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Russia's war on Ukraine: what might be the role of the United Nations on overcoming this global concern?

Adriana Sá Leitão Di Pasquale *

Abstract

The United Nations Organization (UN) was created with the main objective of maintaining international peace and security - especially after all the destruction left by World War II. The UN Charter, however, while allowing five countries to be granted the special status of Permanent Members at the Security Council (SC), along with the "right to veto", did not predict the possibility of this right to undermine the entire functioning of the UN. Thus, the scenario of the ongoing Russia-Ukraine conflict, where a non-authorized use of force has been perpetrated by exactly one of the Permanent Members of the SC, sheds light to the fragility of the UN: this right to veto has granted Russia with the power to block the SC. This calls the General Assembly (GA) to act, but since its resolutions are not binding, they do not imply the need for obedience by any state. In front of this, the article, through the deductive method, based on bibliographical and documental research, presents perspectives about the UN's role in the domain of peace and security, concluding that its limited possibilities to act make it necessary to seek broader responses within the larger scope of international law.

Keywords: United Nations Organization; Russia-Ukraine conflict; Uniting for Peace; International Cooperation.

Abstract

L'Organizzazione delle Nazioni Unite (ONU) è stata creata con l'obiettivo principale di mantenere la pace e la sicurezza internazionale, soprattutto dopo tutte le distruzioni della Seconda Guerra Mondiale. La Carta delle Nazioni Unite, tuttavia, pur consentendo a cinque paesi di godere dello status speciale di Membri permanenti del Consiglio di Sicurezza corredato dal "diritto di veto", non prevedeva la possibilità che questo diritto potesse minare l'intero funzionamento dell'organizzazione. Così, il conflitto in corso tra Russia e Ucraina, dove un uso non autorizzato della forza è stato perpetrato proprio da uno dei membri permanenti del Consiglio di Sicurezza, mette in luce la fragilità dell'ONU: il diritto di veto ha concesso alla Russia il potere di bloccare il Consiglio di Sicurezza. Questo ha chiamato l'Assemblea Generale ad agire, ma poiché le sue

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risoluzioni non sono vincolanti, esse non comportano l'obbligo di obbedienza da parte di nessuno Stato. A fronte di ciò, questo paper attraverso il metodo deduttivo, basato su ricerche bibliografiche e documentali, riflette sulle prospettive dell'ONU e del suo ruolo nell'ambito della pace e della sicurezza, concludendo che le sue limitate possibilità di azione rendono necessaria la ricerca di risposte ulteriori e più ampie nell'ambito del diritto internazionale.

Parole chiave: Nazioni Unite; conflitto Russia-Ucraina; pace; cooperazione internazionale

1. Introduction

It has been almost two years since Russia has invaded Ukraine, to be exact on 24 February 2022 ([United Nations, 2022a](#)) and, since then, the world has witnessed the vicissitudes of the conflict, as well as the way in which third countries and international organizations have shown all kinds of responses ([European Council, 2022](#))¹ trying to mitigate or even – hopefully – to stop the conflict.

In this scenario, this article intends to analyse the crucial role that one particular international organization has played in the face of this invasion: the United Nations Organization (UN). The reason for focusing on the UN is because its biggest purpose and objective is protecting and maintaining peace and security worldwide ([United Nations, 1945](#))².

The UN Charter was adopted in 1945, in a context where States were still entitled to use their force to impose the terms of settlement of disputes if they desired to ([Laskar, 2018](#)). There was, however, an important shift after the end of the World War II ([Schachter, 1986](#))³, mostly since the foundation of the UN ([Arend et al., 2013](#))⁴. At that moment, Member States of the UN, with the objective of saving future generations from the scourge of war, reaffirming faith in fundamental human rights, and establishing conditions under which justice and respect for the obligations arising from international law could be

1 The European Union, for example, has stated that the organization “and its member states firmly condemn Russia’s unprovoked and unjustified military aggression”.

2 “Article 1. The Purposes of the United Nations are: To maintain international peace and security (...)”.

3 It is worth mentioning that at the end of World War II emerged the Nuremberg principles, where States such as the United States and Russia (then the Soviet Union) affirmed that aggressive war is illegal.

4 The UN Charter was not only an institution-creating document, as it was also a norm-creating one, a change of paradigm which set specific rules of international law.

maintained, affirmed and agreed on the prohibition of threatening to or/and using force⁵, and on the obligation to resolve disputes in a peaceful manner ([United Nations, 1945](#))⁶.

The UN Charter is greatly concerned with the maintenance of peace ([Gadkowski, 2016](#))⁷, but it is important to notice that the UN was conceived as a political institution dominated by the great powers of that time. While taking on the task of safeguarding peace and security on behalf and in the interest of all the nations of the world, big and potent States did not intend to make major concessions to the minor ones on issues considered of crucial importance ([Cassese, 2017](#)).

And it is on this specificity – the fact that the different States have different powers of influence – that relies one of the biggest impasses for the UN: its configuration, more accurately how the Security Council (SC) is organized, since it has Russia as one of its Permanent Members ([United Nations, 2023a](#)). It means that the State that triggered the ongoing war has the right to veto inside the body that has the main responsibility for the maintenance of international peace and security ([United Nations, 1945](#))⁸. In other words, a dissenting vote by one of the 5 Permanent Members prevents the adoption of a binding resolution or of a decision by the SC ([Cassese, 2017](#)), literally freezing its performance, even if it is to maintain the overriding objective of peace.

The present study, therefore, proposes reflections on possible new perspectives for international peace and security in the face of the ongoing conflict: could the UN manage to have relevance in the maintenance of peace even in the face of the presence of Russia as a Permanent Member of the SC? This is a descriptive study of a qualitative nature, using the deductive method, through bibliographical and documental research, with priority to international reports, in addition to conventions, treaties and scientific articles.

2. Starting from the bottom: unravelling the UN's fragilities

5 Article 2, par. 4: "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 Article 2, par. 3: "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."

7 Since the UN Charter, the essence of international law and its perception have been transformed, presenting itself no longer as the law of war, but revealing to be the law for regulating peaceful relations among States.

8 Article 24: "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security".

As above mentioned, the UN is composed by a SC and, besides this body, it has other five main organs: the General Assembly (GA), the Economic and Social Council (ECOSOC), the Trusteeship Council, the Secretariat, and the International Court of Justice (ICJ) ([United Nations, 1945](#)).

Precisely regarding the SC, it counts with 15 members, some permanent, such as China, France, the United Kingdom, Russia, and the United States – due to their crucial contributions to the foundation of the UN; and others elected every two years by the GA ([United Nations, 2023a](#)). Although the international legal system recognizes the equality of all states, it also implies that certain states possess a “bigger level of equality” and thus the right to use force to subjugate disobedient governments of sovereign states ([Mahmutovic, 2023](#)). It is worth noticing that, in the creation of the UN, Russia (then the Soviet Union, or the URSS) is considered to have played a relatively minor role. The USSR only made its voice heard on a few important political issues: on the right to veto in the SC; on the participation of the 16 Soviet Republics as original member states of the new organization; and, finally, on supporting the principle of self-determination of peoples ([Cassese, 2017](#)).

This is still the current structure of the SC, seeming to be now increasingly anachronistic when compared to the massive changes in economic, diplomatic, and military global power since 1945 ([Hosli et al., 2019](#)). At that time, it made sense to have such an arrangement, once there were no practical alternatives: without the right to veto for the 5 Permanent Members, for example, the UN security system might not have even properly existed, once it was created, in that context, to spare the members from the rule of “all against each” ([Vandenbosch, 1973](#)).

In other words, the UN body with the primary responsibility for the maintenance of international peace and security ([United Nations, 1945](#))⁹ and with the attribution of the monopoly of legitimate armed violence ([Cassese, 2017](#)), still has to deal – as it already has ([Global Policy Forum, 2021](#))¹⁰ – with the possibility of the exercise of the veto right by a Permanent Member. The main “structural defect” of the collective security system outlined by the UN Charter lies, then, in the fact that the concrete exercise of the monopoly on the legitimate use of force by the SC requires the agreement among the five Permanent Members. In the event of dissent, the right to veto grants each one of them the power to undermine the right functioning of the collective security system ([Cassese, 2017](#)).

9 Article 24, par. 1: “In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security (...)”.

10 For example, the power of veto has been used more than 250 times only in the period between 1946 and 2009.

The UN, thus, shows its weakness, here represented in the figure of the right to veto. With the foundation of the organization, it was hoped that the searing memories of two World Wars, the threat of new lethal dangers to peace and to liberty, as well as the hard perception of what another war could mean to the planet, would stimulate the nations of the world to use the UN to the utmost, searching for actual peace ([Vandenbosch, 1973](#)). Instead, this dominance of the Permanent Members has only contributed to institute a “penholder system”, that is, these 5 states can each paralyze certain agenda topics of the UN, depending on their conveniences, once no substantive SC decision can pass without their approval or at least acquiescence ([Hosli et al., 2019](#)).

The controversies surrounding the right to veto and how it can be manipulated become a blatant attempt to subvert the fundamentals of international law and reduce it to the idea of a balance of power rather than a distinction between right and wrong behaviours. In these situations, using unilateral force undermines the stability of the international relations framework and gives legitimacy to the use of force for achieving geopolitical goals. In the end, this compromises the ideals and precepts upon which the structure of international law is founded ([Mahmutovic, 2023](#)).

This short digression is important to demonstrate that the fragility and the paralysis of the SC, therefore, are nothing new. The point is that at this moment, since 2022, a conflict of vital importance for the major powers of the West involves Russia, a state with the right to veto in the SC. The “forbidden” use of force has been perpetrated by one of the Permanent Members, which leaves the whole group in flagrant dissonance. The expectations of peacefully solving the problem, thereby, can no longer fall solely on the SC: alternatives are demanded.

3. Understanding the conflict: what have been the biggest global repercussions so far?

Before presenting perspectives on the solutions and alternatives for the conflict within the UN framework, it is important to mention that the GA is composed by all member states of the UN, each of which has the right to vote. The GA is authorized to discuss and pronounce on any question falling within the aims pursued by the UN, being hierarchically subordinated to the SC in matters relating to the maintenance of peace and security ([Cassese, 2017](#)). Nonetheless, in accordance with the GA Resolution 377 (V) of 1950, widely known as “Uniting for Peace”, if the SC is not able to act for lack of unanimity among its Permanent Members, the GA has the power to make recommendations for collectively acting on the maintenance or on the restorage of international security and peace ([United Nations, 1950](#)).

Consequently, days after the 24 February 2022 invasion, when the SC members had voted to allow the GA to convene the eleventh emergency special session after Russia had vetoed a resolution that would have condemned the

invasion of Ukraine, the GA adopted a new resolution calling for an end to the war ([United Nations, 2023b](#))¹¹. The resolution passed by the GA urged Member States to work together in a spirit of solidarity to address the effects of the war on the environment, energy, food security, finance, and nuclear security and safety on a global scale. The GA further emphasized that the Secretary-General should have the support of all countries in his endeavours to address these impacts and that arrangements for a lasting peace should take these factors into consideration ([United Nations, 2023c](#)). Despite that, so far, the conflict has not yet ended.

It should be noted that, beyond the denunciations within the UN, representatives of numerous states and international organizations, including the Nordic Council, the Council of Europe, the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE), the North Atlantic Treaty Organization (NATO), the African Union, the Economic Cooperation Organization of Western African States, the Pacific Islands Forum, the Organization of American States, and the Caribbean Community, expressed regret or disapproval for Russia's intervention. Lastly, it should be mentioned that a number of international law experts, speaking for themselves or via multiple scholarly organizations, denounced the Russian military intervention as a breach of international law. Overall, almost everyone has condemned the February 2022 intervention as illegal; notable exceptions include China and India ([Corten et al., 2022](#)).

This shows how much the international community has been affected by this war. In fact, the conflict has only given space to more destruction and drastic consequences. Since the major escalation of the Russo-Ukrainian conflict initiated in 2014 ([Farzanegan et al., 2022](#); [Rawtani et al., 2022](#))¹², a series of repercussions have reverberated around the world, especially related to the displacement of people, once more than 6 million Ukrainians have already left their country due to the war ([UNHCR, 2023](#))¹³. The international community has been then facing the fastest growing and worst humanitarian crisis since World War II ([Lanza, 2022](#)), a true "disturbance" to international peace and security.

More than that, society is currently facing the risks and the fear of nuclear attacks ([NATO, 2022](#))¹⁴, as well as the effects of the climate emergency ([UNEP, 2023](#)) and the environmental crisis ([Rawtani et al., 2022](#)). There have been

11The resolution is entitled "Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine".

12 In fact, after the collapse of the URSS, the Ukrainian-Russian relationship has been marked by tensions.

13 The most updated data from the United Nations High Commissioner for Refugees (UNHCR) estimates 6,338,100 refugees from Ukraine recorded globally.

14 From the beginning of Russia's invasion of Ukraine in February 2022, Russian President Vladimir Putin has emphasized his country's nuclear capacity.

many fires during this invasion, mostly occurred at oil storage sites. In addition, many forests were burned due to indiscriminate Russian bombing ([Shevchuk et al., 2022](#)).

Air pollution is also a very concerning aspect in this scenario, once the quality of the air is deeply affected by the large-scale movement of heavy machinery and military equipment and vehicles, which commonly liberate a large amount of dust and fossil-fuel-based emissions. The usage of chemical, biological, and nuclear weapons cause severe air pollution as well ([Rawtani et al., 2022](#)), in the same way as lead and mercury released from chemicals can reach the atmosphere and be inhaled by civilians and soldiers ([Barber et al., 2022](#)).

In front of all these circumstances, it is not an overstatement to affirm that the ongoing conflict is one of the most evident violations of international law in recent times ([Ranjan, 2022](#)). The entire international community is being affected, as well as its multilateral relations, thus some initiatives with important political functions have been taken in order to present responses to these war-consequences ([Lerch et al., 2022](#)), but as far as this study is concerned mainly with the UN responses, it is necessary to take a deeper look on the performance of the organization for promoting peace.

After all, if the SC is unable to act and the resolutions of the GA are not binding to the Member States ([Cassese, 2017](#)), would the UN's actions be sufficient to provide solutions for overcoming this menace?

4. Engaging responses inside (and out of) the UN: is it possible to provide solutions within international law?

It should not be forgotten that for years society has been dealing with the use of force in its most varied forms and “exceptions”¹⁵, even when they were not properly authorized by the SC ([United Nations, 1945](#))¹⁶ such as the example of the United States (U.S.) in the early 2000s, when the country instituted a “war against terrorism” worldwide. At that time, the U.S. failed to acknowledge any formal role for the SC regarding the use of force in or against other states: that one Permanent Member simply claimed the right to use force against others – primarily countries from the East – supposedly affiliated with international terrorism ([Charney, 2001](#)).

15 For instance, Article 51 of the UN Charter predicts 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 (...)”.

16 Article 51 continues stating that “measures taken by Members (...) shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council (...)”.

Even before that, since the Cold War, a tendency to broaden the scope of the right of individual and collective self-defence has been observed, or rather of the only possibility envisaged by the UN Charter for the unilateral use of force by the states: members have therefore justified the use of armed force on the basis of an alleged right to advance and/or preventive self-defence reasoned on the right to retaliate against attacks by non-state entities (especially large-scale terrorist attacks). By doing so, while on the one hand they have violated the prohibition of the use of force, on the other hand, they have indirectly confirmed its existence in general international law as they have constantly sought to legitimize their actions based on “consolidated” exceptions ([Cassese, 2017](#)).

It should be mentioned that this is not the first time that states, international organizations, international attorneys, and in certain situations, even international courts, have all strongly denounced acts of aggression. This is why the U.S.-Iraq war started in 2003 is significant for this analysis. States and jurists around the world have harshly criticized it, and the conflict is still acknowledged as a serious breach of the UN Charter and a danger to the cornerstones of the international legal system ([Corten et al., 2022](#)). But unlike the U.S.-Iraq conflict, now the international community is watching a war that is involving a Permanent Member of the SC, and at this time, instead of damaging “distant lands” or promoting a “war on terror”, it is affecting practically the entire West, since this is taking place on the European continent. Therefore, the answers sought by the international community in this delicate scenario have been much different ([Steele, 2023](#))¹⁷.

The Russo-Ukrainian war, thus, does not only concern the disruption of multilateral economic relations ([European Union, 2022](#))¹⁸, but it is mainly about a different approach towards the people who directly suffer from it. While previously, with the conflicts that affected the East, the refugees entering EU coming from countries with Islamic religion were treated and misjudged as backward, irrational, violent, and more likely to promote terrorism and gender inequality ([Mavelli, 2017](#)), the Ukrainians that leave their homeland are receiving a very different treatment.

It has come to the critical point where public persons and leaders from the EU Member States have expressly manifested discourses “explaining” why Ukrainians “deserve to be welcomed in the EU”, instead of those “other” refugees, once Ukrainian refugees are Europeans, Christians and mainly women and children ([Näre et al., 2022](#)). These events highlight the racism, anti-

¹⁷ For instance, the U.S.-Iraq war, just like the Russo-Ukrainian one, was not authorised by the UN. The world reacted to the U.S.-Iraq war with disapproval, but almost no action was taken against the US, as there were no state-imposed sanctions on the US or Britain. However, a very different reaction to the war on Ukraine has been observed, since almost every western government, following the U.S.’s lead, has slapped sanctions on Russia’s exports.

¹⁸ With the outbreak of the invasion, for example, heads of state and government in Europe have agreed to cease their dependence on Russian imports of gas, oil, and coal as soon as possible.

Muslimism, Islamophobia, and prejudice from the West towards the East ([Mavelli, 2017](#)).

This overview is useful to provide subsidies for the reflection here presented: unlike in other conflicts, the international community and the UN, more than ever, have a great interest in putting an end to this war. But is it possible?

Russia, as one of the five Permanent Members with the right to veto, has a predominant role, being entrusted with the main responsibility of maintaining international peace and security ([Cassese, 2017](#)). Instead, this state threatens the peaceful existence of the other four. Away from an unexpected conflict – as it dragged on for years – now Russia challenges the right of the U.S. and other western powers to act as the privileged interpreters and custodians of international order, using its permanent membership of the SC to pursue its goals ([Alisson, 2014](#)).

Since the SC is barely able to act, right after the outbreak of the conflict, in March 2022, the GA, meeting in an emergency session, adopted a resolution deploring “Russia’s aggression against Ukraine in violation of Article 2 (4) of the Charter”. The document urged Russia to immediately cease the use of force against Ukraine ([United Nations, 2022b](#)), nonetheless, unlike the resolutions of the SC, those of the GA are not binding ([Cassese, 2017](#)) and the Member States are not bound by them.

If the SC is “paralyzed” due to the veto of a Permanent Member, lacking unanimity among all the members, the GA, however, is entitled to adopt recommendations of its own initiative ([Lanza, 2022](#)) under articles 10 and 11 of the UN Charter ([United Nations, 1945](#))¹⁹, as it is also stated in the GA Resolution 377(A)(V) ([United Nations, 1950](#))²⁰. Thus, in order not to deprive the UN of its fundamental role in maintaining peace, one must stick to the “Uniting for Peace” document, a precedent from 1950 that signals a residual competence of the GA on the matter ([Zavoli, 2017](#)).

19 Article 10: “The General Assembly may discuss any questions or any matters within the scope of the present Charter (...) and (...) may make recommendations to the Members of the United Nations or to the Security Council (...)” and Article 11, par. 3 and 4 “The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10”.

20 The Resolution expressly states that: “(...) if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security”.

In accordance with the terms established in that Resolution, in the following days of the outbreak of Russia's invasion of Ukraine, the GA convened an Emergency Special Session ([United Nations, 1950](#))²¹ under this mechanism. The onset of this session was started by the exercise of the right to veto by Russia – on February 25, 2022, when the SC failed to adopt a resolution on ending the Ukraine conflict ([Lanza, 2022](#)) – thus hampering the SC from taking substantive measures on the situation ([Ramsden, 2022](#)).

On March 23, 2022, the SC failed again to intervene in the ongoing situation and until now, almost two years from the beginning of the war, the SC remains practically inactive. Russia enjoys a kind of “immunity” from punitive international measures for its actions in political and in legal terms, not only through its permanent membership of the SC, but also because of its nuclear status ([Cavandoli et al., 2022](#)). It becomes, thus, “crystal clear” how the UN security system might become fragile when those who violate the UN Charter match with those who have the right to veto ([Lanza, 2022](#)).

Although the conflict has not yet ended, it cannot be said that the UN has not done anything to try. Besides the GA resolutions, Member States voted for suspending Russia from the Human Rights Council ([United Nations, 2022d](#)); the ICJ (the UN's judicial body responsible for settling disputes between states) is considering a complaint lodged by Ukraine, with allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide ([ICJ, 2023](#)); and the GA also called for the institution of a mechanism for compensating damages cause in Ukraine ([United Nations, 2022e](#)). Some have even considered the possibility of creating a “special tribunal for Ukraine”, based on the “Uniting for Peace” mechanism, which provides that the GA can urge states and make appropriate recommendations to maintain or restore international peace and security. The GA could, therefore, recommend the creation of a tribunal, or even create one itself, as it did in the past²², however a special tribunal for Ukraine would be dedicated to judging the citizens of a UN Member State, which is something that raises many challenges, mostly because the UN Charter provides that Member States are obliged to apply the decisions adopted by SC, however no similar provision grants such a power to the GA, which can only make recommendations ([United Nations, 1945](#))²³. In the case of creating a special tribunal, the GA would still respect the core of SC's prerogatives, but establishing a judicial body designed to fight impunity for the most serious crimes of international law is one thing, to authorise military action is quite another ([Corten et al., 2022](#)).

²¹“If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor” (:sic).

²² The UN Administrative Tribunal was established by the GA on 24 November 1949.

²³ Article 25: “The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter”.

Further, within the larger scope of international law – beyond the UN framework – other reactions to the Russian offensive have been perpetrated. It should be noted that Russia has been excluded from the benefits of international cooperation, mostly through massive and unprecedented (individual and economic) sanctions ([European Council, 2023](#)), reaching the point of being excluded of the Council of Europe ([Council of Europe, 2022](#)). More than that, the International Criminal Court (ICC) issued warrants of arrest for two individuals in the context of the Russia-Ukraine conflict: Mr. Vladimir Putin and Ms. Maria Alekseyevna Lvova-Belova. The Pre-Trial Chamber II considered that there are reasonable grounds to retain that these individuals bear accountability for war crimes ([ICC, 2023](#)). It is rare that sitting heads of state come under the jurisdiction of international law, but in 2009, when the ICC issued the first arrest warrant for Omar Hassan Ahmad Al Bashir for his participation in genocide crimes ([ICC, 2019](#)), it weakened Bashir domestically and internationally to the point of his deposition, leading negotiations for his transfer to The Hague to face trial ([Kelly, 2023](#)).

Despite the criticisms that can be made of these measures, all the responses given represent actual repercussions for Russia. Even though these reactions have not yet been enough to stop the war, they have made it evident that violating the prohibition of war embedded in Article 2 (4) of the UN Charter is still a fundamental component of the international law ([Hathaway, 2023](#)). The reality is that the role of the UN to maintain international peace and security in this case has just not met the expectations – but this does not suppress the organization's credibility.

International law undoubtedly suffers from its limitations in the face of the power of “big states” ([Cavandoli et al., 2022](#)), and, after the continuation of so many problems and fragilities within the organization, one can only expect to resort to a mechanism dating from the 1950s ([United Nations, 2022c](#))²⁴ and hope that influences and political weight will be enough to return to a peaceful *status quo*.

The Russian invasion of Ukraine activated mechanisms on many different levels. The responses are manifested in the resolutions of the GA, in the sanctions imposed by the EU and other states, as well as in other measures, all having significant economic impacts through an indirect effective cooperation, most likely accomplishing their intended deterrent effect, at least in part ([Marcinko et al., 2016](#)).

With the expected resolution of the conflict, the international community will certainly need to ensure accountability for any state – major power or not – that commits atrocities against international and humanitarian law, through lawful punishment and fair and independent trials ([Lanza, 2022](#)). Perhaps, it is time for pushing another reform proposal ([United Nations, 2023d](#)) that addresses the

²⁴ The emergency special session of the General Assembly was called by Resolution 2623 (2022).

deficiencies in the UN system need in a way that will improve compliance and establish the prerequisites for a humanitarian intervention ([Marcinko et al., 2016](#)).

5. Final Considerations

After analysing some of the peculiarities surrounding the conflict in question – however not entering the merits of Russian's motives and justifications for the invasion – it remains undoubted that the UN, and more specifically, the SC has limits for acting that make it difficult to provide a faster and more efficient response to this ongoing conflict.

As argued above, with the paralysis of the SC, attention shifts to the GA. Even if it is accepted that the “Uniting for Peace” Resolution does not add powers to the GA – beyond those predicted on the UN Charter –, this body still plays an essential role by emanating resolutions in emergency situations, able to crystallise a series of legal claims by the international community and being possibly further employed to support future actions.

The GA has strong influences and its resolutions have been politically and legally significant, being also able to empower judicial or quasi-judicial organs to address the legal implications coming from Russia's invasion. The SC, by its turn, can still occasionally prove useful for dealing with other matters, as long as they do not bear directly on the higher hierarchy of power around the world.

The use of the “Uniting for Peace” mechanism, however, ultimately signals the UN's institutional and framework fragilities. The GA might go beyond the field of mere recommendations and, in fact, operate as an important actor towards the end of the war, but a true reform of the UN Charter is proven to be more than necessary.

The risks of escalation of the conflict – and the fear of nuclear power – as well as the UN's limited role in overcoming it have certainly slowed down the process of coming to a solution. However, it is not possible to affirm that the existing methods of preserving the peace have completely failed: unfortunately, international law does not offer responses so much as frameworks, albeit these are the frameworks that every state agreed to operate within.

This conflict has shed light to the fact that changes are needed in the international legal system. Institutions are only as helpful as their limitations and structures allow them to be, and for this matter, despite the restrictions, the UN has been very active in the process, seeking solutions not only within its framework, but cooperating with other members of the international community, thus maintaining its relevance, above all with humanitarian aid.

It is very clear that the illegitimate and non-authorized use of force is not accepted and not tolerated, however, the institutions of international justice lack

the means of coercive enforcement, as well as the UN framework in this case has proven to be too “soft”. Despite this, due to the relevance of diplomatic relations for the economic and social development of a country, it is expected that the set of actions and sanctions adopted (regardless of the SC’s inability to act) – by multiple subjects of international law – against the Russian offensive in Ukraine are sufficient to pressure those involved to finally find a peaceful solution and put an end to the conflict.

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