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The Ukraine Crisis and the Challenges to International Law

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ABSTRACT:

The Russo-Ukrainian crisis, escalating into a full-scale invasion in February 2022, marks a major turning point that has shaken the foundations of the rules-based international order established after World War II. This crisis has exposed significant weaknesses in core principles like collective security, the prohibition of the use of force, and state sovereignty. The United Nations Security Council's inability to halt the aggression, due to Russia's use of its veto power, demonstrated the fragility of collective security mechanisms.

These repercussions have led to a shift in international responses towards strong economic sanctions and the reshaping of geopolitical alliances, such as the strengthening of NATO's role, rather than sole reliance on the UN. The crisis also revealed diverse stances among nations; while the West condemned the

invasion and imposed sanctions in support of international law, other countries in Asia and Africa adopted more cautious positions due to their economic and historical interests or their skepticism towards Western norms.

Keywords: Russo-Ukrainian Crisis-International Law-Collective Security-State Sovereignty-Use of Force - UN Security Council

Introduction

The Russo-Ukrainian conflict, which dramatically escalated into a full-scale invasion in February 2022, has constituted a genuine earthquake in the global geopolitical landscape and a pivotal turning point in international relations since the end of the Cold War. The impact of this conflict has not been limited to the territories of Russia and Ukraine but has extended to encompass the entire international legal order, casting shadows of doubt on the effectiveness of its fundamental principles, meticulously crafted after the ravages of World War II to ensure global peace and security. The current crisis brings to the forefront fundamental questions about international law's ability to curb the power of strong states, protect the sovereignty of weaker states, and preserve the concept

of collective security embodied by the United Nations as a central mechanism.

This conflict is not merely a military confrontation; it is a rigorous test of the principles of public international law, particularly those related to state sovereignty, the prohibition of the use of force, and non-intervention in internal affairs. Russia's claims to justify the invasion, which ranged from protecting its Russian-speaking citizens to "demilitarizing" Ukraine, have sparked widespread legal and doctrinal debate regarding the limits of these principles and their applicability in complex contexts. In contrast, the overwhelming majority of the international community, represented by numerous international organizations and United Nations General Assembly resolutions, condemns the Russian invasion as a flagrant violation of peremptory norms of international law (*jus cogens*), highlighting the gap between legal norms and their real-world application, especially when it concerns a major power with veto power in the Security Council.

The multifaceted repercussions of this crisis suggest that it may usher in a new phase in international relations, characterized by the reshaping of alliances, escalating geopolitical tensions, and perhaps an erosion of trust in multilateral institutions. Understanding these

repercussions from a legal perspective is vital for assessing the resilience and adaptability of the international legal order, identifying the challenges it faces, and envisioning its future development paths. It also underscores the importance of adherence to international law as a crucial instrument for ensuring stability and justice in an increasingly interconnected and complex world.

This study originates from a central problem statement: "How has the Russo-Ukrainian conflict affected the international legal framework for relations between states, and what are the resulting legal and geopolitical implications in light of the principles of state sovereignty, the prohibition of the use of force, and the concept of collective security?"

This main problem branches into the following sub-questions:

What are the legal foundations of state sovereignty and non-intervention in internal affairs as stipulated by international law, and how have they been violated in the context of the Russo-Ukrainian conflict?

What is the legitimacy of the use of force in light of the United Nations Charter, and how is the Russian invasion of Ukraine assessed in light of this Charter?

What impact has the Russo-Ukrainian crisis had on the principle of collective security and the international system as a whole, especially given the paralysis of the Security Council?

How have the positions of states and international organizations varied regarding the conflict, and what is the balance between adherence to legality and geopolitical interests in determining these positions?

This study relies on the analytical method, which enables it to deconstruct and deeply analyze the legal and geopolitical elements of the Russo-Ukrainian conflict. Primary international legal texts, first and foremost the United Nations Charter, will be used as a reference framework for evaluating the legitimacy of actions and conduct.

In addition, the descriptive method will be employed to present and classify information related to the conflict and its repercussions, while the comparative method will provide an opportunity to compare the positions of different states and analyze the contradictions or convergences between them in light of their legal obligations and interests.

Chapter One: The International Legal Framework of the Russo-Ukrainian Conflict

The Russian-Ukrainian conflict, which escalated significantly in February 2022 with Russia's large-scale invasion of Ukraine, represents a grave challenge to the international legal system built upon fundamental and well-established principles developed over centuries of international jurisprudence and practice. This conflict is not merely a military confrontation between two sovereign states, but rather a true test of the effectiveness of these principles in maintaining international peace and security, and protecting states' rights, sovereignty, and territorial integrity. Legal analysis of this conflict requires delving into the depths of public international law, with particular focus on the principles governing inter-state relations, such as the principle of state sovereignty, the principle of non-interference in domestic affairs, the principle of prohibiting the use of force or threat thereof, alongside the principle of peoples' right to self-determination and the principle of respecting territorial integrity. While these principles may appear clear in their texts, their application in the context of a complex and multifaceted conflict such as the Ukrainian conflict raises numerous legal and jurisprudential questions, and calls for careful examination of international practices and judicial precedents, as well as leading scholarly opinions in this field. Understanding the international legal framework of this conflict is

essential for evaluating the legitimacy of the concerned parties' actions, determining their resulting legal obligations, and foreseeing avenues for peaceful solutions in accordance with international law principles. This chapter will address the fundamental aspects of this legal framework, laying the groundwork for a deeper analysis of the principles most relevant to the conflict.

Section One: Legal Foundations of State Sovereignty and Non-Interference in Domestic Affairs

State sovereignty constitutes a fundamental pillar of contemporary international law and an essential principle without which the international legal system cannot be conceived. The concept of sovereignty has evolved throughout history to reach its modern understanding, which refers to the absolute authority of the state over its territory and people, and its complete independence from any other external authority. This sovereignty finds its legal embodiment in Article 2, Paragraph 1 of the UN Charter, which states that "The Organization is based on the principle of the sovereign equality of all its Members"¹. This text not only affirms equality among states in sovereignty but also establishes the principle of independence and non-

¹ UN Charter, Article 2, Paragraph 1.

subjugation to any foreign authority in managing their domestic and foreign affairs. State sovereignty is manifested in the state's ability to exercise jurisdiction over its territory, enact laws, impose taxes, and enforce law within its borders without interference from other states. The principle of sovereign equality means that all states, regardless of their size or economic or military power, enjoy the same rights and obligations under international law, and no state may interfere in the domestic affairs of another state based on claims of superiority or hegemony.

The principle of state sovereignty is closely linked to the principle of non-interference in states' domestic affairs, which is itself considered a cornerstone of peaceful international relations. This principle is enshrined in Article 2, Paragraph 7 of the UN Charter, which states that "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter"². This prohibition on intervention extends beyond the United Nations to include all member states, obligating them to refrain from any form of interference, whether military, economic, or political,

²UN Charter, Article 2, Paragraph 7

in the domestic affairs of another state. The International Court of Justice has repeatedly affirmed this principle in its judgments, most notably in the case of *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*) in 1986, where the Court ruled that the principle of non-intervention constitutes a peremptory norm of customary international law (*jus cogens*)³. This means that states are obligated to refrain from using force or threatening its use, or any other form of coercion, with the aim of changing another state's political system, influencing its domestic policies, or destabilizing it.

These principles—state sovereignty and non-interference—form the foundation of the UN Charter and its principles aimed at promoting international peace and security. Any violation of these principles constitutes a serious breach of international law and exposes the violating state to international accountability. The UN General Assembly affirmed in its Resolution 2625 (XXV) dated October 24, 1970, known as the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, that "Every State has the inalienable

³International Court of Justice, *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*), Judgment of 27 June 1986, ICJ Reports 1986, p. 14, paras. 202-205.

right to choose its political, economic, social and cultural systems, without interference in any form by another State"⁴. This affirmation highlights the centrality of these principles in formulating sound international relations and building an international system that respects the sovereignty of all its members, prevents the use of force in resolving conflicts, and encourages peaceful cooperation.

However, there are some exceptions or debates raised concerning the principle of non-intervention. One such exception is the concept of "Responsibility to Protect" (R2P), which emerged in the early twenty-first century as a response to mass atrocities witnessed by the world, such as genocide and ethnic cleansing. This concept stipulates that states have a primary responsibility to protect their populations from heinous crimes, and if a state fails to protect its people or is itself committing these crimes, the international community bears the responsibility to intervene, including military intervention, with UN Security Council approval, to

4 UN General Assembly Resolution 2625 (XXV), Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 24 October 1970.

prevent or stop these crimes⁵. Despite the moral and humanitarian importance of this concept, it raises extensive legal debate about its compatibility with the principle of non-intervention, especially in the absence of Security Council approval or when veto power is used by one of the permanent members.

Questions also arise regarding humanitarian interventions not authorized by the Security Council, which are sometimes justified by the necessity of protecting human rights or preventing humanitarian disasters. Such interventions constitute a clear violation of the principle of non-intervention and the UN Charter if they do not obtain authorization from the Security Council, even if the declared intentions are noble. International law establishes clear mechanisms for intervention, and these mechanisms must be respected to maintain the stability of the international legal system and prevent the chaos of unilateral interventions. Justification based on humanitarian intervention must be viewed with extreme caution to avoid its transformation into a pretext for interference in states' domestic affairs for purposes other than

⁵International Commission on Intervention and State Sovereignty, The Responsibility to Protect, December 2001. See also: 2005 World Summit Outcome Document, paras. 138-139.

purely humanitarian ones, or to prevent its use by powerful states to impose their will on weaker states.

In the context of the Russian-Ukrainian conflict, the principles of state sovereignty and non-interference are crucial in evaluating the legitimacy of the Russian invasion. Russia has claimed that its intervention came to protect Russian citizens in Ukraine, to demilitarize Ukraine, and "denazify" it—claims that, from an international law perspective, constitute a clear violation of Ukraine's sovereignty and territorial integrity, and unlawful interference in its domestic affairs. No state has the right to militarily intervene in another state under the pretext of protecting its nationals or changing its political system, unless there is explicit authorization from the Security Council under Chapter VII of the UN Charter, or within the framework of exercising the right of self-defense against an armed attack—which does not apply to the case of the Russian invasion of Ukraine. Claims of threats to Russia's national security from Ukraine's foreign or domestic policies do not justify comprehensive military invasion and do not exempt Russia from its obligations under international law; rather, they constitute a flagrant violation of the most important principles of the international legal system.

In conclusion, state sovereignty and non-interference constitute the cornerstone of international law, and they are two interrelated principles that cannot be separated from one another. They provide the legal framework governing relations between states and contribute to maintaining international peace and security. Any violation of these two principles undermines the foundations of the international system and endangers relations between states. The Russian-Ukrainian conflict highlights the importance of these principles and demonstrates the necessity for all states to adhere to them to ensure the stability of the international system and respect for the law.

Section Two: The Legitimacy of Force Use in Light of the UN Charter

The prohibition of the use of force or threat thereof in international relations constitutes one of the most important achievements of international law in the twentieth century, and is a central principle in the UN Charter and a fundamental condition for achieving international peace and security. Before the establishment of the League of Nations and then the United Nations, the use of force was considered a sovereign right of states, referred to in classical international law literature as the "right of war" (*jus ad bellum*). However, after the devastation of two world

wars, the international community realized the necessity of strictly restricting this right, and aggression was categorically criminalized in the UN Charter. This golden rule of international law finds its embodiment in Article 2, Paragraph 4 of the UN Charter, which states that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations"⁶. This text constitutes a peremptory customary norm (*jus cogens*) in international law, meaning it is a rule that cannot be contracted out of, and it is considered the foundation upon which the contemporary international system rests.

This principle establishes categorically a general and comprehensive prohibition on the use of force in international relations and closes the door to traditional justifications for war. The purpose of this prohibition is to ensure that force is not resorted to except in exceptional circumstances precisely defined, thereby preventing large-scale armed conflicts that threaten international peace and security and cause severe harm to humanity. The International Court of Justice has repeatedly affirmed the peremptory nature of this

⁶UN Charter, Article 2, Paragraph 4.

principle, emphasizing that it forms the basis of the contemporary international legal system, and that any violation of it constitutes a serious breach of international law, exposing the violating state to accountability.

Despite this comprehensive prohibition, the UN Charter recognizes two main exceptions that allow the legitimate use of force: first is the right of self-defense, and second is collective action authorized by the Security Council.

****First: The Right of Self-Defense:**** Article 51 of the UN Charter explicitly recognizes the right of states to defend themselves in case of an armed attack against them. The article states that "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security"⁷. This right constitutes a narrow and highly specific exception to the prohibition of force use, and certain conditions must be met for it to be legitimate. The most important of these conditions are:

⁷UN Charter, Article 51

- ****Occurrence of Armed Attack:**** There must be an actual or imminent armed attack, and self-defense is not justified in cases of mere threat or economic or political aggression. The concept of "armed attack" has expanded to include not only attacks launched by states, but also major attacks launched by non-governmental entities, if these attacks are of a nature and scale similar to armed attacks launched by states, and if the host state of these entities is unable or unwilling to address them.

- ****Necessity and Proportionality:**** The use of force must be necessary to repel the armed attack and must be proportionate to the size and nature of the attack. This means that excessive or disproportionate force relative to the faced threat may not be used.

- ****Immediate Reporting to the Security Council:**** Article 51 requires that the state exercising the right of self-defense immediately report to the Security Council the measures it has taken. This condition allows the Security Council to exercise its primary responsibility for maintaining international peace and security and enables it to take necessary measures to stop the conflict.

Extensive debate exists around the concept of "preventive self-defense" or "pre-emptive self-

defense," which is the use of force to repel an attack believed to be extremely imminent but has not yet occurred. Some argue that this type of self-defense is necessary in facing modern threats, such as terrorism or weapons of mass destruction. However, the vast majority of legal doctrine and international practice oppose this concept and insist that the right of self-defense only arises after an actual armed attack or one so imminent that waiting becomes impossible, to avoid transforming this right into a pretext for aggression or unlawful intervention. There are concerns that expanding the interpretation of the right of self-defense could destabilize the international system and encourage states to launch preventive wars based on subjective assessments of threats.

****Second: Collective Action Authorized by the Security Council:**** Chapter VII of the UN Charter grants the Security Council broad powers to take necessary measures to maintain international peace and security, including the use of force, in case of a threat to peace, breach of peace, or act of aggression. Article 39 of the Charter indicates that "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to

maintain or restore international peace and security"⁸. This power gives the Security Council unique authority in the international system and enables it to impose coercive measures, including economic embargo and military intervention, to ensure compliance with international law.

Article 41 of the Charter specifies measures that do not involve the use of force, such as economic sanctions and severance of diplomatic relations, while Article 42 refers to measures involving the use of force. Article 42 states that "Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations"⁹. This means that the Security Council is the only body authorized to approve the use of force on a large scale in international relations, and any use of force without its approval is illegitimate, unless it is within the framework of self-defense.

⁸UN Charter, Article 39

⁹UN Charter, Article 42

The Security Council's powers in this regard suffer from a major problem: the veto power granted to the five permanent members (United States, Russia, China, United Kingdom, France). This right enables any permanent member to prevent any decision from being taken, even if there is consensus among the remaining members, which often hinders the Security Council's ability to take decisive action in facing international crises and exposes it to paralysis. We have witnessed this paralysis in many conflicts, including the Russian-Ukrainian conflict, where Russia used its veto power to prevent resolutions condemning its invasion of Ukraine or demanding the withdrawal of its forces.

In the context of the Russian-Ukrainian conflict, the legitimacy of Russia's use of force is the fundamental issue. Russia claimed that its invasion of Ukraine was an act of self-defense to protect its Russian-speaking citizens in Ukraine, prevent what it called "genocide" in the Donbas region, and stop NATO's eastward expansion. However, these claims are unacceptable from an international law perspective for several reasons:

- ****Absence of Actual Armed Attack:**** Russia was not subjected to an armed attack by Ukraine before the comprehensive invasion in February 2022. Claims of "genocide" have not been proven by any independent

international body and are considered mere unfounded claims in international law, especially since the International Court of Justice issued an order for provisional measures in the case of Ukraine v. Russian Federation concerning the Convention on the Prevention and Punishment of the Crime of Genocide, requesting Russia to stop its military operations, indicating the absence of sufficient evidence for genocide claims¹⁰. genocide claims¹¹.

- ****Lack of Proportionality and Necessity:**** Even assuming the existence of some threats to Russian citizens, the comprehensive invasion of a sovereign state, occupation of its territories, and launching a large-scale war constitutes a disproportionate and unnecessary act by any measure, far exceeding any acceptable concept of self-defense.

- ****Violation of Ukraine's Sovereignty and Territorial Integrity:**** The Russian invasion constitutes a flagrant violation of Ukraine's sovereignty and territorial integrity, which are fundamental principles in

¹⁰International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), Order on Request for Provisional Measures, 16 March 2022.

¹¹International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), Order on Request for Provisional Measures, 16 March 2022.

international law. No state has the right to militarily intervene in another state under the pretext of changing its political system or preventing its accession to defensive alliances.

- ****Absence of Security Council Authorization:**** The Russian invasion did not receive any authorization from the UN Security Council; on the contrary, Russia used its veto power to obstruct any resolution condemning its actions. This confirms the illegitimate nature of the invasion from an international law perspective.

- ****"Humanitarian Protection" as Pretext:**** Using "humanitarian protection" or "denazification" as a pretext for military intervention constitutes a violation of the principle of non-intervention and sets a dangerous precedent in international relations, where any state could justify its aggression with similar pretexts.

The vast majority of the international community, including the UN General Assembly, has condemned Russia's invasion of Ukraine as a flagrant violation of the UN Charter and international law. UN General Assembly Resolution ES-11/1 dated March 2, 2022, was issued, demanding that Russia stop using force

against Ukraine and withdraw its forces immediately and unconditionally, and condemning its aggression against Ukraine¹². This resolution, although not legally binding, reflects international consensus on the illegitimacy of the Russian invasion.

****Footnotes: ****

¹ UN Charter, Article 2, Paragraph 1.

² UN Charter, Article 2, Paragraph 7.

³ International Court of Justice, Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Judgment of 27 June 1986, ICJ Reports 1986, p. 14, paras. 202-205.

□ UN General Assembly Resolution 2625 (XXV), Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 24 October 1970.

□ International Commission on Intervention and State Sovereignty, The Responsibility to Protect, December 2001. See also: 2005 World Summit Outcome Document, paras. 138-139.

¹²UN General Assembly Resolution ES-11/1, Aggression against Ukraine, 2 March 2022.

☐ UN Charter, Article 2, Paragraph 4.

☐ UN Charter, Article 51.

☐ UN Charter, Article 39.

☐ UN Charter, Article 42.

¹☐ International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), Order on Request for Provisional Measures, 16 March 2022.

¹¹ UN General Assembly Resolution ES-11/1, Aggression against Ukraine, 2 March 2022.

Chapter Two: Repercussions of the Crisis on International Relations from an International Law Perspective

The Russo-Ukrainian crisis, with its unprecedented escalation into a full-scale invasion in February 2022, represents a decisive turning point in international relations. Its repercussions extend beyond the borders of the two involved states, posing a profound challenge to the entire international legal order. This crisis has not only exposed the inherent weaknesses in the institutional foundation of international law but has also raised fundamental questions about the future of

established principles such as collective security, the prohibition of the use of force, state sovereignty, and the effectiveness of international organizations. Analyzing the repercussions of this crisis from an international law perspective requires a thorough examination of how it has impacted dispute resolution mechanisms, alliance formation, sanction implementation, and the role of international law in restraining powerful states. The crisis's influence has not been limited to military or economic aspects but has extended to the legal and ethical dimensions of international relations, leading to a comprehensive re-evaluation of international obligations and states' responsibility for maintaining peace and security. This chapter will delve deeply into these repercussions, highlighting the complex legal dimensions brought about by the crisis and analyzing how it has changed or will change the dynamics of power and interaction among international actors. We'll first review the crisis's impact on the international system and the principle of collective security, then move on to analyzing the positions of states and international organizations, attempting to understand the balance between adherence to legality and geopolitical interests.

Section One: Impact of the Crisis on the International System and the Principle of Collective Security

The Russo-Ukrainian crisis, and the subsequent full-scale invasion, have shaken the foundations of the international system formed after World War II, known as the Rules-Based International Order. This system, established to prevent the recurrence of destructive wars and ensure international peace and security, relies primarily on the principles of international law, foremost among them the principle of collective security, embodied by the United Nations as the central mechanism for maintaining this security. The Russian invasion constitutes a blatant violation of the most important of these rules, casting doubt on the effectiveness of the system itself and its ability to contain states that choose to defy its fundamental rules.

First: Undermining the Principle of Collective Security: The principle of collective security is one of the most important principles upon which the United Nations Charter is based. It aims to ensure that any armed attack on a member state is considered an attack on all member states, thereby obliging them to respond collectively to deter or end aggression. This idea finds its embodiment in Chapter VII of the United Nations Charter, which grants the Security Council the authority to take collective measures, including the use

of force, to counter any threat to peace, breach of the peace, or act of aggression¹³. The idea behind this principle was to transform security from an individual responsibility of each state (via traditional military alliances) into a collective responsibility of the international community as a whole, with the aim of defusing wars and preventing their spread.

However, the Russo-Ukrainian crisis has exposed a serious weakness in the collective security mechanisms stipulated by the United Nations Charter. While the Russian invasion constitutes a clear and explicit violation of Article 2, Paragraph 4, of the Charter, which prohibits the use or threat of force against the territorial integrity or political independence of any state¹⁴, the Security Council's ability to take decisive and effective action to stop the aggression has been paralyzed by Russia's use of its veto power as a permanent member of the Council¹⁵. This paralysis raises serious questions about the usefulness of the collective security system when it comes to aggression launched by a major power with veto power, the very power that is supposed to be a guardian of this system. The incapacitation of the Security Council in such

¹³United Nations Charter, Chapter VII, Articles 39-51.

¹⁴United Nations Charter, Article 2, Paragraph 4

¹⁵United Nations, Security Council, S/PV.8979, 25 February 2022. The Russian veto was cast on a draft resolution condemning the invasion

crises undermines confidence in the organization's ability to fulfill its primary responsibility for maintaining international peace and security.

This paralysis has led to a shift in focus from collective action under the umbrella of the United Nations to individual actions or regional alliances such as NATO, the G7, and the European Union. While these actions are necessary in the face of aggression, they indicate that the principle of collective security has practically receded, replaced by a concept of "defensive security" or "self-security" for states and alliances. This reverts international relations to a pre-UN pattern where power and military balance were the primary determinants of security. The increasing reliance on regional alliances in the face of threats, given the Security Council's impotence, could lead to the gradual disintegration of the comprehensive concept of collective security and might encourage states to arm themselves more heavily and seek security guarantees outside the multilateral framework, thereby increasing the risks of instability.

Second: Erosion of the Principles of Sovereignty and Non-Intervention: The Russian invasion of Ukraine constituted a blatant violation of the principles of territorial sovereignty of states and non-intervention in their internal affairs, which are fundamental and well-established principles in international law, enshrined in

Article 2, Paragraphs 1 and 7, of the United Nations Charter¹⁶. Russia claimed that its invasion was to protect Russian-speaking citizens in Ukraine, and to demilitarize and "denazify" it, claims that clearly violate Ukraine's right to determine its political course and choose its alliances without external coercion. Accepting such pretexts for war could lead to dangerous precedents where powerful states become able to intervene in the affairs of weaker states under the guise of protecting minorities or "changing undesirable regimes," which fundamentally undermines the concept of sovereignty that is the basis of the Westphalian system of international relations.

This violation raises questions about the effectiveness of international law in protecting weaker states from the aggression of powerful states. If the United Nations cannot prevent or stop aggression when committed by a major power, it sends a negative message to smaller states about their reliance on international law as a protective shield. This situation could encourage an arms race and push states to seek "security guarantees" outside the international legal framework, thereby weakening the authority of law and increasing the

¹⁶United Nations Charter, Article 2, Paragraphs 1 and 7.

likelihood of resorting to force as a solution to disputes.

Third: Impact of the Crisis on Customary International Law and Peremptory Norms (Jus Cogens): The principle of the prohibition of the use of force, along with the principles of state sovereignty and non-intervention, are considered peremptory norms of customary international law (Jus Cogens). This means they are fundamental rules that cannot be violated or derogated from by agreement, and they form the basis of the international legal order¹⁷. The Russian invasion of Ukraine is a direct violation of these rules. The question here is not only about violating the Charter but also about the impact of this violation on the nature of these rules as "peremptory norms." Can a blatant violation by a major power weaken the force of these rules or change their nature as "peremptory norms"?

Despite the gravity of the violation, the overwhelming majority of the international community, including resolutions issued by the UN General Assembly and the positions of other international organizations, has affirmed the unlawful nature of the invasion and rejected Russian justifications. This affirmation

¹⁷International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, 2001, Article 26 and commentary thereon, which refer to Jus Cogens rules

indicates that the international community insists on adhering to these peremptory norms and rejects any attempt to undermine them. Nevertheless, the enforcement gap between the recognition of legal norms and the ability to enforce them, especially against powerful states, remains a significant challenge that threatens the credibility of international law. The continuation of the Russian invasion despite international condemnations shows that the mere existence of rules is not enough to ensure compliance, and that enforcement mechanisms need strengthening or re-evaluation.

Fourth: Escalation of the Importance of Economic and Legal Sanctions: In light of the Security Council's paralysis, economic and legal sanctions have emerged as a primary tool to respond to Russian aggression. Many states and international organizations, primarily the United States, the European Union, and the United Kingdom, have imposed broad packages of economic sanctions on Russia, targeting its financial, energy, and technology sectors, in addition to individual sanctions against Russian officials and businessmen¹⁸. These

¹⁸U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC), Sanctions on the Russian Federation, various press releases issued in 2022 and 2023. See, for example: "Fact Sheet: U.S. and Allies Impose Sanctions on Russia's Central Bank, Sovereign Wealth Funds", February 28, 2022. European Union, Council Decisions concerning restrictive measures against Russia

sanctions are justified as a necessary response to a violation of fundamental international law and aim to impose a heavy cost on the aggressor state to compel it to change its course and comply with international law.

From an international law perspective, unilateral sanctions raise questions about their legitimacy in the absence of Security Council authorization. However, these sanctions are justified in the context of the Ukrainian crisis as a collective response to a blatant violation of fundamental international law rules, and they are considered legitimate countermeasures under the law of State Responsibility for Internationally Wrongful Acts¹⁹. These measures indicate that states are taking collective actions outside the traditional framework of the Security Council in light of its inability to act, which could set a precedent for future practices in dealing with grave violations of international law. The long-term success or failure of these sanctions will determine the effectiveness of this tool as an alternative to direct military intervention in deterring aggression.

¹⁹Russia's Central Bank, Sovereign Wealth Funds", February 28, 2022. European Union, Council Decisions concerning restrictive measures against Russia.

Fifth: Reshaping Geopolitical Alliances and Military Escalation: The crisis has led to a rapid reshaping of geopolitical alliances, with Western countries, led by the United States, strengthening their unity in confronting Russia. NATO has seen a renewal of its vital role as a defensive alliance. Moreover, traditionally neutral countries, such as Finland and Sweden, have taken serious steps to join NATO, indicating a significant shift in their national security perceptions as a result of the increased Russian threat. This expansion of NATO, while seen by the West as a defensive measure, is viewed by Russia as a direct threat to its national security, which could lead to further military escalation and geopolitical tensions.

The escalation of military spending in many European countries, the strategic repositioning of forces, and the escalation of hostile rhetoric indicate that the crisis has pushed the world into a new era of geopolitical competition and militarization, which may reduce the space for diplomacy and peaceful solutions. This situation poses a direct challenge to the purposes of the United Nations, which seeks general disarmament and arms reduction, and threatens to increase the risks of future armed conflicts.

Sixth: Erosion of Trust in International Institutions and Calls for Reform: The crisis has exposed the fragility

of the international institutions that are supposed to guarantee peace and security. The United Nations, particularly the Security Council, has faced widespread criticism due to its inability to stop the aggression. This inability has led to increasing calls for Security Council reform, a reconsideration of the veto power, and an expansion of its permanent membership to make it more representative of the world and more capable of taking effective decisions. However, reforming the Security Council is a highly complex task and faces strong opposition from the permanent members who hold the veto power.

The crisis has also affected the credibility of international law as a tool for dispute settlement. If fundamental rules of international law are not respected by powerful states, this could lead to an erosion of the law's authority and a decline in its role in preventing conflicts. The solution lies in strengthening international law enforcement mechanisms, reforming international institutions to be more effective and representative, and encouraging dialogue and cooperation among all states, regardless of their power or size, to ensure the building of a more just and stable international order.

Section Two: Positions of States and International Organizations Between Legality and Geopolitical Interests

The Russo-Ukrainian crisis constitutes a real test for the positions of states and international organizations, where legal and moral obligations under international law intertwine with complex geopolitical and economic interests. This crisis has led to clear divisions in the international community, with some states explicitly aligning with Ukraine and condemning the Russian invasion, while others preferred to take a more neutral stance or maintain their relations with Russia, driven by various considerations. An analysis of these positions highlights the permanent tension between the rule of international law and the reality of national interests.

First: The Position of Western States and Adherence to Legality and Values: The majority of Western states, primarily the United States, the European Union countries, the United Kingdom, Canada, and Australia, have adopted a firm and clear stance in condemning the Russian invasion of Ukraine. These states justify their positions by adhering to international legality and supporting the principles of state sovereignty, territorial integrity, and the prohibition of the use of force, which form the basis of the international legal

order that these states helped build after World War II. These states considered the Russian invasion a blatant violation of international law and the United Nations Charter, and an unjustified act of aggression²⁰.

This commitment has been manifested in a series of taken measures:

Public Condemnations and Voting in the United Nations: These states unanimously voted in favor of United Nations General Assembly Resolution ES-11/1, which condemned the Russian invasion and demanded an immediate and unconditional withdrawal of Russian forces from Ukraine²¹. This vote indicates a unified legal position by these states.

Imposition of Extensive Economic Sanctions: These states imposed the most severe economic sanctions on Russia in modern history, targeting its financial, energy, and defense sectors, in addition to personal sanctions on Russian officials and businessmen²². These sanctions are justified as a necessary response to

²⁰International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, 2001, Articles 49-54.

²¹United Nations General Assembly Resolution ES-11/1, Aggression against Ukraine, 2 March 2022.

²²United Nations General Assembly Resolution ES-11/1, Aggression against Ukraine, 2 March 2022

the violation of international law and aim to impose a heavy cost on Russia to compel it to change its course.

Provision of Military, Economic, and Humanitarian Support to Ukraine: These states have provided massive military, economic, and humanitarian aid to Ukraine, amounting to tens of billions of dollars, with the aim of enabling it to defend itself and provide relief to its people²³. This support is viewed as a moral and legal duty to support a sovereign state being illegally attacked.

Strengthening Defensive Alliances: These states have strengthened their alliances, especially NATO, and deployed additional forces to the Alliance's eastern flank, indicating a geopolitical response to the increasing Russian threat.

Although these positions are presented as being based on international law and democratic values, they are not devoid of deep geopolitical considerations. For the United States and NATO, the Russian invasion is seen as a direct threat to European and global security and a challenge to American hegemony in the international system. Moreover, supporting Ukraine is considered a means to weaken Russia and limit its influence,

²³European Commission, Factsheet on EU support to Ukraine, periodic updates. See also: U.S. Department of Defense, Statements on security assistance to Ukraine.

thereby strengthening Western interests. For the EU countries, the invasion poses a direct threat to their regional security and economic stability, pushing them towards greater defense integration and unity in the face of the common threat. Therefore, it can be said that legality and interests intertwine in the positions of these states, where international law is used as a framework to justify and promote geopolitical interests.

Second: Positions of Non-Western States: Between Neutrality and Strategic Interests: In contrast, many non-Western states, particularly in Asia, Africa, Latin America, and the Middle East, have adopted more complex and diverse positions. Many of these states did not explicitly condemn the Russian invasion, or abstained from voting in the UN General Assembly, or expressed reservations about Western sanctions. These positions are attributed to a range of factors, including:

Economic and Commercial Considerations: Russia is a major supplier of energy, wheat, fertilizers, and weapons to many of these countries. Western sanctions on Russia directly affect the economies of these countries, pushing them to maintain their trade relations with Russia to avoid negative economic repercussions. For example, India and China continued to purchase Russian oil and gas at reduced prices,

which mitigates the impact of Western sanctions on Russia and benefits their economies²⁴

Historical Relations and Strategic Alliances: Some countries, especially in Africa and the Middle East, have strong historical relations with Russia in defense and security. Russia has been, and remains, a major supplier of arms to these countries, and it provides support on certain regional issues. For example, Russia is considered an important security partner for some countries in the Middle East and North Africa, making them hesitant to explicitly condemn Russia²⁵.

Skepticism Towards Western Hegemony and Selective Application of International Law: Many non-Western countries express skepticism towards Western hegemony in the international system and point out that Western countries often apply international law selectively, carrying out military interventions or imposing sanctions on other countries based on their own interests, while turning a blind eye to other violations. These countries focus on the principle of "non-double standards" and point out that the West's focus on Ukraine overlooks many other conflicts and

²⁴Reuters, "India's Russian oil imports hit record in May as China's ease", Reuters, 14 June 2023

²⁵The International Institute for Strategic Studies (IISS), "The Military Balance", 2022 and 2023 editions. These reports detail military cooperation between Russia and various countries in the Middle East and Africa.

struggles in the Global South that have not received the same international attention and support²⁶

Focus on National Interests and Neutrality: Some countries prefer to pursue a policy of neutrality and non-alignment to avoid involvement in major power conflicts and to maintain their independence in decision-making. These countries focus on their narrow national interests and prefer not to align with any party in the conflict, in order to maintain their relations with all parties and avoid any negative repercussions.

Concerns about "Regime Change" and "Intervention" Precedent: Some countries fear that the principle of "regime change" or "humanitarian intervention" could become a pretext for intervention in their internal affairs, and therefore prefer not to support positions that enable major powers to impose their will on other states.

These positions demonstrate that international law, despite its importance, does not operate in a vacuum but is significantly influenced by geopolitical dynamics and national interests. While the rules of international

²⁶See, for example, statements by leaders from African and Asian countries at UN meetings and international summits, which reflect this critique.

law constitute a theoretical framework, their application in practice often involves a complex balance between adherence to rules and the achievement of interests.

Third: Role of International Organizations: Challenges and Repositioning: International organizations found themselves in a critical position as a result of the crisis, facing immense pressure to respond to Russian aggression while simultaneously maintaining their impartiality and credibility.

United Nations: As mentioned earlier, the Security Council's capacity was paralyzed by the Russian veto, weakening the UN's ability to take coercive measures to stop the aggression. However, the UN General Assembly played an important role in expressing international consensus, issuing resolutions condemning the invasion and demanding Russian withdrawal, despite these resolutions not being legally binding. Other UN bodies, such as the UN Office for the Coordination of Humanitarian Affairs (OCHA) and the UN High Commissioner for Refugees (UNHCR), undertook massive humanitarian and relief efforts to address the humanitarian crisis caused by the war²⁷.

²⁷United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Ukraine: Humanitarian Impact Situation Report", periodic reports. UNHCR, "Ukraine Refugee Situation", periodic updates

This shows that the UN, despite its inability on the security front, still serves as an important platform for expressing international will and providing humanitarian assistance.

European Union: The European Union demonstrated unprecedented unity and cohesion in confronting the crisis. It imposed extensive sanctions on Russia, provided massive financial and military aid to Ukraine, and opened its doors to millions of Ukrainian refugees. The EU also took serious steps towards reducing its reliance on Russian energy, representing a significant strategic shift. This response indicates that the EU, often criticized for its slow decision-making, is capable of acting as a cohesive unit when its fundamental interests and values are threatened²⁸

North Atlantic Treaty Organization (NATO): NATO has regained its importance and role as a defensive alliance in the face of the Russian threat. The Alliance strengthened its military presence on the eastern flank, provided significant military support to Ukraine (although Ukraine is not a NATO member), and approved the accession of Finland and Sweden, two

²⁸European Commission, "EU solidarity with Ukraine", official pages detailing measures and policies

historically neutral countries²⁹. These developments indicate that NATO is repositioning itself as a major defensive force in Europe, and that the crisis has led to a renewal of its purpose.

Other International Organizations: Other organizations, such as the Organization for Security and Co-operation in Europe (OSCE), played a limited role due to the freeze in cooperation between Russia and Western countries. The crisis also affected the work of organizations like the World Trade Organization (WTO), with some countries calling for Russia's membership to be suspended or for it to be economically isolated.

Fourth: Future of the International System and the Balance of Power: The Russo-Ukrainian crisis has accelerated the process of reshaping the international system towards a multipolar order, where the dominance of a single power (the United States) is receding, and emerging powers like China and India are gaining prominence. This process, although ongoing before the crisis, has accelerated due to it. China's stance, which did not explicitly condemn the Russian invasion and did not participate in Western sanctions, indicates that it prefers to maintain its

²⁹North Atlantic Treaty Organization (NATO), "NATO's response to Russia's invasion of Ukraine", official statements

strategic relations with Russia, which could form a new power axis in opposition to the West.

The crisis raises questions about the future of international law as a tool for governing relations between states. If major states continue to defy its fundamental rules without real consequences, this could lead to an erosion of the law's authority and a decline in its role in preventing conflicts. The solution lies in strengthening international law enforcement mechanisms, reforming international institutions to be more effective and representative, and encouraging dialogue and cooperation among all states, regardless of their power or size, to ensure the building of a more just and stable international order.

Fifth: Challenges to International Humanitarian Law and Human Rights Law: In addition to its repercussions on public international law, the crisis has also led to grave violations of international humanitarian law and human rights law. Independent international organizations, such as Amnesty International and Human Rights Watch, and UN experts, have documented potential war crimes, including targeting civilians and civilian infrastructure, the use of prohibited weapons, torture, extrajudicial

killings, and forced displacement of populations³⁰. These violations raise questions about the responsibility of individuals for these crimes and reinforce calls for accountability and international justice. The International Criminal Court has opened an investigation into the situation in Ukraine and issued arrest warrants for Russian officials, including President Vladimir Putin, on charges of committing war crimes³¹. This indicates that international criminal law is attempting to provide a framework for accountability even in the absence of the ability to directly stop aggression.

The crisis has also led to the largest refugee crisis in Europe since World War II, highlighting the urgent need to apply the principles of refugee law and ensure the protection of those fleeing the conflict. European countries have received millions of Ukrainian refugees,

³⁰Amnesty International, "Ukraine: Russian War Crimes and Civilian Casualties", multiple reports issued in 2022 and 2023. Human Rights Watch, "Ukraine: Russia's Invasion and War Crimes", multiple reports issued in 2022 and 2023

³¹International Criminal Court, "Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova", Press Release, 17 March 2023.

demonstrating a commitment to the principles of refugee protection, despite the immense logistical and social challenges.

Footnotes:

United Nations Charter, Chapter VII, Articles 39-51.

United Nations Charter, Article 2, Paragraph 4.

United Nations, Security Council, S/PV.8979, 25 February 2022. The Russian veto was cast on a draft resolution condemning the invasion.

United Nations Charter, Article 2, Paragraphs 1 and 7.

International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, 2001, Article 26 and commentary thereon, which refer to Jus Cogens rules.

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Conclusion

The Russo-Ukrainian crisis is a watershed moment in contemporary international relations. It has revealed profound challenges to the existing international legal order and cast a shadow over fundamental principles long considered cornerstones of global peace and security. This study has shown that the Russian invasion of Ukraine constitutes a blatant and clear violation of the principles of state sovereignty and territorial integrity, and the prohibition of the threat or use of force, which are peremptory norms admitting no exception or interpretation, as enshrined in the United Nations Charter, international legal doctrine, and the International Court of Justice. The legal and geopolitical repercussions of this aggression have extended beyond the borders of the two warring states, undermining the principle of collective security upon which the United Nations was founded, and highlighting the significant gap between legal texts and their enforcement mechanisms, especially when a major power with a veto in the Security Council is involved. The positions of states and international organizations have revealed a constant tension between adherence to international legality on the one hand and geopolitical and economic interests on the other. This tension has affected the effectiveness of the

international response to the aggression and has led to a reshaping of alliances, an escalation of military tensions, and unprecedented challenges to international humanitarian law and human rights. In conclusion, this crisis underscores the urgent necessity of strengthening the international legal framework, reforming international institutions to be more effective, just, and representative, and ensuring the supremacy of law over "the law of the strongest," to guarantee a more stable and secure future for the international community.

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