

Völkerrecht, Europarecht und Vergleichendes Öffentliches Recht
International Law, European Law and Comparative Public Law

Peter Hilpold [ed.]

Neutrality in the Age of the UN Charter

With Special Consideration of the Ukraine Conflict



Nomos

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International Law, European Law and Comparative Public Law

Edited by

Prof. Dr. Peter Hilpold

Prof. Dr. August Reinisch

Prof. Dr. jur. Stefan Oeter

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Prof. Dr. Giulia Rossolillo

Prof. Dr. Andreas R. Ziegler, LL.M

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Foreword

This publication presents the results of a research project examining the current state of the law of neutrality in light of the conflict in Ukraine. The project brought together Austrian, Swiss, German, and Italian experts in international law, EU law, public law, and history. It was first published in German under the title *Neutralität im Zeitalter des UN-Rechts – unter besonderer Berücksichtigung des Ukraine Konflikts* and now appears in an expanded English edition.

A specific aim of the project was to involve not only academics but also practitioners, in order to add a practical perspective. The analysis of the present legal framework of neutrality has yielded critical findings regarding the continued existence and relevance of neutrality as a legal concept. At the same time, the contributors identified a significant gap between the state of academic understanding in this field and the official statements made by politicians, particularly in permanently neutral states. The prevailing impression is that political interest groups and parties in such states have fostered a “myth of neutrality” that lacks a current legal foundation, yet is perceived by large parts of the population as an element of national identity and is therefore perpetuated for domestic political purposes.

In the context of the war against Ukraine, it is becoming increasingly apparent that this myth is not only legally unsustainable, but that defending it may also run counter to the interests of self-declared neutral states. Ultimately, the security and independence of the free world are at stake. These achievements can only be safeguarded through cross-border cooperation, including cooperation of a military nature, even though such cooperation is, under the traditional understanding, incompatible with neutrality.

Moreover, the attack on Ukraine raises fundamental questions about the content and reach of the principle of solidarity, which has become increasingly embedded in modern domestic legal systems as well as in the international legal order. Here too, the principle appears difficult to reconcile with neutrality in its traditional sense.

This volume seeks to encourage an open discussion of neutrality grounded in international law and, where applicable, EU law, even if doing so requires questioning convenient but ultimately self-defeating and, in any

Foreword

event, outdated positions that conflict with solidarity and binding international norms.

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Innsbruck, April 2026

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