THE UNITED NATIONS, RUSSIA AND THE WAR IN UKRAINE: The deprivation of the Right to life in a Conflict Region

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ABSTRACT

Over the years, wars have brought untold hardship to mankind. The United Nations is determined to save succeeding generations from the scourge of war by establishing conditions under which justice and respect for obligations arising from treaties and other sources of international law, can be maintained, amongst others. Ukraine now seeks this justice and respect for obligations as a result of the full-scale invasion of her territory by Russia, and the infringement on the human rights of Ukrainians. This Article is aimed at highlighting the need for the United Nations to immediately carry out concrete measures to maintain internal peace and security in that region. To this end, relying on primary and secondary sources, the study highlights the responsibility of the United Nations and its potential effect on the war in Ukraine. The study also examines the theories behind how states act towards achieving world peace. The study concludes that justice and respect for obligations arising from treaties, and respect for territorial sovereignty would allow for the enjoyment of the right to life of the people in Ukraine. The study therefore recommends, among other things, that the United Nations in conjunction with states should actively work together to bring an end to the war in Ukraine and bring peace to the conflict region.

Key words: Conflict, United Nations, Ukraine.

INTRODUCTION

The management of global peace is an enormous task that is threatening to overwhelm the international community. Domination and power by stronger nations over weaker nations have created economic, social and political instability resulting in violent conflicts over time; from the First World War to the present wars in Ukraine, Israel and Sudan.[1] The War in Ukraine, which is the focus of this article, is

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[1]C. U. Mac Ogonor, *The UN, NATO and the Post Cold War Management of Global Peace: Theory and Practice* (Muna Genesis Concepts Nig. Ltd, 2012) 30.

not the first of its kind in Europe as similar occurrences had taken place in Bosnia, Yugoslavia etc.[2] The victims of this thirst for dominance and power are the people inhabiting those areas. A number of theories have been developed concerning war and relationships between states.

Realist theorists posit that man by nature is aggressive sinful and prone to conflict.[3] They contend that history, and experiences of states and their people have revealed a pattern of violent and aggressive behavior by man. In order to protect itself from the effect of such behavior, the state has the highest moral duty to utilize power in order to preserve its territory and curb that conflict-prone human nature. Power is the capacity or ability to direct or influence the behavior of others or the course of events. In other words, power is maintaining and establishing control of man over man.[4] The Realist, thus, believed in the 'Balance of Power'.

The Realist further held the view that the Balance of Power framework can provide an important regulatory plan to prevent one nation from achieving total hegemony within the comity of nations.[5] The Balance of Power is an arrangement where states come together either through the unipolar, bipolar or multipolar system to ward off a potential aggressor.[6]

Unipolarity is when one single power has overwhelming influence in all areas over its members.[7] This system suffered instability because most states may not adjust their political and social structure within a common system, based on the evolving principle of sovereignty. Bipolarity is a situation where two strong nations control their respective poles.[8] The multipolar system exists where more than two powerful nations or blocs engage international politics.[9] The Realist theory, though seemingly dangerous because of its likelihood to promote stiff competition among states, has the benefit of putting aggressors in check.

Idealists believe that people are essentially good, cooperative and perfect. This view seems utopian as even the Holy book of Christianity states that no man is good except the Father.[10] Idealists also hold the view that since humanity has the capacity to learn, change and control its behavior, it is

[2] John R. Lampe, 'Bosnia War', https://www.britannica.com, accessed 15 November, 2023; Ivo H. Daalder, 'Decision to Intervene: How the War in Bosnia Ended' (1998 Brookings) www.brookings.edu accessed 15 November, 2023; 'Excerpt: *Council on Foreign Relations,* The World and Yugoslavia's Wars' accessed 15 November, 2023.
[3] (n1) 27.
[4] Ibid.
[5] Morton Kaplan, *System and Process in International Politics* (Johnwilley 1965) in (n1) 29.
[6](n1) 29.
[7] Ibid, 30.
[8] Ibid, 31.
[9] Ibid, 33.
[10] Holy Bible (King James Version) Mark 10:18.

possible to govern according to moral principles through the creation of just laws, the abandonment of force as a means of settling disputes, acceptance of peaceful change and creation of equal rights of all citizens and states.[11]

The Realist theory of International Relations failed in the promotion of world peace, thus, giving birth to the Idealist theory and leading to the creation of the League of Nations and subsequently the United Nations.[12] The War in Ukraine raises doubts as to the efficacy of the Idealist theory of International Relations. The war has led to the deaths of civilians, destruction of lives and properties, destabilization of the economic, social, cultural and political life of the people of Ukraine. The People have, as a result of the war, been deprived of their right to live in Ukraine. The article examines the application of the theories of international relations in the War in Ukraine. Highlighting the responsibilities of the United Nations and its importance in the war in Ukraine, the article argues that the reluctance of the United Nations to take forceful measures to protect the territorial integrity of Ukraine and the rights of her citizens to live within her territory is evidence of the non-efficacy of the Idealist theory of International Relations.

BACKGROUND TO THE WAR IN UKRAINE

'Peace on our continent has been shattered,' North Atlantic Treaty Organisation (NATO) Secretary-General Jens Stoltenberg stated. 'We now have war in Europe on a scale and of a type we thought belonged to history.'[13] These statements followed the invasion of Ukraine by Russia on February 24, 2022; an invasion which has disrupted the economic, social and political life of Ukrainians.

In the late 1700s, some parts of Ukraine's territory became a part of the Russian empire until Ukraine fought for her independence in the early 20th Century, lost and became part of the Soviet Union.[14] Ukraine always had her own language and practices even while in the Soviet Union. Ukraine declared its independence after the fall of the Soviet Union.[15]

Prior to the invasion, Russia's annexation of Crimea (a Ukrainian territory) had led to armed conflict in Eastern Ukraine since 2014.[16] The annexation by Russia was a reaction to the protests in

[11] (n1)71.
[12] (n1) 33.
[13] 'Press Briefing by NATO Secretary General Jens Stoltenberg following an extraordinary meeting of the North Atlantic Council' www.nato.int accessed 28 March, 2024.
[14] 'Russia's war in Ukraine: How it came to this', <www.cbsnews.org> accessed 14 November, 2023.
[15] Ibid.
[16] 'Conflict in Ukraine' <www.cfr.org> accessed 14 November, 2023; 'War in Ukraine: Global Conflict Tracker' www.cfr.org accessed 28 March, 2024.

Ukraine's capital, Kyiv against Ukrainian President, Viktor Yanukovyeh's decision to reject a deal for greater economic integration into the European Union (EU).[17] In March 2014, the Russian President, Vladmir Putin believed that there was need to protect the rights of Russian Citizens and Russian Speakers in Crimea and Southeast Ukraine. President Putin therefore allowed Russian troops to take control of Ukraine's Crimea Region.[18] This action led to unrest in that region. Subsequently, the pro-Russian separatists in the Donetsk and Luhansk regions of eastern Ukraine held a referendum to declare independence from Ukraine.[19] In February, 2015, France, Germany, Russia and Ukraine tried to negotiate a framework that would bring an end to conflict in that region but efforts to reach a diplomatic settlement failed. While the conflict lingered, Ukraine tilted towards alliance with the West which was a way of seeking protection according to the Realists.

In mid-December, 2021, Russia through its foreign ministry demanded that United States and the Northern Atlantic Treaty Organization (NATO) cease military activity in Eastern Europe, stop further NATO expansion toward Russia, and prevent Ukraine from joining NATO in future.[20] These demands were ignored.[21] In late February, 2022, Russia began to deploy growing military presence at the Russian-Ukraine border particularly at the separatist region of Eastern Ukraine.[22] On February 24, 2022, Putin, at the United Nations Security Council Meeting announced a full-scale land, sea, and air invasion of Ukraine targeting Ukrainian military assets and cities across the country.[23]

UNITED NATIONS INSTRUMENTS AND THE WAR IN UKRAINE

The concept of preserving world order by the establishment of the United Nations Organizations is attributed to Hugo Grotius, Emeric, Cruse, Dante Aligheric and Pafendoff.[24] Hugo Grotius, a native of Dutch Republic, was dedicated to the principle of national independence which he believed would protect weaker states. He believed in the work of establishing rules for the states in specific instances and settling disputes whether by conferences of nations or by tribunal of arbitration.[25] Presently, due to state sovereignty, nations are reluctant to fully submit to international laws, principles and demands.

[17] Ibid.
[18] n17
[19] 'Conflict in Ukraine' <www.cfr.org> accessed 14 November, 2023.
[20] Ibid.
[21] Ibid.
[22] Ibid.
[23] Ibid.
[24] (n1) 72.
[25] Hugo Grotius, *De Juve Belliac Pacis*, Trans. Francis W. Kelsey (Clerendon 1925) in (n1) 73.

Russia's invasion of Ukraine despite all entreaties by the United Nations shows Russia's non-submission to the principles of the United Nations, which has now raised international concerns that another world war could erupt.

The devastation from the World War I caused a peace movement that led to the world's first global organization called the League of Nations. The organization was inadequately structured in the sense that it lacked the vital instruments for global pacification; that is, it had no military force for peace keeping, and its member nations guarded their independence and national interest by means of armaments. The Soviet Union was excluded from the Versailles conference of 1919, and therefore was not bound by the treaty.[26] President Roosevelt addressed these inadequacies when he insisted on the involvement of Russia in the Peace process; that led to the creation of the United Nations.[27]

The United Nations survived the cold war rather than bring it to an end.[28] Its guiding principles encourage state obligations to one another and are geared towards the promotion of international peace and security. The United Nations Charter was also intended to effectively manage world peace through a peaceful means and an adjudicatory system. World peace is being presently threatened by Russia's invasion of Ukraine in the glaring view of the United Nations and the world at large.[29] The quest to save succeeding generations from the scourge of war and to fashion an international order for the promotion of world peace in the 1940's by the creation of the United Nations seems to be endangered.[30]

Following the abolition of the 'just war', states were bound to honor agreements and respect the integrity of other countries.[31] St Augustine[32] defined the just war 'in terms of avenging the injuries suffered, where the guilty party has refused to make amends',[33] but the principles behind the United Nations was to put away practices such as the just war, that lead to continuous war among states, and encourage judicial settlement and arbitration.[34] One of the purposes and principles of the United Nation is

[26] (n1) 78.
[27] Ibid.
[28] Ibid, 79.
[29] 'Russia's invasion of Ukraine is a violation of the UN Charter, UN Chief tells Security Council' *UN Sustainable Development Group* https://unsdg.un.org accessed 28 March, 2024; 'Two Years in, Russia's War on Ukraine Continues to Pose Threat to Global Security' *U.S Department of Defense* https://www.defense.gov accessed 28 March, 2024.
[30] (n1) 79.
[31] Malcolm N. Shaw *International law* (4th ed Cambridge University Press) 779.
[32] Ibid, 354 -430.
[33] Ibid, 778.
[34] United Nations Charter 1945.

> to maintain international peace and security, and to that end; to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace'[35] and ' to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.[36]

In order to carry out its functions, the Charter established principal organs of the United Nations which are: a General Assembly, a Security Council, and Economic and Social Council, a Trusteeship Council, an International Court of Justice and a Secretariat.[37] Article 11(1) of the Charter provides that 'the General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principle governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles'.[38] Article 11(2) further empowers that General Assembly to discuss matters on the maintenance of peace and security brought before it by any member of the United Nations, the Security Council or by a state which is not a member of the United Nations.[39] The Security Council has the primary responsibility to maintain international peace and security and the Council is to act in accordance with the purposes and principles of the United Nations.[40] Chapter VII of the Charter provides for actions the Security Council should take with respect to threats to the peace, breaches of the peace and acts of aggression.[41]

Article 2 (4) of the Charter declares that 'all member states 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'.[42] This provision was predicated on a principle of International Law in the 1970 Declaration on Principles of International Law which states-

[35] Ibid, Chapter 1 art 1(1).
[36] Ibid, Chapter 1 art 1 (2).
[37] Ibid, Chapter III art 7 (1).
[38] Ibid, Chapter IV art 11(1).
[39] Ibid, art 11 (2).
[40] Ibid, Chapter V art 24 (1) (2).
[41] Ibid, Chapter VII arts 39 – 51.
[42] United Nations Charter 1945, art 2(4).

1. Wars of aggression constitute a crime against peace for which there is responsibility under international law.
2. States must not threaten or use force to violate existing international frontiers (including demarcation or armistice lines) or to solve international disputes.
3. States are under a duty to refrain from acts of reprisal involving use of force.
4. States must not use force to deprive peoples of their rights to self-determination and independence.
5. States must refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another state and must not encourage the formation of armed band for incursion into another state's territory.

The threat or use of force is presently being applied by Russia on Ukraine which is a crime against the peace in Ukraine and therefore attracts responsibility under international law. The responsibility which includes sanctions, warnings et cetera by the international community has failed to yield the desired results, which is, to restrain Russia. The territorial integrity of Ukraine has been breached and the right to self-determination and independence of Ukrainians is currently being shattered. The underlying truth is that one cannot entirely do away with a theory as every theory may be useful in a particular circumstance. As in this case, the continuous infringements of the right to life in Ukraine, by Russia has reached a point where states must apply the Balance of Power to ward off the aggression. It is correct that such approach may lead to an outbreak of a third world war because of alliances. The application of the Balance of Power may be frustrated by China,[43] one of the world powers, and some states that seem to be indifferent about the war. The application of the Balance of Power is desirable because if Russia succeeds with its aggression, another state may become a victim of Russia's or any other stronger state's thirst for power.

The articles enshrined in the United Nations Charter are binding on members and non-members of the United Nations.[44] Russia is a member of the United Nations and a permanent member with a veto power along with four others. Russia had for some time been considered a threat to Europe; from the world wars to the cold war era.[45] This suspicion is being brought to reality by the invasion of Ukraine.

[43] Vita Golod, 'China Hasn't Committed to Peace in Ukraine' www.foriegnpolicy.com accessed 28 March, 2024.
[44] United Nations Charter 1945, art 2(6).
[45] (n1) 68.

The United Nations has stated that 'On the night of 23 to 24 February 2022, Russia launched a military offensive in Ukraine. The United Nations considered this attack to be a violation of the territorial integrity and sovereignty of Ukraine and the action is contrary to the principles of the Charter of the United Nations.'[46] After the collapse of the Soviet Union, the war in Ukraine is rightly said to be the biggest war on a European state since World War II.[47]

Ukraine is one of the largest exporters of grain in the world but due to the war and the seizure of the ports by Russian troops, exportation of grains by Ukraine has suffered. Countries that rely on these grains have suffered shortages and Ukraine's economy is crippled. Some Ukrainians despite the shelling, risk their lives to harvest wheat from their farms for export, to manage the shortages caused by the war.[48] Severe sanctions have been issued by members of the International Community that perceive the war as baseless, but the sanctions have not deterred President Putin from continuing with the war. The extensive destruction on Ukrainian territory has caused immense financial damage to Ukraine's reconstruction economy. Ukrainian Prime Minister Denys Shmyhal in the reconstruction conference in Switzerland stated that Ukraine needs US$750billion 'for a recovery plan and the Russian oligarchs should contribute to the cost'.[49] As months pass, the chances of Ukraine surviving the ravages from the war are bleak except the United Nations awakens to its responsibility by employing the use of force to ward off the aggression.

The indiscriminate bombings on residential buildings in parts of Ukraine following the failure in Russia's strategy to take over Kyiv, the capital of Ukraine has led to loss of lives of civilians, Ukrainian forces and properties. An art school in Mariupol, sheltering about 400 persons was bombed by Russian forces and about 85% of the town was destroyed.[50] The killings led to large human migration from Ukraine to other neighboring countries.[51] The Ukrainian forces believe that there was evidence of war crimes at Bucha after Ukraine forces recaptured the city from Russian forces.[52] Russian forces have made the Ukrainian environment hazardous to live and should be held accountable and prosecuted for war crimes under the Rome Statute in the International Criminal Court. Justice for

[46] 'The UN and the war in Ukraine: Key information' <www.unric.org> accessed14 July, 2022.
[47] 'The Invasion that Shook the World' *Council of Councils* www.cfr.org accessed 28 March, 2024.
[48] 'Ukraine's deadly fields: Farmers risk their lives to grow crops' *Focus* accessed 28 March, 2024; 'Ukrainina farmers surrounded by risks, from mines to logistics' *AP News* www.apnews.com accessed 28 March, 2024.
[49] 'Ukraine needs $750 bln for recovery plan, prime minister says' https://www.reuters.com accessed 28 March, 2024.
[50] 'School where hundreds were believed to be sheltering is bombed in Mariupol as fighting rages for key port city' <www.cnn.com> accessed 14 July, 2022.
[51] Ibid.
[52] Ibid.

the Ukrainians would not have been served if those responsible for these brutal murders are not punished accordingly. It is evident that Russia's aggression has gone beyond one that can be contained by amicable settlement of disputes.

` The 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 is prohibited by Article 2(4) of the Charter.[53] The 1965 Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States emphasized that no state has

> the right to intervene, directly or indirectly for any reason whatsoever, in the internal or external affairs of any other states. Consequently, armed intervention and all other form of interference or attempted threat against the personality of the state, or against its political, economic and cultural elements, are condemned.[54]

This statement was reaffirmed in the 1970 Declaration on Principles in International Law which declared that such acts are in contravention of international law.[55] This raises the question of the effectiveness of these international laws in restraining stronger nations from waging war on weaker nations. These laws seem to be mere rhetoric put on paper; non-effective when the situation for which they were adopted arises, as in this case.[56]

THEORIES OF INTERNATIONAL RELATIONS AND THE WAR IN UKRAINE

The United Nations Charter is one of the projections of the idealist theorist. In its preamble the Charter is determined, among others, to 'establish conditions under which justice and respect for the obligations arising from treaties and other sources of International law can be maintained' to 'ensure by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest'. This objective has not been realized for the people of Ukraine. The United Nations has over the years established conditions through resolutions which safeguard its principles, thereby ensuring states obey their obligations under International law. Despite these measures, Russia breached its obligations under International law by invading the territorial sovereignty of Ukraine causing millions of properties to be destroyed and loss of lives. This action is expected to awaken the administration of justice in favor of Ukraine. The UN Charter provides for settlement of disputes where

[53] United Nations Charter 1945, art 2(4).
[54] (n31) 784.
[55] Brownlie, *International Law*, 283-9 in (n31) 784.
[56] The United Nations Charter 1945, preamble.

a state is aggrieved and discourages the use of force. The Charter provides means through which grievances amongst states can be settled without the use of force and the bodies responsible to ensure international peace and security.[57]

The idealists believe it is possible to govern according to moral principles for the purpose of creating a good life through creation of just laws. They believe in the abandonment of force as a means of settling disputes, acceptance of peaceful change and the creation of equal rights for all citizens and states.[58] This belief is premised on their thesis that people are essentially good, cooperative and predictable. Idealists further hold the view that humanity has the capacity to change and control its behavior; that individuals seek peace, justice, mutual respect and a just order.[59] Ukraine seemed to have been working towards a peaceful change of becoming a successful democratic nation by drifting away from its Soviet ties to Russia. This peaceful change is one President Putin seems to disagree with. The actions of President Putin in the war in Ukraine, fully reflects the views of Realism. Russia seems to be acting in a unipolar system while the world has moved beyond such approach.

The Realists believe that the ability to conquer weaker nations would satisfy the stronger nations' search for dominance and power. The aggression by Russia in the war in Ukraine clearly upholds the Realist ideology of man as having a sinful, aggressive and conflict-prone nature.[60] The conflict in Ukraine has deprived Ukrainians of the enjoyment of their right to life and may be considered as an aggression by a nation that feels the need to preserve its cultural ties notwithstanding the infringements that emanate from such action. As at early July, 2022, the United Nations had confirmed 5,024 civilian deaths and 6,520 injuries in Ukraine since Russia invasion on February 24, 2022.[61] By September 10, 2023, the number of civilian deaths in Ukraine had risen to 9,614 and 17,535 injured civilians.[62] The Office of the U.N. High Commissioner for Human Rights believes that

> the death toll in Ukraine may be likely higher, because the armed conflict can delay fatality reports. It is believed that most of the civilian casualties recorded were caused by the use of explosive weapons with a wide impact area, including shelling from heavy artillery and multiple launch rocket systems, as well as missiles and airstrikes.[63]

[57] Ibid, Chapter VI.
[58] (n1) 71.
[59] (n 1) 71.
[60] (n1) 27.
[61] 'Live updates: Latest news on Russia and the war in Ukraine' <www.cnbc.com> accessed 12 July, 2022. As at September 10, 2023 OHCHR recorded 27,149 civilian casualties and 9,614 killed 17, 535 injured. 'Ukraine: civilian casualty update 24 September 2023' *United Nations Human Rights*t <www.ohchr.org> accessed 14 November, 2023.
[62] 'Ukraine: civilian casualty update 11 September 2023' https://www.ohchr.org accessed 15 November, 2023.
[63] Ibid.

The Idealists support the concept of collective security as a means of preserving order; a process in which all members of the community join to deter or punish those who resort to violence and aggression. The idealists believe that through the establishment of and adherence to International Law, in addition to reliance on international organizations, especially those capable of providing for the adjudication, mediation and arbitration of disputes, world peace can be achieved.[64] This view was further advocated for by Mitrani, an idealist, when he stated 'the problem of the world is not how to keep nations peaceful apart but how to get them actively together'[65]

It is believed that Ukraine was functioning in line with the idealist, when she dealt with Western Europe to the irritation of Russia. The United States of America considered the attack as 'unprovoked and unjustified'[66] and threatened to impose economic sanctions on Russia. These economic sanctions were supported by the United Nations. The sanctions presently imposed against Russia have strongly affected her economy. Like Ukrainians, Russians are also suffering from the impact of the war. Nonetheless, the war in Ukraine has continued unabated and has spread to all regions in Ukraine.

At a presidential briefing at the United States' White House, during the early days of the war in Ukraine, a journalist asked President Joe Biden after he had spelt out some economic sanctions against Russia, what would happen if the economic sanctions fail to deter President Putin of Russia? The question was not responded to by the President.[67] This article strongly agrees with that silence. The appropriate quarters for such question would be the United Nations which has the overriding responsibility to preserve and maintain internal peace and security. The glaring truth is that the sanctions imposed have failed to deter President Putin of Russia from continuing with the war. The sanctions have not resulted in Russia channeling her grievances to the United Nation for settlement or arbitration. The United Nations Charter failed to provide for a time limit within which the Security Council must act on issues such as the war in Ukraine. In as much as the war in Ukraine lingers and

[64] (n1) 71.
[65] David Mitrani, *The Functional Theory of Politics* (Martin Robert 1975) in (n1) 71.
[66] Ibid.
[67] EU condemns 'Horrendous' Russian strike in Vinnytesia. At least 23 were killed by Russian air strike in Ukraine and bodies burnt beyond recognition. The President considers the attack as an act of terrorism. George Wright, 'Ukraine war: 23 killed in Russian rocket attack on Vinnytsia' *BBC News* https://www.bbc.com accessed 28 March, 2024.

the United Nations continue to put their procedures above the violation of human rights, lives will continue to be wasted and the death toll will continue to rise.[68]

It has been argued that no theory exists that is capable of explaining all human or political behavior because every theory that defines state behavior contains the following:[69]

1. Flaws in conception, comprehensiveness and completeness.
2. Can only be partially supported by evidence or no evidence at all.
3. Has too many exceptions to permit unquestioned acceptance.

The idealist theory is, nonetheless, a fine projection of what the world would be like if states are willing to cooperate. The situation, as in this case, where some states are unwilling to work actively with other states, to ensure peace and security, makes the Idealist theory appear impracticable. This article proposes the use of combined force by several states to ward off the aggression and save Ukraine from further scourge of war.

One major limitation in ensuring international peace and security is the inclusion of veto and ascribing same to certain states adjudged to be world powers, which this article believes became necessary to encourage the world powers to be members of the United Nations. The intention of the veto theory is to safe guard the interest of the stronger nations but it has shown over the years to have negative effects on the United Nations. Scholars have considered it to be irrelevant to the requirement of modern world politics.[70]

RESPONSIBILITIES AND ACTIONS OF THE UNITED NATIONS IN THE PROMOTION OF PEACE AND STABILITY IN UKRAINE

Following the invasion of Ukraine by Russia, the United Nations in executing its responsibilities as provided in the Charter, has kept records, taken some humanitarian actions and made recommendations. These efforts may have succeeded in alleviating the effects of the war but have not brought peace and security to the region. Below are some of the efforts of the United Nations with regard to the war in Ukraine:[71]

[68] Ibid.
[69] (n1) 27.
[70] (n1) 83.
[71] 'UN and partners provided vital aid to 11 million people in war-ravaged Ukraine in 2023' www.ukraine.un.org accessed 28 March, 2024.

a. On 1st March 2022, the United Nations and its humanitarian partners launched appeals to raise US$1.7 billion to provide emergency humanitarian assistance to people in Ukraine and refugees of the war who had fled to neighboring countries. In August, 2023, the UN again launched another appeal for $268 Million to support Ukrainians. The donations have enabled the United Nations and its partners to provide humanitarian assistance to millions of people in Ukraine.[72]

b. On 4th March, 2022, the UN Human Rights Council adopted a resolution based on which it would establish an independent international commission of enquiry charged with the responsibility of investigating all alleged violations of human rights in Ukraine.[73]

c. On the 24th day of March, 2022, the UN General Assembly adopted a text recognizing the dire humanitarian situation occasioned by Russia's invasion of Ukraine, and demanding that protection and humanitarian access be given to civilians in Ukraine.[74]

d. In July, 2022 the UN health agency (WHO) appealed for access to enable them attend to sick and injured victims of the war in Ukraine.[75]

e. As at August, 2023, about 8.3million people affected by the war in Ukraine had received aid from the UN.[76]

f. In 2023, the General Assembly reiterated its demand that Russia 'immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine and called for a cessation of hostilities'.[77]

The United Nations may be applauded for their actions at managing the fallouts of the war but the efforts of the United Nations will be much appreciated when peace and security is restored to that conflict region. The response of the United Nation to the war seems to touch on the fallout of the war and does not depict concrete actions to bring the war to an end or rather help to protect the territorial

[72] 'UN launches appeal for $268 million to support Ukrainians in need' https://www.aa.com accessed 15 November, 2023; 'UN seeks US$1.7billion as humanitarian needs soar in Ukraine and neighbouring countries' https://www.unhcr.org accessed 15 November, 2023.

[73]'Independent International Commission of Inquiry on Ukraine' *OHCHR* www.ohchr.org. accessed 15 November, 2023.

[74] 'Ukraine: General Assembly passes resolution demanding aid access, by large majority' https://news.un.org accessed 15 November, 2023; www.press.un.org accessed 15 November, 2023.

[75] 'Ukraine war: 'Please let us in,' WHO issues plea to reach the sick and injured' https://news.un.org accessed 15 November, 2023.

[76] 'Ukraine: Humanitarian Response and Funding Snapshot (January-August, 2023)' https://reliefweb.int accessed 15 November, 2023.

[77] 'General Assembly Overwhelmingly Adopts Resolution Demanding Russian Federation Immediately End Illegal Use of Force in Ukraine, Withdraw All Troops' *United Nations* www.press.un.org accessed 28 March, 2024.

sovereignty of Ukraine. Deploying troops to ward off the aggression and preserve the territorial sovereignty of Ukraine as soon as possible would be practicable in order to prevent further destruction of lives and properties in that region. It is worthy of note that the United Nations Charter provided that the Security Council 'shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Article 41 and 42, to maintain or restore international peace and security.' Article 41 provides thus-[78]

> The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decision and it may call upon the members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication and the severance of diplomatic relations.

Article 42 further provides –[79]

> Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such actions may include demonstrations, blockade and other operations by air, sea or land forces of Members of the United Nations.

In order to preserve the right to life of Ukrainians, it has become necessary that the United Nations considers that the measures applied so far have proved non-effective in halting the invasion, and further measures which include the use of force have become necessary to ward off the aggression and restore international peace and security.

In as much as the United Nations had resolved to explore peaceful means in abating the war in Ukraine, it is obvious that no fruit has been yielded. Having observed the deprivation of the right to life of the people in Ukraine and the total disregard of the UN measures to maintain international peace and security by Russia, it is expected that the United Nations through the Security Council would take further steps in ensuring and maintaining international peace and security. Article 40 of the Charter restricts the use of armed forces but a further reading reveals that where measures in place are inadequate, it may take such actions that may be necessary.[80] The delay in carrying out further measures by the Security Council following the flagrant disregard of the principles that uphold the United Nations and Human Rights, permits Russia to continue in the infringement of the territorial sovereignty

[78] United Nations Charter 1945, Chapter VII, art 41.
[79] United Nations Charter 1945, Chapter VII, art 41.
[80] United Nations Charter 1945, arts 42 – 50.

of Ukraine without justifiable cause; thereby, further plunging Ukraine into irreparable loss, causing the Ukrainian people and the world at large to lose faith in the United Nation's ability to protect and promote fundamental human rights.

RECOMMENDATIONS

Russia has remained defiant to warnings, sanctions, appeals and resolutions from the international community. Russia's continuous invasion in Ukraine despite all entreaties shows a total disregard for international norms, principles and treaties and a serious infringement of the fundamental right of the people in Ukraine. It is therefore recommended as follows:

a. The Security Council should carry out immediate measures necessary to maintain international peace and security even if it would include the use of force in order to suppress or push back the Russian forces from the Ukrainian territory. This is necessary to forestall further destruction of lives and properties, bearing in mind that Ukraine is not yet a member of NATO and can therefore not rely on that alliance but is still a member of the United Nations.[81]
b. The United Nations should pass a resolution on the time limit after which measures to deter aggressors will be implemented, failing which the Security Council may employ the use of force to curb interferences and aggressions before an escalation of the infringement of human rights occurs.

CONCLUSION

The principles of the United Nations Charter do not apply selectively. It binds members and non-members, whose obligation are to respect the charter. Russia is a permanent member of the United Nations and is bound by her obligation. Russia had not only abandoned its obligation under international law by infringing on the territorial Sovereignty of Ukraine but has executed human rights abuses as was experienced during World War I and II.

The reality is that as each day passes, the economic, social and cultural life of Ukrainians is being infringed upon and destroyed, as Russia's pattern of violent and aggressive behavior has shown no sign of abating in the war. The idealists believe that it is possible to govern according to moral principles by the creation of laws and the abandonment of force in settling disputes. Where these

[81] United Nations Charter 1945, Chapter VII, arts 42 -51.

principles, rules, resolutions and laws have proved inadequate in ensuring international peace and security, the need to fall back on the Realist thought becomes necessary. Man by nature is truly sinful, aggressive and conflict-prone. Therefore, in order to protect and preserve human existence, man's right was handed over to the state or body of states known as the international community. In order to curb an aggression, states must work in alliance to ward off the aggressor.

States also have a duty to preserve human rights without any limitations. Ukrainians are entitled to enjoy the right to live within their territory. The deprivation of the enjoyment of their right to life following the invasion by Russia for whatever reason is not only an infringement on their right to territorial sovereignty but a breach of international peace and security. Russia as a member of the United Nations is bound by the principles and commitments created by the Charter.

The United Nations Charter did not erase the use of force against acts with respect to threats to the peace, breaches of the peace and acts of aggression. It rather created procedures to be followed by the Security Council to achieve international peace and security and the use of force may be the last resort to abate such aggression. The United Nations, one of whose duties it is to ensure international peace and security, should go beyond granting reliefs and conducting studies and enforce concrete measures. If this is done in conjunction with states actively working together, it would mitigate the war in Ukraine and restore international peace and security to the conflict region.