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Russia's Violation of International Law

Why in news?

As the world grapples with the severity of the illegal invasion of Ukraine, the international law violations committed by Russia seems to be a major concern.

What is the current situation?

- The situation between Russia and Ukraine has been poor ever since the annexation of Crimea, a south-eastern Ukrainian province by Russia in 2014.
- The situation worsened when the Russian President ordered a special military operation within Ukraine, a sovereign nation.
- **Reasons-** The pretext of the said operation was initially
 - To honour the [Minsk Agreements](#)
 - To liberate and defend the Donbas region and the people of Donetsk and Luhansk in Ukraine
 - To stop the expansion of the North Atlantic Treaty Organisation (NATO) towards Eastern Europe
- Putin invoked **Article 51 of the UN Charter**, which enshrines inherent right of individual or collective self-defence in order to protect Article 1 (the right to self-determination of Donbas region).

What international laws were violated by Russia's annexation?

Violations under the UN Charter

- Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, provides that a group of people can freely determine their political status.
- **Article 2 of the UN Charter-** This right has to be read with Article 2 of the UN Charter which states that recognition by an outside country involves interfering in the internal matters of a State.
- It is a direct contravention of the principle of equal sovereignty of all nations.
- **Article 51-** Article 51 provides for self-defence against an armed attack.
- Russia cannot justify its actions since Russia faced no aggression from Ukraine.

Violations under the Hague Convention

- Russia's control over the four Ukrainian regions, before the referendums, is known as

‘belligerent occupation’ which is explained under the Hague Convention of 1899.

- Article 43 of the Convention states that the occupying power should ensure public order and safety and respect the domestic laws of the occupied territory.
- The Article clearly states that Russia, being the occupier, only has ‘authority’ and not ‘sovereignty’ over these regions.
- Further, any change in this status, i.e. from ‘authority’ to ‘sovereignty’ can only happen with Ukraine’s consent.

What are the other international law violations by Russia?

International humanitarian law violations

- The Moscow Mechanism report noted concern over clear patterns of serious violations of international humanitarian law attributable mostly to the Russian armed forces.
- Many people have been killed in the Ukrainian city of [Mariupol](#), [Bucha](#) and Irpin.
- The World Health Organisation (WHO) confirmed around 226 Russian attacks on health care facilities in Ukraine since the conflict began.
- The attack on Kyiv and ruthless airstrikes on the civilian population is a direct violation of the [Geneva Conventions](#) (that establish international legal standards for humanitarian treatment in war).

International criminal law violations

- Under the Rome Statute, any intentional attack against civilian populations and objects consists of a war crime.
- While Russia is not a party to the Rome Statute of the International Criminal Court (ICC), Ukraine is a signatory to it.
- The past precedence ([the Rohingyas’ Genocide in Myanmar](#)) has highlighted that Ukraine can bring a legitimate claim to the ICC.

International human rights law violations

- Both parties are signatories to
 - Universal Declaration of Human Rights
 - International Covenant to Civil and Political Rights
 - European Convention on Human Rights
 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Russia’s actions violate the fundamental rights including the right to life and dignity, the right to be secure from torture, ill-treatment and forceful detention.

What are the deadlocks in the issue?

- **Russia’s continuation of war-** The United Nations General Assembly (UNGA) resolution (non-binding) demanded Russia to immediately and unconditionally withdraw from Ukraine.
- On Ukraine’s application, the International Court of Justice (ICJ) ordered Russia to immediately suspend its military operations in Ukraine.
- Ukraine has even moved to the European Court of Human Rights to put Russia in the

dock.

- But nothing seems to dissuade Russian President Putin's revisionist and imperial designs.
- **Use of nuclear force-** Recently, the Russian President hinted at using nuclear weapons in the ongoing war.
- Neither Russia nor Ukraine has signed the Treaty on the Prohibition of Nuclear Weapons.
- The UN Charter provides the right of individual and collective self-defence, which means that if Russia launches a nuclear attack, not only Ukraine but also its allies can launch a counter-attack on Russia in collective self-defence.
- **Russia's veto power-** The Charter also empowers the Security Council to take action in case of threat of force.
- However, it is not going to materialize since Russia has veto power as a UN Security Council member.

References

1. <https://www.thehindu.com/todays-paper/tp-opinion/russias-continued-defiance-of-international-law/article65995175.ece>
2. <https://theleaflet.in/international-law-violations-by-russia-in-its-invasion-of-ukraine/>

Quick facts

ICJ vs. ICC

	INTERNATIONAL COURT OF JUSTICE- ICJ	INTERNATIONAL CRIMINAL COURT – ICC
ESTABLISHMENT YEAR	1946	2002
RELATIONSHIP WITH U.N	Official court of U.N, commonly known as "World Court".	Independent. Not governed by U.N. Can receive referrals from UNSC. Can initiate prosecution without UN action.
HEADQUARTERS	Peace Palace , Hague	Hague
JURISDICTION	U.N Member states. Can give advisory opinions to UN bodies. Cannot try individuals. Applies International Law	Individuals accused of international crimes. Uses International Law, as war crimes violate Geneva Convention.
TYPES OF CASES	Sovereignty, boundary disputes, maritime disputes, trade, natural resources, human rights, treaty violations, treaty interpretation, etc.	Genocide, crimes against humanity, war crimes, crimes of aggression.
DERIVES AUTHORITY FROM	States that ratify the U.N. Charter become parties to the ICJ Statute. Non-UN member states can also become parties to the ICJ by ratifying the ICJ Statute.	Rome Statute
APPEALS	ICJ decision is binding. UNSC can review if states do not comply.	Appeals Chamber, according to Rome Statute.
FUNDING	U.N funded	contribution from state parties to the Rome Statute; voluntary contributions from the U.N; voluntary contributions from governments, international organizations, individuals, corporations and



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