

## **INTERNATIONAL LAW AND ITS CHALLENGES IN THE RUSSIA- UKRAINE WAR**

**Cyriacus N. N. Ike<sup>1\*</sup>, Cornel Chinedu U. Udumaga<sup>2</sup> & Ngozi N. Osudibia<sup>3</sup>**

<sup>1,3</sup>Department of International Relations, Madonna University, Nigeria

\*nwaezedelight@yahoo.com

Department of Political Science, Alvan Ikoku Federal University of Education, Owerri, Imo State, Nigeria

**ABSTRACT:** The ongoing war between Russia and Ukraine is challenging international relations, with the unmitigated destruction of lives and billions of dollars in national assets on both sides. What is more worrisome in the crisis, is that scholars in the field are bereft of any logical explanation to the stand of international law as an instrument of taming unilateral actions of states and the rascality. This study raises pertinent research questions: Does international law live up to its biddings? Does it still regulate the conduct of state and nonstate actors in the international system? Why has Russia damned and taken the law for worthless documentation, as it continues to obdurate its atrocious invasion of Ukraine? Is the international system helpless, or how does it extricate itself from this rumble? The work used a secondary qualitative method for data collection, and to interrogate the stand of Russia and the position of international law in the war, the work utilised a compound analysis of realism state-centred theory, offensive realism and protracted social conflict (PSC) theory. Findings show that Russia's claim of self-defence and humanitarian interventions are mere pretentious deceit without moral or legal logic. The scenario seems to show that international law a mere document of moral jurisdiction impinging on the UN an irredeemable limitation. This study concludes that international law is weak, as the umbrella body of interstate relations- the UN has an inherent weakness as it lacks sufficient legal mandate for enforce sanctions on sovereign states actions that violates its laws. The paper suggests that the way to curb further free-for-all violations of international law and the kind of carnage going on in the war between Russia and Ukraine is, to give the UN stronger legal mandate to enforce its laws on deviant states.

**Keywords:** Russia–Ukraine War, International Law, UN, Violation of Sovereign Rights, International Community

### **INTRODUCTION**

According to Jean-Dominique (2015), Russia diplomacy is committed to the strict and formal respect to international law and order. Contrary to this assertion, Russia has in the last thirty months, launched an unprovoked aggressive war on Ukraine in violation of several provisions of international law, conventions and protocols she is signatory to especially, Article 2(4) of the United Nations Charter- the prohibition on the use of force on any member nation of the organisation. While the UN General Assembly condemned Russia for the atrocious acts, the Security Council whose responsibility it is to sanction the invader, could not raise even a resolution because of Russia's veto power and strong diplomatic advantage. In Falkland, Panama, Afghanistan, Iraq, Chechnya, Crimea and now Ukraine, it has been the

imposition of strong against the weak in most cases, the world powers and members of the UN Security Council, violating international law with no consequence for their action. This scenario agrees with Michael (2023) assertion that the UN and international law have failed to shield the weak nations from the rascality of strong powers of the world.

Russia has since the demise of its led soviet political enclave three decades ago, savoured the pain of a waned power fortune of a conclave political system. What worries Russia the most, is not only seeing the entire WARSAW Pact and communism being toppled by its rival ideology—the Western liberal democracy and its NATO bloc, but at the same time, seeing them blossom in influential fortunes and expanded territorial mission even around its intrinsic borders. As the arrowhead of that rival bloc, Russia bears the brunt of that power diminuendo, facing alone the uphill task of rebuilding from the debris. The consciousness of the fact that returning the concentric regional and ideological philosophy of that old order (socialism/communism) not be easy, gives the Russian state the greatest challenge in its current foreign policy quandary and adventure. According to Jack (2010), Boris Yeltsin's failure to accept the reality of waning power quotients and integrate Russia into the US (western) established world order, shrinks Putin's current fight at sustaining the variables of own territorial security and challenging American policy in Eastern Europe and elsewhere. Mindful of this, Russia is effectively weaponising the 'carrot and stick', deploying and maximising other indices of national power within her exclusive and comparative reach in erecting new potent capacities within the Eastern/Central Europe fringe, the Baltic, and elsewhere (Sofia and Gary, 2022; Douglas, and Michael 2018). Nevertheless, Russia has experienced a resurgence of its 17<sup>th</sup> century history into the Pacific, the Russo–Polish war and the conquest of the Siberia region into its current struggle. For example, since the collapse of the Soviet Union, Russia has intensified its pursuit of regional hegemony, often through questionable means in the transcontinental state of Georgia by aiding the secessionist group in Abkhazia and South Ossetia, leading to a brief civil war in August 2008. Between 1994 and 1996, Russia set out another adventurous move to 'recapture' former Soviet republics of Chechnya, which had previously declared its independence in November 1994. Although Russians had an overwhelm superior military men and equipment, yet it suffered monumental humiliation, as it failed to establish effective control of mountainous areas due to numerous full-scale battles in asymmetric engagement with guerrilla insurgents. However, Putin yet revisited the Russian imperial adventure on Chechen in 2000, unleashing a major invasion marked by destructive airstrikes and simultaneous discharge of artillery that gave it respite from the initial misadventure in which the republic was defeated and its economy left in ruin of the worst humanitarian crisis of the 21<sup>st</sup> century.

Putin further exploited a raging alarmist political atmosphere in Ukraine instigated by Ukrainian-Russian family relatives and some pretended Ukrainian nationalists, including the former president, Mr Yamasenkyo, who endorsed a Russian-led referendum that voted overwhelmingly on March 16, 2014, for the creation of the Crimea region, a para-state of Russia intended to narrow down the diametric scale of Ukraine's geopolitical corral (Douglas and Michael 2023). In a repeat of the Crimea episode, Russia in 22<sup>nd</sup> February 2022, invaded Ukraine after mounting wholesome media propaganda with damaging political, economic, and trade blockage and intense apprehension in the Donbas region, citing geostrategic mapping of its strategic enclave in the event of Ukraine joining NATO ([www.ministryofforeignaffairsofukraine.ng](http://www.ministryofforeignaffairsofukraine.ng)).

This scenario has exacerbated some worrisome developments in the global political arena. A United Nations Humans Rights Monitoring Mission in Ukraine stated that the country has lost over half a million troops and civilian and unprecedented destruction in critical infrastructure worth billions of dollars. On the other hand, despite the official conservative casualty figure of the Kremlin, Russia has lost an estimated 50,000 troops and 240,000 injuries, in addition to 20,000 deaths by the Wanger Group and 40,000 injuries (Brian, 2024; Sharon, 2023). This figure excludes approximate loss of 2,200 of its 3,500 battle tanks, and one-third of its armoured fighting vehicles, Artillery System, and Anti-aircraft warfare etc. While Russia argues that its invasion of Ukraine is in pursuit of Article 51 of the UN Charter—the use of force on self-defence and recalls that America and west involvement in ‘colour revolution’ undermines its geostrategic vigilance, the consequent milieu of this political demeanour in international relations—the no-value-contempt of international morality with their concomitant trend is a concern. This work is focused on beaming research light on the deliberate violation of articles of international law and to locate the actions of Russia within the lens of international legal jurisprudence.

### **Research Questions**

Does international law still regulate the conduct of state and non-state actors in the international system?

Why has Russia continued to obdurate its atrocious invasion of Ukraine?

### **METHODOLOGY**

Although this study is concerned with the character of international law generally in relations to how it regulates the conducts of states in the international arena of self-centred interests, it is focused on Russia’s invasion of Ukraine since February 22, 2022 and the legal imbroglio it has generated in the international legal space. We used secondary data culled from the UN Charter, relevant Conventions and Resolutions of the Security Council, official documents of some UN agencies like the United Nations International Law Commission, materials sourced from e-books, internet sources, journal publications, print and electronic media etc. While discussing the rascality, impunity and atrocious violation of the laws and conventions by Russia in its war on Ukraine and other states within the old soviet enclave, the descriptive methods come handy to interrogate the hypothesis and analyse the result.

### **The invasion of Ukrainian and Russian Justification**

President Putin and the entire Russian policy machinery have advanced emotion sentiments and a ‘genuine’ domestic frame in justifying their continued belligerent actions within the old Soviet Union geopolitical enclave. According to Yuliya (2022:10), Putin explained his belligerency action on multidimensional prongs bordering: national interest, self-defence, and geostrategic considerations. In his Victory Day speech at the Red Square for the annual display of military might in Moscow, Putin stated that:

We celebrate the Soviet Union’s triumph over Nazi Germany. The struggling military campaign is a continuation of that historic fight. We fight for the motherland, for its future, so that no one forgets the lessons of

World War II.” As the invasion force is a forced intervention to ward off aggression from the U.S. and NATO.

In frontal global intelligence calculations, weeks before the invasion, Russia’s plan of action was apparent, with heavy military build-up around Ukrainian borders beginning in April 2021. President Putin, after signing two decrees on February 21, got approval the next day from the Federation Council, the upper chamber of Russia’s parliament, recognised Donetsk People’s Republic” (“DNR”) and “Luhansk People’s Republics” (“LNR”) regions as independent states, invaded Ukraine in the early morning of February 24, 2022 (Evgeniy, 2022). Following this declaration, he made press release that favoured the dissections of Russian-Ukraine history, politics, security and areas of strategic importance to the political fortunes of the country as reasons for the invasion. President Putin a few hours after the first air strike, followed up his earlier press release that: (i) NATO is enlisting nations on Russia’s borders; (ii) an encroaching neo-Nazi resurgence within the concentric circle of the old Soviet Union and its ideological front; and (iii) accused Ukraine of genocide in the eastern Ukraine region of Donbas, where Kremlin had already backed ethnic rebels in declaring independence for two states of the Eastern Region—Luhansk and Donetsk—in rebellion with the Ukrainian government since 2014. Putin stated that these actions are not just provocative but also worrisome in connecting to a sinister agenda to end the shared historical homogeneity that has continued to exist from the old communist regime. Hence, Putin tagged the war ‘Special Military Operation’ to protect the Russian population and fumed in a deep-hearted metaphoric frame coloured in antagonistic narratives against Ukraine. He disturbed the raging collapse of Russian influence in the social renaissance of Ukraine’s strato-linguistic laws of 2019, which deepened the entrench of the Ukrainian language in public life and schools. Russia equally accused Ukraine of violating the ceasefire agreement of Minsk—the withdrawal of heavy weaponry—and constitutional reform granting a measure of autonomy to the secession-seeking Donbas Republic.

In the widely published school book "Russian History, 1945 - early 21st century", coauthored by the presidential adviser Vladimir Medinsky and former Russian culture minister, Russia alleged that before its annexation of Crimea in 2014, Ukraine had plans to turn Sevastopol—the seat of Russia's Black Sea Fleet—into a NATO base, a development that would aid Kyiv in acquiring nuclear weapons. Russia perceived this as Western strategic encirclement into former Soviet territories that would spell a damaging psychological orientation of what is left of that rival political bloc with the West. Russia foresighted further in its calculation that having lost 11 (eleven) of the 16 (sixteen) of its former WARSAW PACT membership since the 1991 disintegration, it would be a costly negligence to allow the latest development. According to Tomas (2022), Russia equally feared a resurgence of history in which Eastern Europe experienced invasion every 100 years. It also recounted its travail in the 1940s in a collaborative insurgence with the forces of Ukrainian nationalism—the Organization of Ukrainian Nationalists (OUN), the Ukrainian Insurgent Army (UPA) led by Stepan Bandera and the German occupying force in which Russia political and strategic fortunes weaned and depleted in a region it had counted maximal control.

Kremlin authorities also shepherded its political propaganda to draw domestic sympathy by creating a humongous scale of Russophobia among the Ukrainian population as part of Western strategic manipulation to drag Russia into many conflicts. It also mounted platitudes of damaging political and social instability campaigns in Ukraine as an aggressive state run by nationalist extremism, insisting that such existential threat cannot be allowed within the

political and security circumference of the Russian state. Russia strategically instigated strategic political instability and social skirmishes within the Ukrainian political circle when in 2010 election its backed candidate, former President Yamakoshy, lost election to the presidency (Lise Morjé, 2022).

### **Unmasking Putin's 'just war' claims**

Kremlin authorities have tried to force down the throat of the international community its emasculated justifications for invading Ukraine with a force of total occupation and subjugation. Russia's invasion of Ukraine has been a hell of attempts since 2014 to downscale its geopolitical size and diplomatic reach through military assault on Crimea and the support of nationalist 'liberation movements and militias activities in the Donbas region. The Russians attempt to justify its actions in this circumstance and can be tested on two front logical interrogative laboratories. First, the logic of Kremlin-centred narratives includes the following: claimed national interests, Putin's egoistical drive on the one hand, the humongous war crime being committed in the invasion, the humanitarian casualties in the war, and the scale of international morality and international legal jurisprudence on the other hand.

First, Putin's claim to act on national interests and invitations by the Donbas people to aid the sustenance of the People's Republics struggle, curb the scourge of humanitarian casualty, and inform the invasion of the region further fuelled the amber of sentimental justice within the population and weakened international moral deportments. President Vladimir Putin had already been in the twilight of his earliest attempts in the Ukraine territory before the current invasion, which justified his use of force under Article 51 of the UN Charter. He claimed that Ukraine was committing an act of genocide on Russian citizens in the state and in the fringe regions of its borders, UN Article 51 provides 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." In actuality of law, Ukraine did not commit or threaten to commit an armed attack against Russia or any other UN member state. Although the claim of Russia has a place in moral jurisprudence, in the event of presenting a body of evidence of the act of genocide being committed by Ukraine to the citizens of these regions, judging on the basis of international law as spelt out in the above article, Ukraine could not have violated Donetsk and Luhansk, who are not UN members and have no form of recognition status. There can also be cases of friendly invitations from citizens from those regions, as Russia claims; friendly invitations into internal conflicts have legitimacy tied only to the bounds of self-determination. In both legal and moral standpoints, the action of Russia contravenes the moral character of procedural engagement in the pursuit of such open invitations within the territory of a sovereign state as opposed to acting in third-party status. With a balanced political and legal justification, Kremlin paid the deaf ear to the cojoined principle of the right of self-determination in Chapter 1, Article 1, part 2 of the UN Charter: "To develop friendly relations among nations on the basis of respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace". Russia failed to put the enforcement of this principle from a legal and political perspective and to observe the definitional ambiguities in the interpretation of the term 'self-determination' in international law.

Self-determination in the articles of various organisations in the post-WW11 were conjured in an effort to enhance the right of people to self-determine their political relations once they were out of colonial control (Wilson and Shaw, 1918; Atlantic Charter, 1941; UNGA



Resolution 1514; Detrez, 2003; UNGA Resolution 61/295). This lies in the ambiguity of defining 'people' in the term, which many jurists explain, excludes people under political independence and sovereign existence—i.e., part of the population of the existing state. This position drew sharp divides during the Kosovo struggle. While China, Romania, Serbia, Cyprus, Argentina and, to some extent, Bolivia and the United Kingdom of Great Britain and Northern Ireland asserted the right of Kosovo to self-determination within that existing political entity—i.e., a state not under colonial rule—Switzerland, Finland, Slovenia, Ireland, Denmark, Maldives, Egypt, Germany, Poland, Estonia, Latvia, Albania and the Netherlands stood in opposition to the former position (Petr, 2019). While Russia explores the pages of the 'right of self-determination in involving in 'just war' claims in the states within the Old Soviet Union, the orchestrated referendum it carried out in Crimea falls within the flatfoot argument and deceptive paradigm. This is because, Russia had earlier in the Kosovo crisis, yielding support for a neutral stance in the principle of self-determination, which is subjected to a balance between the right to external self-determination of the local population and the right of the State to maintain its territorial integrity, as is the case for the Ukrainian invasion (Lauri, 2014).

According to Theodore (2015), Russia also took a similar opposite character to the endorsement of the theory of remedial secession in August 2008 and 2009 to justify its decision to recognise the independence of Abkhazia and South Ossetia in Georgia, respectively, and admitted to the ICJ in relation to the Kosovo Advisory Opinion proceedings. There is also another dimension of the Russian government that falls within speculative and anticipatory theory. Speculative and anticipatory because its calculation of strategic insecurity should Ukraine join NATO was unfounded since Ukraine has not made any official application to joining NATO nor has it been accorded any loose (observation or otherwise) status to suggest a concrete move. Therefore, Russia had no real justifiable threat from either the inflammation of Ukrainian authorities or established stances of any military attack from Ukraine or any alliance as it claimed.

### **Extant International Laws violations in the crisis and the consequential dent**

States in the international system yield themselves to the governing rules or laws simply referred to and known as international law, Conventions, Protocols and other obligatory agreements through signatories and ratification by their domestic parliamentary system, as the case may be. The violation of any of these laws has far-reaching collective condemnations and consequential sanctions or sympathy either as culprits or victims of such violation. These rules are protected in the various charters of the organisations they share obligatory membership. While some, subject to their target goals, attract collective responses from members in arms supply and coalitions of joint military forces against even a belligerent non-member nation, some are treated with heavy sanctions and diplomatic isolation.

This scenario of reciprocity presents moral obligation to states in their international relations in such overtly stretched character in the charter and articles of association of any international organisation. For example, the United Nations, which was formed to midwife global peace and moderate through laws and arbitative diplomacy, the warring attitudes of nations, present the core line of these reciprocal principles in the international system. One of these principles is respect for the territorial integrity of states: this principle is in tandem with the moral behaviour of states as well as a customary procedure in their character as members of such organisations with a long history of dynamic conception. The practice of this in the

preformation of any of the international organisations is principally based on moral discretion to respect the sovereign rights of nations, while the League of Nations and, later, the UN saw the formalisation and codification of the legal frameworks in the enforcement of this principle. Article 10 of League Covenant explicitly exhorted the member states to respect and preserve the territorial integrity and political independence of one another against any form of aggression, and in the event of any provocation from any party, Article 12 mandated that such disputes should explore the arbitratative judiciary of a third party, which, in this case, is the authority of the League of Nations (Fred 2009).

Under the UN Charter, the legal document of the world body explicitly stated 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.*” (Article 2, paragraph 7 of the UN Charter; John, 2022). This declaration stressed the prohibition of intervention in the internal affairs of sovereign states, especially by states acting unilaterally in the guise of moral considerations, for instance, acting on humanitarian grounds in the event of obvious carnage of genocide, etc. With the exception of these, any grounds of violation of the sovereign rights of nations as they are in Ukraine, or similar cases, are in several international law documents, pronounces as crime and prohibited (Broms, 1977).

Russia’s belligerent action on Ukraine constitutes a major violation and crime against world peace and falls under the definition of aggression according to points a), b), c), d), e) i g) Article 3 of the Annex to UN General Assembly Resolution “Definition of Aggression” (3314(XXIX)). Other principal items of international norms and laws include the UN Charter (1945); the Helsinki Final Act (1975); the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the UN Charter (1970); the UN GA Resolution 3314 “Definition of Aggression” (1974); the Declaration on the Inadmissibility of Intervention in the domestic affairs of States and the Protection of their Independence and Sovereignty (1965); the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States (1981); and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations (1987). Russia also violated several bilateral and multilateral agreements, namely, the Budapest Memorandum on Security Assurances related to Ukraine’s accession to the Non-Proliferation Treaty (1994); the Agreement on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation (1997); the Agreement between Ukraine and the Russian Federation on the Ukrainian–Russian state border (2003); the Agreement between Ukraine and the Russian Federation on Cooperation in the Azov Sea and Kerch Strait (2003); and the Agreement between Ukraine and the Russian Federation on the Status and Conditions of the Russian Black Sea Fleet in Ukraine (1999).

In response to the blatant mindless Russian bellicosity in the Ukrainian territory, the U.N. General Assembly had previously recognised Russia as the aggressor in the war, whereas the Security Council, because of Russia’s possession of veto power, is unable to pronounce definite sanctions and charged Russia with *jus and bellum* violations. In conducting the war, the International Criminal Court (ICC) and the U.N.’s Independent International Commission of Inquiry on Ukraine documented evidence of indiscriminate killings, sexual and gender-based violence against civilian populations in Ukraine. With a plethora of verifiable cases of *jus in bello*- international humanitarian law (IHL), the fundamental rights of war victims, as

contained in the Geneva Conventions, were further violated in the prosecution of the war on both sides. The specificity of this law borders the protection of war victims and their fundamental right without bias to the aggressor or the victim in any war situation.

In another dimension, Russia engaged around Ukraine borders in an ugly scenario of provocative politics when, in 2014, it began to show visible support to the rebellious militia, many of whom are Russian citizens around the margin of the Russian population in the eastern Ukrainian borders. Consequently, Russia engagement of heavy military hardware and weapons viz-a-viz Ukraine and its international alliances in the war, has not shown discriminatory consequences in terms of the destruction of national assets and human lives. While Russia—the aggressor, acting from the offensive—has evidently used ballistic missiles and cluster munitions in urban and densely populated areas, it has equally undermined the essentiality of utility services such as schools, hospitals and power infrastructures and the food industry, which falls within the ambit of *jus in bello* (Sergey 2022). Russia launched deadliest offenders in the Ukrainian territory after the war escalated, instigated a counteroffensive response and further opened atrocious menaces not only on extant international laws but also on the basic norms of interstate wars. From the narrative of Russia’s engagement in crime of aggression and crime against humanity in Ukraine, discoveries are humongous in the villages of Staryi Bykiv, in the Chernihiv region and Vorzel, where the execution of six Ukrainian civilian victims of war occurred on February 27, 2023 and a smoke grenade thrown into a basement of noncombatant populations exacerbated many rumoured war crimes. Russia, as well as Ukraine—on the defensive, are guilty of the violation of a plethora of governing rules in the international system, including the Geneva Convention of 1949, which stated that all parties to the armed conflict (in Ukraine or elsewhere) are obligated to abide by international humanitarian law, the laws of war, the Protocol to the Geneva Conventions, customary international law and the belligerent armed forces that have effective control of an area, as in the case of Russia. Others include excerpts from the law of war, which prohibits wilful killing, rape and other sexual violence, torment, dehumanisation of captured combatants and war prisoners, and pillage and looting, which has opened new vistas of violation of *jus in bello* and *jus Ad bellum*.

On a balanced note, the armed hostilities occurring between the Russian and Ukrainian forces have opened a panoramic view of international armed conflict governed by international humanitarian treaties (the fourth arm of the Geneva Conventions of 1949), the additional protocol of 1977 (Protocol I), and the Hague Conventions of 1907 regulating the means and methods of warfare). The pursuance of ‘just war and self-defence narratives, Russia and Ukraine, both parties extant regional and international treaties on human rights protections such as the European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), with wide coverage of fundamental rights and rights of civilians under international humanitarian law (e.g., the prohibition on torture and inhuman and degrading treatment, the requirements for nondiscrimination, the right to a fair trial).

### **Literature Review and Theoretical Underpinning of Russia Invasion of Ukraine**

International law is principally designed to facilitate the resolution of territorial disputes through the mechanisms of: negotiation and Diplomacy, mediation, Good Offices, arbitration, and adjudication etc. Hina (2023), identified that against its pivotal objective emphasizing the



peaceful settlement of disputes and the prohibition of the use of force through the UN Charter, the international law has failed in resolving territorial disputes and averting wars arising from a background of common historical, cultural, or geopolitical affinity like the case of Russia and Ukraine. Justina (2023), asserts that, despite the legal framework available for effective resolution of disputes and framework for conflict resolutions, international law suffers selective compliance.

Consequently, Russia's invasion of Ukraine provided lots of inconsistencies in the position of modern international law. Article 2.4 of the UN Charter provides that members should refrain from the threat or use of force against any other state; thus, no state should act in such a way within its territory that it directly impacts on the territorial integrity or political independence of another member state. This concept is fully elaborated by the UN General Assembly in its 1970 Declaration on Friendly Relations. At the Red Square speech in February, 2022, Putin addressed his citizens emphasising that Russia is not breaking or violating any provision of international law rather, is acting on self-defence and responding to humanitarian needs of Russian citizens who he said, are being faced with genocide in the 'authoritarian' regime in Kiev. Geoff and Clara (2011), examine the window international law provided in justifying such unilateral use of force. They argued that however, states have inherent right to self-defence, but this position is limited by the provision under Article 51 and 2.7 that individual state and indeed the UN shall not intervene in matters that are essentially within the domestic jurisdiction of a member state. Only the UN Security Council under Chapter VII of the Charter, exercises legal authority over the governments of Member States in domestic matter to respond in emergency situations where threats of genocide and humanitarian challenges are imminent. In such situations, Dakkak, (1999), stated that its decisions are therefore binding on Member States, and shall take measures, including where necessary the use of force, to maintain international peace and security. This duty might be exercised in line with the developing ideas relating to the 'responsibility to protect'.

The aggression Ukraine has suffered from the Russian military is evident in the claims and international outcry that norms and laws are being violated in the conflict. Since February 2022, Russian authorities on the aggressor theory, have proposed self-defence and humanitarian needs as grounds for its attack on Ukraine. It has similar to other aggressor nations in the past, confused the state-centred theory with multi-layered framework, whereas Russia is assertive on its encroachment into Ukraine. Elias Gotz (2023); Maria Popova and Oxana Shevel (2023); Andrej Krickovic and Chang Zhang (2023), in analysis of state-centred theory of Russian attack on Ukraine, threw up some significant strategic talks oscillating from the dimension of Putin's psychoanalytical frame, which largely impacts his regional and global view of a Russian nation that has lost substantial strength in terms of strategic alliance and military corporation in the face of a potent rivalry with blossoming fortune in alliance formation. Thus, a domestic politics-centric view that sees the war as a diversionary strategy to the failure of Putin government, the expansion of NATO within the eastern borders and declining powers theory as behind the invasion. Russia's stake in Ukraine undoubtedly extends beyond historical and cultural narrative to many years of political, ideological and ethno-linguistic affinity. This position is because social relationships throughout the entire region are constructed through common history and culture, which has also gone far from revealing an understanding of which national goals and aspirations are set. Because of this, the Russian people and government have yet to come to terms with Ukraine independence within the national sovereign status.

From a broader perspective, the theory presents an interrogation of aggression and its implications for fragile world peace and the inviolability of international law and order. The aggressor evidently lacks sound moral and legal argument only that it has the moral obligation to defend its interest and values anywhere in the world where such values are infringed upon. The perception of violation of basic laws and international norms, given the theoretical expression used to provide standpoint for dealing with Russia's belligerency in scholarly discussions, is copiously digested in this segment. Great powers in international relations, exercise limitless powers in pursuit of their interests, especially in 'weak' states. Place this on the broad line of Mearsheimer's idea of 'offensive realism' whose premium is weighty on Great Powers' pursuit of regional spheres of influence, give credence to Sverrir (2014), and asserts that, the negative impact of 'offensive realism' is the tendency to escalate violence and unnecessary acquisition and stockpiling of weapons, vis-à-vis the anarchic nature of state aggravates their aggressive behaviour. This also generates increasing tension and apprehension of war; as the big powers pursue regional dominance, weak states live in persistent threat and insecurity which drives them into exploring alliance and aids in backlash of more development of offensive action from the big powers. Robert (2023), argued that Ukraine's increased military aid and supplies from the West since 2014 have heightened Russia's apprehension of its strategic interests and security within its neighbourhood whose position in geostrategic mapping is unclear.

Offensive realism, a theory of international relations that presupposes that states are disposed to competitions and conflict because they are self-interested, power maximising, and fearful of other states. Moreover, it argues that states are obliged to behave in terms of acquisition and use of power because doing so favours survival in the international system. Offensive realism is a specie of structural theory that tends towards the new look of realism-the neorealist school of thought propounded by John Mearsheimer. The theory holds that the anarchic nature of the international system is responsible for the promotion of aggressive behaviour of states. Since the demise of the Soviet Union, Russia has remained the only power in the pursuit of power surgency against the dominance of the other European neighbours and NATO. The presupposition of Offensive realism is the elimination or nonexistence of hierarchically superior, coercive power that can guarantee limits on the behaviour of states. All great powers possess offensive military capabilities, which they are capable of using against other states, a situation that can never guarantee states being refrain from offensive military incursion (Mearsheimer 2001). Russia's engagement in Ukraine and the obvious regional hegemony agenda at least around the old soviet enclave is a mere "Tragedy of Great Power Politics": which gives rise to constant security competition, tension and war.

Other scholars have also drawn into the line of conflict/war between Russia and Ukraine via the Protracted Social Conflicts (PSC) theory, a theory that looks appropriate for discussing the conflict between these countries judging from obvious deviation of Ukraine from the old ideology jointly held with Russia and new alliances perceived to be forming along the western axis. Azar (1990; Ramsbotham, 2005), drew an understanding of conflict/war off the traditional Clausewitzian idea of war which situated as an extension and exhausts diplomacy among states. This also created another backlash, a common phenomenon within the frame of decision makers in their perception of threat in the consternation of the situation on ground. A thorough analysis of Putin's prewar speech at the 'Victory Day' match, is an expression of a nation in security dilemma, a situation that heightens this puzzle, and basically leads to the design of a strategy for survival in which offensive war serves a viable option. The Russian

authorities had to set topmost in its pyramid- the survival of the state which means going to war at the same time strategizing to manage balance of power in the event of possible coalition this time, with the western forces of NATO (Mykola, 2022; Tang, 2008).

Putin was engulfed in a long web of fear and apprehension of many possibilities should Ukraine join NATO with all the possibilities of power quotients including nuclear weapon acquisition. This scenario simply means that Putin did not weigh the option of losing ideological and geostrategic relations with Ukraine, with an attendant strategic cost to build another buffer strength, erase Russians' world power status or even total loss of regional strength among the old Soviet enclave going into this war.

### **Russian Invasion- albatross of International Law**

The actions of Russia in Ukraine are imploding a conjuncture of implications in the application of laws and Conventions in the international system. Both Russia and Ukraine are major players in the administration of social order; Russia, apart from this, represents a significant ideology that shapes the social and political contour of the international system. While Putin brood absurd legal justification for his country's invasion in Ukraine, a weight of moral burden is on the legitimacy of international law. Russia, on the basis of its justification of a linkage argument of American and other strong western allies' 'horrible foreign policy' in some specific locations, such as Yugoslavia and the Kosovo region, the British rascality in Falkland, Panama, and Afghanistan, as well as claims of self-defense and protection of human rights, is a grievous castration of international legal jurisprudence (Ingrid, 2022). It remains pertinent to defeat some of the entitlement and linkage mind-sets perceptibly pursued by Russia in this struggle.

First, Russia suffers from the sophism of territorial expansion focused on the weaned history of the 'greater Russian' empire, in which the surrounding and adjoining Soviet territories are sought within the political and strategic oversight of the Russian government. Russia would need to reset its political and national security thinking beyond the immediate territory encirclement in her foreign policy and strategic machinery. The respect of the sovereign rights of the Ukrainian people and others within that enclave would be its greatest strategic asset in the immediate circumstance. Second, Russia has in Défense against crimes being committed to Ukraine, exacerbating the rhetoric of acting on self-defense, which is not prejudiced by Article 51 of the UN Charter, which recognises states' inherent right of individual or collective defence:

“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. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security” (Article 51 of the UN Charter).

A state acting under this must be found to have been a victim of armed attack from another state and its territory or part of it occupied by enemy forces to cause instability in the government. Under this condition, the state is empowered to take measures to defend itself or invite another state to assist it in enforcing her self-defence right. With respect to this claim, Russia was not under armed attack by the Ukrainian army nor did it claim that U.S. foreign policy, NATO's expansion eastwards and the military development of Ukraine constitute real threats to her to warrant a preemptive act of self-defence, which, in itself, is incompatible with Article 51 of the UN Charter above.

Russia's claimed invitation to the Ukrainian crisis by the Donetsk People's Republic and Luhansk People's Republic is another flatfooted argument. This is because the right of invitation for self-defence is by a sovereign state, not a nonstate actor, rebel or armed militia, as was the case here. The Luhansk region, with no sovereign recognition, has no legal right under international law, as defined under the Montevideo Convention on the Rights and Duties of the States for such invitation.

Third, the pursuit of humanitarian ends and self-defence in IR clearly has a perceptive look and loose applicability as well as a contestable status in international legal jurisprudence and in the constellation of other rules made by the UN and other international organisations to protect especially weak states in the exercise of their sovereign rights. Fourth, the grandiloquence of Mr. Putin, cited within Western American allies, does not present a logical case, as it is building albatross clog in the interstate peace philosophies of the Kellogg-Briand Pact-1928, the prohibition of the use of force in the League of Nations and the UN Charter. Therefore, Putin must be made to understand that reminiscing on Kosovo, Iraq, Libya and Syria's experiences of Western rascality not only strained the prohibition on the use of force in international law but also presented Russia with recalcitrant belligerent and unwanted terror within its neighbouring circle. Logically, mere citing of genocidal atrocities in a conflict situation does not automatically create convenient room for external intervention or for international organisations such as the UN and other regional bodies to roll out war drums to quickly intervene in humanitarian responses. Russian authorities failed to follow the procedural parts of the punitive enforcement of an act of genocide on Ukraine. First, the Genocide Convention did not confer the right to the enforcement of that crime on an individual state or groups of states that act on unilateral power; rather, state parties are by Article VIII and call upon the UN to take "appropriate" action to prevent and suppress acts of genocide (Jus, 2022).

Putin's citing of the NATO intervention in Yugoslavia during the Serbian military onslaught on Kosovar Albanians was in response to the Kosovar population, who opted for self-determination, and it must be understood that self-determination has a stronger recognition in all pieces of international law and is rooted in the civil and democratic rights of a people opting such. Although the NATO intervened with an explosive bombing campaign that forced the Serbians to negotiate the end of that genocidal threat to the ethnic Albanians, the UN, whose power lay weighty to pursue the resolution of conflict and restore order via collective military force, was hesitant to intervene on humanitarian grounds, as the tin line between the humanitarian campaign, the violation of Serbian sovereignty and the human casualties of the widespread death of thousands and the displacement of millions on both sides of the conflict was unbalanced. This position equally accounts for the UN's slow attitude toward humanitarian responses in civil wars in Syria, Yemen and Myanmar, where

wars have triggered some of the worst genocide campaigns and humanitarian crises in history.

Moreover, the genocide committed by Ukraine of Russia would have attracted the attention of the international community and the quick intervention of appropriate bodies of such enforcement, such as the ICC. Rather than acting on self-invitation, Russia would have brought the attention of the International Criminal Court to the atrocious and war crimes being perpetuated by the Ukrainian authority and triggering Security Council Resolution and joint military action on Ukraine (Mary, 2023).

### **Conclusion**

The action of Russian authorities on 22<sup>nd</sup> February 2022 on Ukraine not only has extoled the Hobbesian theory of human nature and states, but also has focused on IR, an enriched volume of realists' perception that the IR environment is anarchical. It has further depleted the values of international law and institutionalism in enforcing layers of norms, mutual respect and international morality. Russia is prosecuting the war not only in the premediaeval era mindset of standardising occupation and territorial expansionism but also by disregarding established orders and common fundamental rules governing states in their international relations. Neither belligerency nor illegality is challenged by the UN or the European Union except for the usual rhetoric of verbal condemnation of the act.

The NATO, under the leadership of the US shadowed intervention, has not assuaged Ukrainian anguish in their resistance to Putin's war of attrition. It appears that the 'doctrine' of self-defence in international law lacks a definitive stretch. This is because Russia claims of self-defence in its attack on Ukraine, was simply an exploration of the lacuna in simplifying the dividing lines between the pursuit of self-defence and the violation of the rights of other nations.

The paper recommends that the veto powers undermine the very essence of the United Nation in ensuring world peace and execution of justice especially, in a situation where a member state holder of the veto is involved in the violation of the right of any none holder of the veto. To this, the paper also recommend that the veto power should have limited use.

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