissociate law from sovereignty, that is, the respect of a politically formed State before other States for human rights, because national sovereignty is the factual and juridical recognition, it is a logical consequence of several fundamental human rights.

History is composed of advances and regressions glimpsed in a wide spiral of ups and downs, built on the apex of humanistic, artistic and social developments, and by regressions, composed of wars, torture and disrespect for the minimum rights of individuals. On this subject, Fábio Konder Comparato describes it well:

At every great outbreak of violence, men recoil, horrified, at the sight of the ignominy which at last opens up clearly before their eyes; and remorse for torture, mass mutilation, collective massacres and demeaning exploitation gives rise to the demand for new rules for a more dignified life for all. (2015, p. 50)

Unfortunately, the historical moment experienced by humanity does not corroborate intense advances, but a general movement of uncertainties, whether in the field of biological, human, social and technological sciences, in which a lot of information is intertwined, often not corroborated by truths and leads the population to uncertainties in their daily lives, as occurred with the period of the beginning of the pandemic by COVID-19 and currently, when we turn our gaze to the existing armed conflict between two equally sovereign States, Ukraine and Russia, in which the minimum premises of a good confrontation are completely ignored in relation to a State, in principle, more militarily strengthened than the other.

It establishes the need to impose the dignity of the human person as a condition of supranational law, applicable to all peoples, all States and, above all, to all individuals, especially persons in the condition of refugees.

It is noted that not only the protection of refugees is shown to be a consequence of the international recognition of human rights and that "the very condition of refugee points to the violation of basic human rights". (PIOVESAN, 2016, p. 260)

For the protection of a broader spectrum, it is necessary to respect the national sovereignty of peoples who are deprived of their rights to remain in their original territory with their cultural and social archetypes, as mentioned above.

The preservation of national sovereignty is an international law that eradicates a wide spectrum of other human rights at the international level and fundamental rights from a domestic perspective.

In this sense, the policies of promotion and preservation of Ukrainian sovereignty are an issue of high relevance that involves the international order, such as the economic embargoes promoted by several States, the constitution of war tribunals, which scope is to punish the war crimes perpetrated by Russia to the detriment of the Ukrainian people, including through sentences of pecuniary penalties aimed at the reconstruction of the country devastated by Russian bombardments, among other measures necessary to force an end to the armed conflict.

The issue to be faced worldwide refers to the condition of refugees and, therefore, to the preservation of their rights, in its broadest sense, which must be treated as an exception, since the rule is the construction of global efforts by all States so that armed conflicts such as those envisioned are ended as soon as possible for the preservation of the human rights of the people directly involved in the conflict.

5 THE NEED FOR THE IMPLEMENTATION OF HUMANITARIAN ACTION GRANTS ON A CONJUNCTIVE-DISSOCIATIVE BASIS BY ALL STATES

According to the scenario presented on the exponential issue of the protection of the sovereignty of States, the invasion of Ukraine denotes an imminent need for the implementation of humanitarian actions on a conjunctive-dissociative character by all States currently existing and recognized as sovereign States.

From the concept of conjunctive humanitarian action, it can be inferred that all actions must be emanated at a contemporary moment by all sovereign States, whether or not they are directly or indirectly involved in the conflict.

From another point of view, when there is a need to employ dissociative humanitarian actions, these are nothing more than the development of actions according to the economic, cultural, social and political possibilities of each sovereign State.

Examples of dissociative humanitarian actions include the opening of borders by the States geographically closest to the conflict to receive refugees; financial aid for those States which economic capacity is comfortable for this possibility; the shipment of medicines and foodstuffs to the States that have know-how to manufacture and export these products; and the supply of weapons to States that have a large presence in this segment, among others.

In this sense, Rossana Rocha Reis and Thais Silva Menezes define the refugee institute as the result of "an international consultation that understood that international cooperation is the most appropriate way to deal with this type of forced international migration" (2014, p. 62).

The need to implement conjunctive-dissociative actions such as those already mentioned above is repeated, such as the issues of high exponential international order, such as the economic embargoes promoted by several States, the constitution of war tribunals with the scope of punishing the strike crimes perpetrated by Russia to the detriment of the Ukrainian people, including through sentences of pecuniary penalties aimed at the reconstruction of the country devastated by Russian bombardments, among other measures necessary to force an end to the armed conflict

Human displacement is not a determining factor for the preservation of human rights in question, which refer to the protection of people's ethnicity in its broadest sense – language, religion, tradition and culture, among others, and even if supported in other territories they will necessarily have the loss of their cultural identity in view of the imposition of migration from their *locus* of origin, of their affective memories and of their private and collective achievements.

This specialized strand of human rights aims to ensure protection for people who are persecuted within their countries of origin and are forced to seek protection of their dignity in other spaces. (ALBUQUERQUE; PERTILLE, 2017, p. 377)

The imposition of a concept of solidary sovereignty to replace the existing solitary sovereignty (AGUILA; BELLIS, 2022) is something to be built, researched and put into effect in this new world scenario.

One cannot disregard the very important role of the Ukrainian people in relation to the world economy, since before the conflict in question Ukraine fed approximately 600 million people annually (BRAZIL, 2022).

There is an imperative not only of the ethical-moral-political order, but of the international human rights order for the implementation of humanitarian actions in a conjunctive-dissociative character of all States in favor of the end of the armed invasion on the territory of Ukraine as matters of urgency and indispensability.

6 CONCLUSION

From all the analyses carried out in this study, it can be inferred that human rights issues and the preservation of the sovereignty of States are concepts intimately linked and necessary for the existence of the two universes exposed and, therefore, in their epistemic sense, both human rights and sovereignty are basic elements of democracy and the existence of the State.

In this scenario, it can be inferred that all contemporary conflicts concerning the two sovereign States, Russia and Ukraine, must have *as an* obligatory knowledge of this historical foreshortening that only corroborates the flagrantly sensitive situation existing between them, which supposed retaking of territory brings as a decisive foundation for the Kremlin the resumption of a colonialist conception fostered by *Stalinism*.

Likewise, it is concluded that these are the new challenges imposed on human rights in the (re)construction of their concepts and paradigms in an uninterrupted and continuous way with the main scope of preserving certain peoples who are more vulnerable in view of external power and domination, as witnessed by all humanity in relation to the Ukrainian people.

Therefore, it is necessary to think of mechanisms so that ethical, cultural, linguistic and religious values are preserved due to this extreme context imposed on refugees, which in the history of humanity have always existed; however, a new perspective is required for social scientists in the construction of dogmas aimed at the preservation of human rights.

From this perspective, it is concluded that society demands from its representatives and members of the Judiciary mechanisms to promote Social Justice, which can be instrumentalized through effective access to Justice in the promotion of satisfactory solutions duly grounded by the objective criteria expressed in this study.

Therefore, there is a need to implement international policies which preeminent scope is the preservation of sovereignty, especially Ukrainian sovereignty, as an issue of high exponential with international order policies aimed at forcing a ceasefire, such as the economic embargoes promoted by several States, the constitution of war tribunals with the purpose of punishing war crimes perpetrated by Russia to the detriment of the Ukrainian people, through sentences to financial penalties aimed at the reconstruction of the country devastated by Russian bombardments, among other measures necessary to force the end of the armed conflict.

In a bias focused on refugee issues, it is concluded that the concept to be constructed worldwide is the refugee condition as an exception, regardless of the need to implement conjunctive-dissociative humanitarian policies and actions.

With regard to refugees, it is necessary to adopt as a rule the construction of global efforts by all States, so that armed conflicts such as those envisioned are ended as soon as possible, so that the human rights of the people directly or indirectly involved in the conflict are preserved.

From the studies carried out, it is possible to construct two concepts related to humanitarian actions in a conjunctive-dissociative character.

From the concept of conjunctive humanitarian action, it can be inferred that all actions must be emanated at a contemporary moment by all sovereign States, whether or not they are directly or indirectly involved in the conflict.

From another point of view, when the scenario for dissociative humanitarian actions is translated, it is clear that there is a need to employ humanitarian actions according to the economic, cultural, social and political possibilities of each sovereign State committed to this aid.

Examples of dissociative humanitarian actions include the opening of borders by the States geographically closest to the conflict to receive refugees; financial aid for States with comfortable economic capacity for this possibility; the shipment of medicines and foodstuffs to States that have the know-how to manufacture and export the products; and the supply of weapons to States that have a major role in this area, among others.

It is further concluded that human displacement is not a determining factor for the preservation of the human rights in question, which refer to the protection of people's ethnicity in its broadest sense – language, religion, traditions, culture, etc. Even if supported in other territories, people will necessarily lose their identity and culture in view of imposition of migration from their *locus* of origin, of their affective memories and of their private and collective achievements.

Therefore, there is not only an ethical-moral-political imperative, but also an international human rights requirement for the implementation of humanitarian actions in a conjunctive-dissociative character of all States in favor of the end of the armed invasion on the territory of Ukraine as a matter of urgency and indispensability.

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