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DOI: <https://doi.org/10.32631/pb.2024.3.04>**AMARESH PATEL,***Assistant Professor,**Amity University (India);* <https://orcid.org/0000-0002-6000-2839>,*e-mail: apatel@ptn.amity.edu;***RAJSHREE TIWARI,***B.A. LL.B.,**Hidayatullah National Law University (India);**e-mail: rajshree.212489@hnl.u.ac.in***CRITICAL ANALYSIS OF INTERNATIONAL LAW FAILURES IN THE RUSSIAN  
INVASION OF UKRAINE: IMPLICATIONS FOR GLOBAL SECURITY**

This paper offers a critical analysis of the structural deficiencies in international law that Russia's full-scale invasion of Ukraine revealed in 2022. The study reveals a significant failure of international legal mechanisms, in particular the United Nations, to effectively deter Russian aggression and prevent the escalation of violence. Despite numerous legal actions and international responses – including resolutions by the United Nations General Assembly, proceedings at the International Court of Justice and investigations by the International Criminal Court – these measures have failed to alter Russia's conduct or prevent further deterioration of the situation in Ukraine.

The study employs a normative juridical approach, analyzing the legality of Russia's actions considering established international norms and principles. Through this methodology, the research uncovers how Russia's justifications for its military intervention – based on self-defense, collective self-defense, and allegations of genocide – are legally flawed and inconsistent with international law. Moreover, the research reveals the broader implications of these violations, including the potential erosion of global legal norms and the setting of dangerous precedents that could undermine international peace and security.

The findings of this research highlight the urgent need for reform within the international legal framework to address these deficiencies. The paper concludes by proposing specific reforms, such as expanding the abstention obligation in the United Nations Security Council and clarifying the legal basis for humanitarian intervention, to strengthen the enforcement of international law and better protect state sovereignty. These insights contribute to the ongoing discourse on the role of international law in conflict resolution and the maintenance of global security.

**Key words:** *Russian Invasion, War in Ukraine, Breach of International Law, Illegality of Russian Actions, Unjustified Claims by Russia.*

*Original article*

**INTRODUCTION.** February 24, 2022, stands as a pivotal moment in the realm of international law, marking the onset of Russian intervention in the eastern Ukrainian regions of Donetsk and Luhansk. Legal scholars such as S. Sayapin and E. Tsybulenko (2018) widely regard this intervention as a “blatant violation of the fundamental principles of international law”. In response to Russia's actions, various mechanisms of international law were activated to halt the aggression. For example, despite support from eleven member states, the United Nations Security Council (UNSC) could not pass a resolution to end the Conflict due to Russia's use of its veto power<sup>1</sup>. One

United States representative remarked that while the resolution might have been vetoed, the voices of member states, the principles of truth, the UN Charter, and the concept of accountability could not be silenced as noted by S. Cavandoli and G. Wilson (2022). Countries such as India and China, which maintained a neutral stance, called for an immediate cessation of hostilities, contributing to the division of votes within the UNSC. This deadlock led the United Nations General Assembly (UNGA) to adopt a resolution on March 2, 2022, with overwhelming support – 141 votes in

<sup>1</sup> United Nations Security Council. (2022). *Security Council Fails to Adopt Draft Resolution on Ending*

*Ukraine Crisis, as Russian Federation Wiolds Veto.* United Nations. <https://press.un.org/en/2022/sc14808.doc.htm>.

favour and five against<sup>1</sup>. The resolution strongly condemned Russia's aggression and reaffirmed "the international community's commitment to Ukraine's sovereignty, independence, unity, and territorial integrity"<sup>2</sup>. However, like the UNSC resolution, some states remained neutral due to strategic and historical ties with Russia. Despite broad international support, the UNGA resolution's impact is limited by its non-binding nature as substantiated by A. C. Castles (1967).

In parallel, Ukraine initiated proceedings against Russia in the International Court of Justice (ICJ), challenging Russia's baseless claims under the 1948 Genocide Convention. The ICJ issued "provisional measures, instructing both parties to refrain from actions that could exacerbate or prolong the dispute or make it more challenging to resolve". However, despite these provisional measures, ongoing media reports and articles indicate that Russian aggression persists as stated by V. Singh and P. Anand (2022). The International Criminal Court (ICC) prosecutor has also opened an investigation following an unprecedented referral by several states. Additionally, cases are being pursued against Russian elites in domestic courts under the principle of universal jurisdiction. Alongside these legal proceedings, unilateral sanctions have been imposed on Russia by the United States and its Western allies, aiming to weaken the Russian economy. Russia has also been suspended from the Human Rights Council and the European Council due to gross and systematic human rights violations, effectively stripping it of its status as a party to relevant conventions<sup>3</sup>. Despite these proactive measures by international institutions and states, Russian President Vladimir Putin continues to deny the commission of genocide and war crimes, positioning himself as justified in the ongoing crisis as stated by M. Carnés Calvo (2023). Despite these extensive efforts, international law has yet to effectively curb Russian aggression, highlighting a more profound structural crisis within the international legal system. This paper, therefore, examines the contours of this structural crisis in general inter-

national law and its relevance to the Russia-Ukraine Conflict. It further proposes potential solutions to address these issues, concluding with recommendations for the path forward.

**PURPOSE AND OBJECTIVES OF THE RESEARCH.** The primary purpose of this research is to critically examine the structural deficiencies and weaknesses of international law as exposed by the ongoing Russia-Ukraine Conflict. This study seeks to explore the failure of international legal mechanisms, particularly the ineffectiveness of the United Nations in curbing Russian aggression and preventing the escalation of violence. Through a detailed analysis of Russia's legal justifications and international bodies' responses – or the lack thereof – this research aims to illuminate the broader implications of these failures for global peace and security. The objective is to assess the effectiveness of international law in managing the Russia-Ukraine conflict, focusing on the role and responses of the UNSC and the UNGA.

**METHODOLOGY.** This study employs a normative juridical approach to critically analyze the conflict between Russia and Ukraine, specifically within the framework of international law. The normative juridical method focuses on evaluating the legality of actions taken by states in light of established international norms, principles, and treaties. This approach is essential for understanding the extent to which Russia's military actions and the international community's responses align with or deviate from these legal standards. The research primarily relies on a comprehensive literature review for data collection. The data comprises secondary sources, which are carefully selected to include primary legal materials, such as international treaties, resolutions, and case law; secondary legal materials, including academic articles, legal commentaries, and reports from international bodies; and non-legal materials like media reports, policy analyses, and historical accounts. These sources provide a robust foundation for analyzing the legal arguments surrounding the conflict. The qualitative analysis involves a meticulous review of Russia's claims of self-defense, collective self-defense, and humanitarian intervention. Each of these justifications is assessed against the established norms and principles of international law, particularly those enshrined in the United Nations Charter and other relevant international legal instruments.

The qualitative approach enables the study to delve deeply into the complexities of international law, highlighting the ambiguities and interpretative challenges that arise in cases of armed conflict. By systematically analyzing these legal justifications, the research uncovers the deficiencies and failures of the international legal system

<sup>1</sup> United Nations General Assembly. (2022). *General Assembly Overwhelmingly Adopts Resolution Demanding Russian Federation Immediately End Illegal Use of Force in Ukraine, Withdraw All Troops*. United Nations. <https://press.un.org/en/2022/ga12407.doc.htm>.

<sup>2</sup> Ibid.

<sup>3</sup> United Nations General Assembly. (2022). *U.N. General Assembly votes to suspend Russia from the Human Rights Council*. United Nations. <https://news.un.org/en/story/2022/04/1115782>.

in addressing and resolving the conflict. This methodological approach is crucial for understanding how international law has malfunctioned in this context and for identifying potential areas for reform. The overall objective of this methodology is to provide a descriptive and critical understanding of the role and effectiveness of international law in the Russia-Ukraine conflict. Through the normative juridical approach and qualitative analysis, the study aims to offer insights into the broader implications of these legal failures for global peace and security. The findings of this research are intended to contribute to the ongoing discourse on the need for reforms in the international legal system to better manage and prevent conflicts in the future.

**RESULTS AND DISCUSSION.** The transformation of international law post-1945 marked a decisive shift towards collective security and the prohibition of unilateral aggression. The establishment of the United Nations was not merely a diplomatic development but a profound reorientation of global legal norms governing the use of force. It has been stated by R. A. Falk (2003) that the adoption of the UN Charter, particularly Article 2(4), signified a commitment by the international community to prioritize peace and stability over the traditional rights of sovereign states to wage war. This provision sought to create a legal framework in which the legitimacy of force would be constrained not by the interests of individual states but by the broader goals of international peace and security. J. E. Fink (1995) says that the prohibition on using force enshrined in the Charter was further reinforced by establishing the Security Council as the primary body responsible for maintaining international peace. The Council's authority to determine the existence of any threat to peace, breach of peace, or act of aggression and to take collective measures to address such situations underscored the shift from a system of decentralized enforcement to one of collective responsibility. This was a significant departure from the pre-World War II era, where international law was often unable to prevent conflicts due to the lack of a centralized enforcement mechanism. However, the effectiveness of this legal framework has been tested repeatedly in the post-war period. While the UN Charter aimed to curtail interstate violence, the reality of international relations has

often seen states finding ways to circumvent these legal prohibitions, whether through justifications of self-defence, humanitarian intervention, or other pretexts. The tension between the normative aspirations of the UN Charter and the geopolitical realities of state behaviour remains a central challenge in enforcing international law.

The Russian-Ukrainian Conflict starkly highlights the fragile state of contemporary international law, particularly in its ability to curb acts of aggression by powerful states as stated by T. Hoffmann (2022). The widespread repercussions of this war, extending beyond the immediate region into global economic, social, and political spheres, underscore the urgency of addressing the United Nations' apparent ineffectiveness in enforcing its foundational principles. The violation of key provisions of the UN Charter, especially in the context of such a significant geopolitical conflict, raises profound concerns about the future of the international legal order and the potential for escalating tensions into broader, more destructive confrontations. The invocation of historical precedents, such as the U.S. intervention in Iran explained by M. Fatalski (2005) further complicates the discourse on international law's efficacy. These past actions serve as reminders of the inconsistencies and selective enforcement that have plagued the international legal system, undermining its credibility and authority. The UN Charter's Article 1(1) explicitly mandates the maintenance of international peace and security through collective measures and peaceful resolution of disputes.

However, the ongoing Conflict between Russia and Ukraine has exposed the limitations of this mandate. Despite the apparent breaches of peace and acts of aggression, the international community, under the aegis of the U.N., has struggled to implement effective sanctions or resolutions to mitigate the crisis. The inability of the ICJ and other U.N. bodies to decisively intervene in the Conflict reflects a broader systemic failure. This paralysis not only calls into question the utility of the U.N.'s legal mechanisms but also risks eroding the principles of justice and international law that the organization was established to uphold as stated by J. A. Green (2024).

## More than 10,000 deaths reported in Ukraine

Figure likely an underestimate due to difficulty in recording deaths in a war zone



Number of deaths in each week of conflict to 22 June

Source: BBC analysis of Acted data

BBC

Source:BBC News<sup>1</sup>

As the global order faces increasing challenges from unilateral actions by states, the foundational goals of the United Nations – ensuring peace, security, and justice – are more critical yet appear more unattainable than ever. The disconnect between the lofty ideals enshrined in the UN Charter and the harsh realities of international politics highlights the urgent need for reform within the international legal framework to prevent future crises from spiralling into uncontrollable conflicts. “The right of self-defence in cases of interstate violence is one of the most frequently invoked norms in the post-1945 international legal order. Since establishing a Security Council mandate can often be straightforward, states typically seek to legitimize their military actions by invoking the right to self-defence. Article 51 of the UN Charter outlines this right as follows”<sup>2</sup>:

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. Members in the exercise of this right of self-defence shall be immediately reported to the Security Council. They shall not in any way affect the authority and responsibility of the Security Council under the pre-

sent Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

This clause demands that any use of self-defence must occur within the context of an armed attack as permitted by customary international law, and it also mandates that the Security Council be notified right away of any such use. President Putin specifically mentioned the right to self-defence in the address he gave to announce the war on Ukraine. The Russian Federation notified the Security Council about the start of self-defence measures under Article 51 of the Charter that has been substantiated by A. McLeod and C. J. Archibald (2022), and the notification included the complete transcript of his address. Similarly, the Russian Federation attached President Putin’s statement to its written response in proceedings before the International Court of Justice, characterising its armed involvement as self-defence as stated by M. Schmitt (2022).

On the day Russia launched its military operations, its Permanent Representative to the United Nations notified the U.N. Secretary-General that the action was “taken by Article 51 of the UN Charter in the exercise of the right of self-defence”. The notification, which included Putin’s earlier speech to the Russian populace, was then transmitted to the Security Council. Subsequently, the Security Council voted “11-1 to condemn Russia’s actions, with China, India, and the United Arab Emirates abstaining. However,

<sup>1</sup> Haberson, S., England, R., Dale, B., & Ivshina, O. (2022, July 1). *War in Ukraine: Can we say how many people have died?* BBC News. <https://www.bbc.com/news/world-europe-61987945>.

<sup>2</sup> U.N. Charter art. 51.

Russia's veto as a Permanent Member of the Council blocked the proposed resolution"<sup>1</sup>.

The legal foundation for self-defence is clear: first, an "armed attack" must precede any self-defence measures, and second, the use of force in response to such an attack may be exercised either individually or collectively. As stated by J. Combacau (2017) that collective self-defence may be conducted in collaboration with the victim state or entirely on its behalf. However, the legitimacy of Russia's invocation of self-defence in this context remains highly contentious within the international community. Article 51 of the UN Charter traditionally allows for self-defence only after an armed attack has occurred.

However, some states and legal scholars such as A. Ozubide (2016) advocate for a broader interpretation that permits anticipatory self-defence against imminent threats. Despite this, the international community remains divided on the issue, as seen during the U.N. reform process, where no consensus was reached. While a narrow interpretation of preventive self-defence has some support, the broader notion, which allows for preemptive action against distant threats, is primarily rejected by international law and state practice as argued by M. Brailey (2003).

President Putin's speeches emphasized perceived threats from NATO and Ukraine yet failed to provide evidence of an imminent armed attack in order to claim the right of self-defence which has been explained by M. A. Demasi (2023). The justifications offered – such as the claim of NATO's expansion or the existence of U.S.-supported biological research facilities in Ukraine – were not substantiated by credible evidence and were widely disputed by the international community. Russia's rationale appears to rest on averting distant threats, a justification that does not align with established international legal norms. Even if Russia had identified genuine potential threats then also A. I. Bogdan (2022) says that these would not provide a legitimate basis for military intervention under the current framework of self-defence in international law. The international legal community rejects the idea that distant or speculative threats can justify pre-emptive military action. Article 51 of the UN Charter recognizes the right of collective self-defence, allowing states to assist one another in response to an armed attack. According to the ICJ, such interven-

tion is lawful only if the state under attack explicitly requests military assistance. This principle as stated by A. M. Pelliconi (2024) assumes that the state benefiting from self-defence is a legitimate, recognized entity under international law.

On February 21, 2022, President Putin signed decrees recognizing the Donetsk and Luhansk People's Republics as independent states, justifying Russia's military intervention as collective self-defence. However, the international community, including the U.N., overwhelmingly rejected this recognition, viewing it as a violation of Ukraine's territorial integrity and sovereignty as contended by Ç. E. Demirbaş and B. Güneş (2023).

Russia's argument for collective self-defence hinges on recognizing these regions as sovereign states. However, under the Montevideo Convention on the Rights and Duties of States, Donetsk and Luhansk still need to meet the criteria for statehood. Most of the international community considers these regions to be part of Ukraine, and thus, Russia's invocation of collective self-defence lacks legitimacy. Furthermore, Russia's use of force throughout Ukraine raises questions about the necessity and proportionality of its actions, both of which are essential criteria for lawful self-defence under international law. The impact of Russia's military operations far exceed what would be considered necessary to protect the so-called republics, undermining the validity of Russia's self-defence claim. In contrast, Ukraine's actions in response to Russia's invasion align more closely with the principles of legitimate self-defence. Though marred by some contested allegations, its efforts to protect its sovereignty generally comply with the criteria for lawful self-defence. Thus, Russia's justification for its military intervention under collective self-defence is legally and morally flawed.

The ICJ has consistently emphasized that the principles of necessity and proportionality are fundamental to exercising self-defence under customary international law as argued by M. Arcari (2022). The principle of necessity dictates that violence can only be used in self-defence when it is evident that the Conflict cannot be resolved peacefully. In the context of the Russian invasion, the necessity of such military action is highly questionable. Prior to the attack, multiple states had offered to mediate between Russia and Ukraine, indicating that peaceful avenues were still available as argued by P. Hilpold (2023). Therefore, Russia's military intervention appears unnecessary even under a self-defence rationale. The principle of proportionality is more complex and has varying interpretations. A narrow interpretation holds that self-defence is proportionate only if its intensity

<sup>1</sup> United Nations Security Council. (2022). *Security Council Fails to Adopt Draft Resolution on Ending Ukraine Crisis, as Russian Federation Wields Veto*. United Nations. <https://press.un.org/en/2022/sc14808.doc.htm>.

does not significantly exceed that of the original armed attack as stated by N.D White (1990). A broader interpretation allows for a more extensive use of force if the intention is to restore the situation to what it was before the attack as argued by Y. D. Raharja and W. D. Widoyoko (2023). However, Russia's actions, including the initial aim to occupy all of Ukraine and the subsequent focus on annexing the Donbas region, do not meet even this broader interpretation of proportionality. The scale and scope of the Russian military intervention far exceed what would be necessary to repel an armed attack, undermining the validity of Russia's self-defence claim. In addition to its self-defence claim, Russia has justified its use of force by alleging that it is protecting people in Ukraine who have been subjected to "bullying and genocide" by the Kyiv regime. This claim, made by President Putin, is central to Russia's rationale for its military actions. Ukraine has strongly refuted these allegations and, on February 26, 2022, initiated proceedings against Russia before the ICJ under the Convention on the Prevention and Punishment of the Crime of Genocide as argued by N. Quéniwet (2022).

According to the Genocide Convention, Ukraine is requesting a declaration that there have been no acts of genocide in Luhansk and Donetsk and that Russia is not authorised to use force in Ukraine. Russia has not yet offered any proof to support its allegations of genocide. Furthermore, Russia did not take part in the oral hearings on provisional measures and has disputed the authority of the ICJ. As stated by E. Fortuin (2022) that the claims of genocide made by Russia will eventually be evaluated by the ICJ, but even if they were confirmed, it is unclear that this would give legal support for the use of force in Ukraine.

The Genocide Convention does not grant any state the unilateral right to use force on another state's territory to prevent genocide. "Article I of the Convention requires states to prevent and punish genocide, but there is no indication that this obligation overrides the prohibition on using force under Article 2.4 of the UN Charter". Article VIII of the Genocide Convention does not permit unilateral military involvement, but it does empower governments to request that the United Nations take appropriate action to avert genocide. As a result, it seems that Russia's defence of its military action under the Genocide Convention is legally flawed. Russia has admitted as much in its submissions to the ICJ, and the court hinted that it would probably come to a similar decision in its Order of Provisional Measures on March 16, 2022 as substantiated by P. Ranjan and A. Anil (2022).

As suggested by G. Nuridzhanian and V. Venher (2023) that beyond the Genocide Convention,

Russia's genocide allegations might be interpreted as an attempt to invoke doctrines like "humanitarian intervention, the Responsibility to Protect, or the use of force to prevent severe breaches of jus cogens norms". While some states have historically used these doctrines to justify military actions, such as "NATO's bombing of Serbia in 1999, they have not been widely accepted as customary international law exceptions to Article 2.4 of the UN Charter". Perhaps recognizing this, Russia has yet to explicitly rely on these doctrines to justify its actions in Ukraine.

The ongoing Conflict between Russia and Ukraine has exposed significant flaws within the current international legal framework. As argued by L. Dorosh and O. Ivasechko (2018) that several key reforms should be considered to address these deficiencies and enhance the effectiveness of international law. The misuse of the veto power by the permanent members of the U.N. Security Council (P5) has *undermined the Council's ability to respond effectively to international crises*. One crucial reform is to reinforce the enforcement of the abstention obligation. This obligation, which requires P5 members to abstain from voting on issues where they have a direct conflict of interest, has yet to be addressed. The international community should revive and enforce this obligation through practice and procedural changes within the Security Council to address this. For example, Security Council members could be required to formally explain their vetoes, a measure recently proposed in General Assembly votes. Additionally, a procedural vote within the Security Council could be pursued to reinforce the abstention obligation. This approach might be feasible since procedural votes require only nine votes rather than a P5 consensus.

Sanctions against non-compliant states could encourage further adherence to the abstention obligation and provide additional pressure on states to comply. Moreover, expanding the Uniting for Peace resolution could offer a more remarkable ability to sideline vetoing members of the Security Council and discourage such activity. The ICJ also plays a crucial role in adjudicating disputes and providing legal judgments on international law issues. However, the ICJ's effectiveness could be improved by developing more robust enforcement mechanisms for its rulings. This might involve establishing more transparent procedures for compliance and penalties for non-compliance. Additionally, increasing accessibility to the ICJ for smaller and less powerful states is essential to ensure they can bring cases against more powerful states when necessary.

Another area that requires attention is the legal basis for humanitarian intervention. The current ambiguity surrounding humanitarian intervention, as evidenced by Russia's justifications, highlights the need for more precise guidelines. Developing specific international legal guidelines for humanitarian intervention could help clarify when and how intervention can be justified. This should be based on collective international decision-making rather than unilateral actions. As contended by R. Thakur (2015) that reinforcing the R2P doctrine is also crucial. By defining its scope and operationalizing its principles, the international community can prevent misuse and ensure that R2P aligns with international law.

Another significant concern is impunity among powerful states. The current international legal system often allows powerful states to act with impunity. Reforming the Security Council structure could address the concentration of power among the P5. This might involve revising the veto power or introducing mechanisms to hold permanent members accountable for abuses. Additionally, promoting accountability and transparency in international decision-making processes is essential. Establishing independent oversight bodies or strengthening existing ones could help address this issue.

Finally, the Conflict between Russia and Ukraine underscores the need for effective mechanisms to resolve disputes peacefully. Strengthening the U.N.'s role in mediation and conflict prevention is crucial. This could involve increasing support for peacekeeping missions, conflict resolution initiatives, and diplomatic efforts to resolve disputes before they escalate. Encouraging multi-stakeholder approaches that involve regional organizations, civil society, and affected communities can also enhance conflict resolution and peacebuilding efforts. Currently, the abstention obligation, as articulated in the U.N. Charter, is limited to decisions under "Chapter VI (Pacific Settlement of Disputes) and Article 52(3) (referring matters to regional bodies for pacific settlement)". This restriction, historically a concession to the great powers – who became the P5 members of the Security Council – reflects outdated assumptions about global power dynamics. Today, the international landscape is far more complex, with many nations actively participating in global affairs and contributing resources to the U.N. The limitations of the current abstention obligation undermine the Security Council's ability to address conflicts involving its members, as demonstrated by Russia's veto power to obstruct meaningful action against its aggression.

The abstention obligation should be expanded beyond its current scope to address this issue.

The revised language should mandate that parties to a dispute abstain from voting on all substantive decisions by the Security Council, not just those related to pacific settlement under Chapter VI and Article 52(3). This expansion would ensure that states directly involved in a conflict cannot vote on measures that might affect their interests, thus reducing the potential for abuse of the veto power in situations where a state has a direct stake. Defining who constitutes a "party" to a "dispute" is crucial for implementing this expanded obligation. Clear definitions should include any state whose military, law enforcement, or similar coercive entities are actively involved in the Conflict. Exceptions might be made for humanitarian actions, depending on the context. These definitions could draw from existing international law, such as the Geneva Conventions' definitions of armed conflicts, to provide a structured approach to identifying relevant parties and disputes. Another consideration is the potential paradox of a nation being required to abstain from voting while being asked to provide peacekeeping personnel for a conflict to which it is a party. To resolve this, nations required to abstain from voting due to their status as parties in a dispute should be automatically excluded from obligations to supply personnel for enforcement measures. This approach aligns with the U.N. Charter's requirement for states to actively contribute "armed forces, assistance, and facilities" only if they are not directly involved in the Conflict.

Expanding the abstention obligation to include Chapter VII (Enforcement Measures) resolutions would enhance the Security Council's ability to impose coercive measures against member states involved in disputes. The abstention obligation is confined to Chapter VI, allowing participating states to retain voting power and veto authority over enforcement actions. This limitation has allowed permanent members like Russia to veto measures intended to address their violations, as seen in its actions in Crimea and Ukraine. By extending the abstention obligation to Chapter VII, the Security Council would gain greater leverage to enforce its resolutions and hold states accountable. However, amending the U.N. Charter to effectuate these changes poses significant challenges. The Charter has been amended only five times in nearly eight decades, with most amendments involving increases in membership rather than substantive changes to the powers of the Security Council. The amendment process requires approval by two-thirds of the General Assembly, ratification by two-thirds of U.N. members, and the consent of all P5 members. This high threshold makes substantial reforms challenging to achieve.

Despite these challenges, examples of self-interested nations ceding some measure of power for the greater good, as demonstrated by France and the United Kingdom's voluntary restraint in veto usage, provide a basis for optimism. Such examples illustrate that even powerful states can act in the interest of a more effective international system. To address the fear of diminishing power that inhibits reform, states must prioritize the effectiveness of international oversight over national self-interest.

**CONCLUSION.** The Russian invasion of Ukraine represents a stark and blatant breach of international law, manifesting as a severe violation of the principles enshrined in the United Nations Charter and broader international legal norms. This war of aggression, driven by unfounded allegations and relentless propaganda, has perpetuated violence and suffering on an immense scale, leading to numerous international violations and a profound humanitarian crisis. Despite the commendable efforts of the international community to address this egregious Conflict, the evident ineffectiveness in altering Russia's conduct highlights a fundamental weakness in the current international system – a systemic deficiency in coercive power.

At the heart of the international enforcement mechanisms lies the U.N. Security Council, an entity with unique coercive capabilities that could constrain and punish states violating international norms. However, the Security Council's existing

structure and practices significantly undermine its effectiveness. The persistent use of veto power by permanent members and the constraints of the current abstention obligations limit the Council's ability to address conflicts impartially and enforce international law robustly.

To address these challenges, reforming and expanding the abstention obligation under the U.N. Charter emerges as a critical first step. Such reforms, although not a panacea, represent a significant move towards strengthening the international system's capacity to prevent and address violations of international law. By compelling parties to dispute and abstain from voting on relevant decisions and redefining the scope of abstention to include all substantive decisions, the Security Council could enhance its ability to act against aggressive states like Russia. While requiring concessions from the United States and other permanent Security Council members, these proposed changes are a necessary investment in building a more effective international legal order. The pursuit of such reforms, though challenging, is essential for creating a global system capable of upholding justice and accountability in the face of state aggression. In summary, while expanding the abstention obligation and addressing systemic flaws in the Security Council are only initial steps, they are crucial for forging an international legal framework that can genuinely serve its foundational purpose – maintaining peace, protecting human rights, and upholding the rule of law.

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**КРИТИЧНИЙ АНАЛІЗ НЕВИКОНАННЯ НОРМ МІЖНАРОДНОГО ПРАВА ПІД ЧАС РОСІЙСЬКОГО ВТОРГНЕННЯ В УКРАЇНУ: НАСЛІДКИ ДЛЯ ГЛОБАЛЬНОЇ БЕЗПЕКИ**

Проведено критичний аналіз структурних прогалин у міжнародному праві, які виявило повномасштабне вторгнення росії в Україну у 2022 році. Виявлено неспроможність міжнародних правових механізмів, зокрема Організації Об'єднаних Націй, ефективно стримати російську агресію та запобігти ескалації насильства. Незважаючи на численні правові дії та міжнародну реакцію, враховуючи резолюції Генеральної Асамблеї Організації Об'єднаних Націй, розгляд в Міжнародному Суді ООН та розслідування Міжнародного кримінального суду, ці заходи не змогли вплинути на поведінку росії або запобігти подальшому погіршенню ситуації в Україні.

Використано нормативно-правовий підхід, який аналізує законність дій росії з огляду на встановлені міжнародні норми та принципи. Завдяки цьому розкрито, як виправдання військового втручання росії – на основі самооборони, колективної самооборони та звинувачень у геноциді – є юридично недосконалими та несумісними з міжнародним правом. Крім того, розкрито більш масштабні наслідки цих помилок, враховуючи потужну ерозію глобальних правових норм і створення небезпечних прецедентів, які можуть підірвати міжнародний мир і безпеку.

У підсумку наголошено на нагальній потребі реформування міжнародно-правової бази для усунення описаних недоліків. Запропоновано конкретні реформи, такі як розширення зобов'язання утримуватися від голосування в Раді Безпеки ООН і уточнення правових підстав для гуманітарної інтервенції, з метою посилення дотримання міжнародного права і кращого захисту державного суверенітету. Ці висновки сприяють продовженню дискусії про роль міжнародного права у врегулюванні конфліктів і підтримці глобальної безпеки.

**Ключові слова:** російське вторгнення, війна в Україні, порушення міжнародного права, незаконність дій росії, необґрунтовані претензії росії.

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