

The Legality of the Ukraine War in 2022: An Examination of International Law and Justifications

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How to cite this paper: Al Toufaily, J. (2025). The Legality of the Ukraine War in 2022: An Examination of International Law and Justifications. *Beijing Law Review*, 16, 2885-2901. <https://doi.org/10.4236/blr.2025.164146>

Received: September 24, 2025

Accepted: December 28, 2025

Published: December 31, 2025

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Abstract

This paper discusses the illegality of the 2022 war in Ukraine and argues that this illegality matters. It considers three legal justifications that have been offered, to varying degrees, formally and informally, for the war. These justifications are self-defense (and its more contentious variants, anticipatory self-defense and preventative war), collective security under Chapter VII of the Charter of the United Nations, and, finally, the doctrine of humanitarian intervention. However, none of these provides a secure basis for going to war. The most plausible of these justifications, based on an interpretation of existing Security Council resolutions, is arcane and unconvincing. This paper situates the debate over the war in the context of some recent dilemmas concerning the international order, including the problem of law in international affairs, the question of novelty, the claims of equality, the assessment of evidence, and the presence of hyperpower. In February and March 2014, Ukraine was literally overrun by a chain of events that eventually led to the incorporation of Crimea into Russian territory. A joint endeavor by Crimean and Russian authorities used the internal conflict in Ukraine to deprive the Ukrainian government of its control over Crimea, to hold a referendum, and to declare the independence of Crimea. Already on the day after the declaration of independence, Russia formally recognized Crimea as an independent state,¹ and the Crimean parliament requested that Crimea be admitted to Russia. Soon after that, the accession treaty was signed, and within only a few more days, all Russian constitutional requirements for the accession of Crimea to Russia were fulfilled.

Keywords

War, International Law, Ukraine

1. History of Ukraine and Russia

The decision of Ukraine's President, Viktor Yanukovich, in 2013 to reject an affiliation agreement with the European Union induced the very first conflict between the Ukrainian people and Russian political pressure (Rosalyn Higgins, 2014). Protests against the government, whose leader (Viktor Yanukovich) was deposed during the Ukrainian Revolution in 2014, reflected the strong will of Ukrainian citizens and political movements in favor of a nationalist approach in opposition to Russian influence (Conant, 2014). The event triggered a declared hostility between a strengthened sense of nationalism carried by Ukrainians and a counter-revolutionary and pro-Russian movement in the buffer zones between the two countries. One of the major flashpoints in the conflict was the Crimean Peninsula. Within Ukraine's borders, pro-Russian forces launched a military attack, igniting a three-front armed conflict and cutting off all communication and transportation links with the country (Bebler, 2015). As the conflict progressed, Crimea became a chessboard, displaying a remarkable counterattack carried out by Ukrainian military action, which Russia had undervalued. The previous revolution against the pro-Russian leader fueled a strong sense of individuality and nationality, which fueled such a strong response (Topolski, 2022). The annexation of Crimea to the Russian Federation was formally announced following a public vote that was heavily skewed, with accusations of demonizing Ukrainian power and control over the voting process (Bebler, 2015). The conflict in the Donbas buffer zone in eastern-southern Ukraine widened. Ukrainian election results in 2010 revealed a country divided, with Yanukovich receiving strong support from voters in the country's southeast, close to Russia's borders (Conant, 2014). Following the Russian Federation's invasion of Crimea, a wave of separatist movements erupted in the Donbas region. Violent riots, occupations of public institutions, and calls for discrimination erupted one after the other in the major cities of Donetsk and Luhansk and were quickly followed by the majority of the surrounding regions (Mitrokhin, 2015). What appeared to be a civil war within Ukrainian territory, between separatists, opposition forces, and Ukrainian militaries, was secretly aided by the Russian Federation and its troops in "hybrid warfare" (Delcour & Wolczuk, 2015), indicating a desire to undermine

Ukrainian legitimacy without risking being held accountable and victimized by international organizations. In September 2014, the Minsk agreement announced the first of several fragile ceasefires (Mitrokhin, 2015), resulting in a slow process of peacemaking with many requirements and trade-offs between Ukraine, the Russian Federation, and the Donbas-seeking areas. The agreements did not put an end to the armed conflict, which remained in a state of "frozen conflict" until a peak in Paris in which some progress towards negotiated peace was made.

The 2014 rebellion was not Ukraine's first expression of separation from Russian political authority. Ukraine plays a major role as it was among the most important states in the historical memory of the Soviet Union. In the earlier section, the Russian leaders' heavy impact and sense of empowerment over Ukrainian po-

litical activities were noted. This political and cultural situation can be attributed to Ukraine's previous involvement in the Soviet Union, during which it was politically and militarily governed for many years. Ukrainian independence in 1991, obtained during the disintegration of the USSR (Bebler, 2015), could not completely eliminate the persistence of Russian culture and language in the nation, particularly in the southeast. The controversy stems from a notable division within the country, which mirrors the situation of several states during the Cold War, which was fought between the Soviet Bloc and the Western Bloc. The political divide that we considered in the context of the 2010 elections in Ukraine (Conant, 2014) is the result of Russia's significant presence and political control, which lasted for several years during one of history's most susceptible and tender timeframes. According to Matthew Rojansky, as referenced by Calamur (2014), the two nations are "joined at the hip." They have distinct ethnic, economic, and social characteristics: for instance, the Russian language is primarily spoken in the country's southeast; Russian organizations are constantly invested in Ukraine, and millions of Ukrainians work in Russia (ibid.). Ukraine has also been a strategic fortress for western countries due to its location on the Black Sea (Chesterman, 2025). Many links tied the two countries, resulting in a poorly balanced co-dependence relationship and suppressing Ukraine from developing a profound sense of national identity and self-determination. Instead of a genuine national ideology, the country demonstrated a preference for independence and animosity, particularly in the west, toward Russia's historical oppression (Rosalyn Higgins, 2014). However, as the connections began to deteriorate and Russia was forced to relinquish control over Ukraine, the constraints became ideal for the formation of an independent country. The collapse of Viktor Yanukovich's government, which was heavily manipulated by Russian President Vladimir Putin (Conant, 2014), had two specific consequences for Russia: Russia became fully conscious that Ukraine would become more difficult, if not impossible, to control, and protective measures were devised to prevent losing one of the correlations that prospered Russia and enlarged its international influence (Calamur, 2014). The issue of national belonging revived some unresolved issues in areas where the fragile cohabitation of Russian and Ukrainian possession remained uncontested. This is the case in the previously mentioned south-eastern regions, where situations have remained frozen since the Cold War's end, and a "neither/or" discussion was not required (ibid.). To fully comprehend how the conflict evolved, it is vital to investigate the country's historical background, as is the case with many other conflicts. In the case of Ukraine, the 2014 crisis was a vicious response to the implosion of a state of stability that had been left behind and unresolved since the fall of the Soviet Union (Rosalyn Higgins, 2014).

This historical background brings out the long-rooted political, cultural, and territorial tensions that have informed the present Russia-Ukraine conflict. This context is important for considering the 2022 invasion in relation to international law, because it shows how many years of sovereignty and identity disagreements

became open aggression. It is against this background that the current study aims to evaluate the lawfulness of the actions by Russia and the applicability of international laws in addressing such breaches.

In particular, this paper focuses on the significance of applying the principles of international law in modern-day conflicts. It evaluates the three primary grounds developed by Russia—namely, the principle of self-defense, the principle of collective security, and the principle of humanitarian intervention—and assesses whether any of these grounds provides a legal justification for the use of force.

Accordingly, the research is guided by the following questions:

1) Was the use of force by Russia against Ukraine in 2022 lawful under international law?

2) Does Russia's invasion constitute a violation of the United Nations Charter and customary international law prohibiting the use of force?

The major aim of the study is to assess the effectiveness of the implementation of international law in regulating state behavior and ensuring peace and security between countries. Thus, it will explain how the Russian invasion questions the power of legal norms that are supposed to safeguard the sovereignty and territorial integrity of states.

Research hypothesis: Russia's 2022 invasion of Ukraine constitutes a clear violation of established international legal norms, particularly those enshrined in the United Nations Charter prohibiting the use of force against the territorial integrity and political independence of sovereign states.

To structure this legal analysis, this paper will identify two main areas of international law that regulate armed conflict: *jus ad bellum* and *jus in bello*. The former concerns the legality of the use of force, that is, whether Russia's decision to start the war can be justified under international law, whereas the latter regulates the way the war is waged, as well as the safeguarding of civilians and the prevention of war crimes. This difference becomes the analytical foundation of the paper as it connects the investigation of the reasons for Russia's aggression with the subsequent analysis of the state's actions in terms of international humanitarian and criminal law.

2. Formal and Informal Justifications of War

This section examines the three main legal justifications that Russia has advanced for its 2022 invasion (self-defense, collective security under Chapter VII of the UN Charter, and humanitarian intervention) and evaluates each under international law.

2.1. International Law

International law is a set of rules and principles that regulate relations between states and other international actors (Mitrokhin, 2015). These norms are defined by treaties, conventions, and traditional practices that obligate countries to be responsible under different legal norms. The last five decades have seen many crimes

against international law, and in many cases, it was not the fault of international institutions but rather the political clout of strong nations (Mitrokhin, 2015). The invasion of Ukrainian lands by Russia is a breach of these norms, and especially of the norm prohibiting the use of force that ensures international peace and security. The Russian invasion is therefore deemed an act of aggression against a sovereign nation.

Besides controlling the exercise of force, international law is applied in various sectors like human rights, environmental safeguarding, international trade, and investment (Delcour & Wolczuk, 2015). It is one of the most basic principles of this system that states should never settle disagreements by using armed forces or attacking the territory of another country. Violations have been found when a country weakens the political sovereignty or territorial integrity of another. The U.N. Charter is binding on all U.N. member states, and international law is also manifested in the binding commitments that states comply with in the form of treaties, conventions, and membership in international organizations such as the United Nations (Delcour & Wolczuk, 2015).

On February 24, 2022, it was discussed at the UN headquarters in New York by the UN Secretary-General Antonio Guterres that the use of force is against the principles that the country committed to uphold (Delcour & Wolczuk, 2015). Thus, it is considered offensive to the military. The UN Secretary-General Guterres has called on Russia to stop its fast-moving invasion of Ukraine, as it is against the United Nations Charter (an agreement that guides the work of the UN and its 193 member states) and it is considered wrong and unacceptable as it is irreversible. He called to stop the military operation and withdraw the troops that were set on the borders. Moreover, Russian troops have killed more than 137 Ukrainians, and 316 were injured since Russian President Vladimir Putin declared war and launched missiles and tanks into Ukraine (Mitrokhin, 2015).

Some professors of international law believe that it is essential for the invasion of Ukraine that Putin created to be recognized as illegal. In this case, it could be challenging to enforce the law (Mitrokhin, 2015). In addition, it is determined that the bombing of military sites within Ukraine is undisputed and is contrary to the United Nations charter, specifically to Article 2 of the charter, which is known for prohibiting the use of force and the Ukrainian political independence, which sounds similar to what is happening in Ukraine and the movement of the armed hostility of the Russian military. Although the event is still fragile and fluid, the extent of the violations of international law is still determined as well (Mitrokhin, 2015).

The 2014 Minsk agreements are another legal obligation that also prohibits the use of force. The Trilateral Contact Group on Ukraine (OSCE, Russia, Ukraine and the Security Organization) has drawn up a series of agreements that do not impose an obligation to use force indefinitely, but are rather vague and call for a ceasefire (Mitrokhin, 2015).

Moreover, prior to Russia's military intervention, Russia explicitly rejected the Minsk agreement (United Nations General Assembly, 2019). Therefore, the Minsk

Accords may not have entered into force on February 24, when Russia began its armed attack on Ukraine and the former Soviet Union ratified the Paris Pact, and as successor states of this entity, both Russia and Ukraine are legally bound by it. This treaty prohibits signatories from using force in conducting their foreign policies and could likely be used in conjunction with the UN Charter ([United Nations General Assembly, 2019](#)). Even if the Charter may be less effective than intended, it will still be followed as written. Ukraine has a right to defend itself, and it may seek the help of other countries to support self-defense. This self-defense is reflected by Ukraine taking the necessary measures to protect itself from Russia's attack ([United Nations General Assembly, 2019](#)). If the survival of Ukraine is at stake, then perhaps even nuclear weapons may be used in accordance with Article 51 of the United Nations Charter and the interpretation of the International Court of Justice in its 1996 Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons ([Rosalyn Higgins, 2014](#)). This is a different situation from that of Libya, Afghanistan, and Iraq, where the use of nuclear weapons can be allowed under international law. Russia's use of force against another nation in violation of the UN Charter constitutes an international wrong and could subject Russia to consequences ([United Nations General Assembly, 2019](#)). If Russia continues its aggression in Ukraine, the international community must take actions to demand that Russia end its actions and make restitution or compensation for the damage it has caused ([Rosalyn Higgins, 2014](#)).

Russia launched attacks on Ukraine in the early hours of February 24, starting with a constant stream of air raids in the nation's eastern regions ([Rosalyn Higgins, 2014](#)). Numerous urban areas, including Kyiv, were besieged within hours. Russian President Vladimir Putin has threatened serious repercussions if any foreign country interferes with this "special military operation," increasing the possibility of conflict ([Rosalyn Higgins, 2014](#)). Ukraine's president, Volodymyr Zelenskyy, pledged to repel the attack, while Western leaders condemned the violence and imposed new sanctions on Russia. After two months of escalating violence, it appears that interstate conflict has been brought back to the European continent, potentially with catastrophic results. But why is this upsurge taking place now?

Western intelligence had been alerting of an impending Russian invasion. However, the prospect of reignited conflict in the regional war between pro-Russian rebel groups and Kyiv's government had already allowed Russia to elevate ([Bebler, 2015](#)).

The present situation is the result of a civil war that erupted in the spring of 2014. Following the Euromaidan protest rallies, two Russian-speaking areas (Donetsk and Luhansk, referred to collectively as the Donbas) revolted against Kyiv's central government. After invading and occupying the Crimean Peninsula, Russia backed the disputed territories ([Bebler, 2015](#)).

The very next year, Russia and Ukraine agreed to sign the 2015 Minsk II protocol, which allowed for the progressive reentry of the Donbas into Ukraine with

significant autonomy. Ever since, the two self-proclaimed nations have continued to fight for full independence from Kyiv (Bebler, 2015).

2.2. Rising Tensions

Alliances between Moscow, Kyiv, and the West have become progressively strained in the last two months. The front line in the Donbas, on the other hand, has remained extremely quiet. According to data, combat in eastern Ukraine has dropped significantly since 2020 (Bebler, 2015). Consultations about Russia's military presence along Ukraine's border centered on Russia's agreement with the West and the dilemma of Ukraine's potential NATO membership, rather than the status of the breakaway regions. In short, it appeared that the international negotiating aspect had outweighed the political war (Bebler, 2015). On February 17, opposition leaders in the Donbas stated they had been exposed to artillery bombardment from Ukrainian government troops. The following day, they began clearing ethnic Russian citizens from areas under attack by air. However, evidence later revealed that this was a false flag attack designed to inflame the situation in the Donbas (Bebler, 2015). Given that Kyiv's armed forces have taken a non-provocative stance on the conflict, it is improbable that the Ukrainian army would have taken any action to reclaim the Donbas at this point. Why wait eight years and then attack once you're enveloped by nearly 200,000 Russian troops?

2.3. False Flag

In retrospect, it is possible to argue that Russian authorities used the strike to rationalize their acclaim of the liberation of the Donbas areas and subsequent occupation. In their quest for independence from Ukraine, the rebel leaders saw an opportunity (Topolski, 2022). The growth of the international crisis between Moscow and Kyiv would significantly assist their cause. Like any financial backer, Russia saw a chance to deny involvement in the attack's planning, especially given how haphazardly it was carried out (Topolski, 2022). Regardless of who was responsible for the false flag act, the latest advancements marked a watershed moment (Bebler, 2015). Prior to the intensification, Russia's coercive diplomacy was at a standstill, with Russia making significant demands to NATO with no guarantees of de-escalation if they were fulfilled. The West's repeated warnings that Russia was trying to find an excuse to invade weakened the credibility of the Kremlin's demands (Bebler, 2015). According to polls, Russian public opinion is predominantly opposed to war, making Russia's drastic action less convincing (Snegovaya, 2024).

Against this backdrop, the false flag operation in Ukraine enabled Putin to achieve three objectives: find a reasonable justification to use armed power, sell the procedure domestically, and demonstrate to the West that his threat to use conventional forces was serious (Bebler, 2015). Russia moved quickly to acknowledge Donetsk and Luhansk's independence, which would explain involvement in a defensive effort of a foreign state under military attack. Russia's anti-Ukraine propaganda campaign, which had been dormant until last week, was also activated,

and the dislocation of Russian citizens permitted the National Security Council to blame Ukraine for “genocide” (Rosalyn Higgins, 2014). Putin challenged Ukraine’s claim to the Donbas and beyond in a public speech, calling it a country with no heritage ruled by an unscrupulous, Western-backed government. This aggressive language appeared to be aimed at rallying domestic support for action in Ukraine, as it had been before the invasion of Crimea (Rosalyn Higgins, 2014). Finally, Putin dispatched Russian troops to the Donbas for “peacekeeping missions” before announcing an attack on Ukrainian forces (Rosalyn Higgins, 2014). The quick escalation of combat on the Donbas front line was a key instrument for Russia in raising tensions to the next level, thereby accelerating the most severe crisis in East-West relations since the Cold War (Rosalyn Higgins, 2014). Putin would have had a much more difficult time advocating an assault on Ukraine if the proxy war had not advanced as it has. This escalation may have enormous consequences, ranging from a political shift to military conflict between the “great” powers. Whatever the outcome, Russia’s aggression against Ukraine will radically impact European security (Rosalyn Higgins, 2014).

Since it has been determined that the invasion of Ukraine by Russia has no probable basis according to the *jus ad bellum*, it can be concluded that the subsequent instances of war should be considered within the context of *jus in bello*. The fact that the first use of force was unlawful increases the relevance of determining whether the military actions of Russia are also unlawful under the laws and customs of war. In this respect, the violations of international humanitarian law are not merely one-off events but the direct outcomes of the unlawful act of aggression, which ignores the principles of the United Nations Charter.

2.4. International Humanitarian Law

Having established that Russia’s invasion of Ukraine constitutes a violation of *jus ad bellum*—the prohibition on the use of force—the following sections examine the legal consequences that arise once hostilities have begun. A war of aggression is still subject to the provisions of *jus in bello* that govern behavior during war. In this regard, the multiple documented instances of civilians being attacked, and of hospitals and civilian infrastructure being targeted, are not merely single humanitarian tragedies but immediate byproducts of an initial act that has already placed Russia beyond the legitimate sphere of international law. The interpretation of these violations in terms of *jus in bello*, therefore, indicates how an illegitimate initiation of war is likely to cause more violations of humanitarian and criminal standards.

International humanitarian law applies to states involved in an armed conflict, regardless of whether their use of force is legal or illegal a priori (Mitrokhin, 2015). However, these rules were established after World War II and were adopted in 1949 and are perhaps easiest to find in the four Geneva

Conventions. Ukraine and Russia ratified the Paris Agreement. Ukraine has ratified the 1977 Protocol, which contains more specific rules for international armed conflicts. However, Russia, which ratified the First Protocol in 1989 and

reaffirmed its continued application after the collapse of the Soviet Union, may have conducted an international fact-finding under Article 90 of the First Protocol in 2019 (Rosalyn Higgins, 2014). Withdrawing consent to the Commission. Ukraine has shown its willingness to cooperate in resolving the conflict between the two countries. Russia must agree to the fact-finding to move forward. The International Committee of the Red Cross is not the only humanitarian organization that can ensure that warring parties comply with international humanitarian law, but it is probably the best. Since customary international law recognizes important provisions of international humanitarian law as applicable to the armies of Donetsk and Luhansk, if these entities are considered states, then these laws apply to them (Rosalyn Higgins, 2014). Civilians and civilian objects must not be attacked, and this is one of the main fundamental rules of international humanitarian law. The state of Ukraine is responsible for carrying out any actions that occur within it; for example, if there are reports of hospitals being attacked or civilians being killed in Ukraine, then it could be considered state responsibility. Thus, this would be considered a violation of international law and would have consequences (Rosalyn Higgins, 2014).

This is a customary international law rule (Chesterman, 2025). Ukraine and Russia have ensured the protection of civilians by following customary international law. Ukraine has included the provision in its 2004 International Humanitarian Law Manual in some of its sections. The Russian Military Manual of 1990 prohibits “attacks against the civilian population or against individual civilians”, and its Regulations on the Application of International Humanitarian Law 2001 state: “The civilian population as such and civilian personnel enjoy protection in addition to other international humanitarian protection” (ICRC, n.d.). Targeting an attack is prohibited by law. Violations of the law happen through attacks against schools or hospitals, as well as attacks that kill or injure civilians but do not target them, would also violate the law if proper precautions are not taken. Russia’s statement about the need to respect captured Ukrainian soldiers is in line with international humanitarian law, specifically with what Russia ratified, which is the Third Geneva Convention on the Treatment of Prisoners of War.

The consistent neglect of the safeguards that international humanitarian law should grant is not only a worsening factor for the humanitarian impacts of the conflict but also involves the individual accountability of those who ordered or perpetrated such actions, thus precipitating the use of international criminal law.

2.5. International Criminal Law

International criminal law is a field of international law that seeks to regulate the behavior of states, organizations, and individuals operating across national boundaries in the commission of international crimes. International criminal law also regulates the commission of grave crimes occurring on the territory of sovereign states where those crimes constitute genocide, crimes against humanity, war crimes, or other violations of jus cogens norms. International criminal law provides for the

punishment of individuals involved in the commission of genocide, crimes against humanity, or war crimes within the territory of Ukraine (Conant, 2014). These include not only the perpetrators of the acts that constitute the crimes themselves, but also any “person who commits such crimes, including by ordering, inciting or otherwise facilitating the commission of these crimes”, according to the prosecutor. Adding to that, Ukraine issued a statement on September 8, 2015, accepting the Court’s jurisdiction for any crimes committed after February 20, 2014, but neither Russia nor Ukraine has ratified the ICC Statute since 1998 (Conant, 2014).

Notably, since neither Ukraine nor Russia has ratified the ICC Statute, the ICC Prosecutor said in his February 25, 2022, statement that he will not investigate the crime of aggression that acceded to the Statute in 2018. For the Court to have jurisdiction over the crime of aggression, a State must ratify the Court’s Statute. Russian and Ukrainian officials can be prosecuted for international crimes. Hence, if any government official or heads of State and members of the judiciary have jurisdiction, then they are not immune from prosecution before the ICC (International Criminal Court). In this way, individual criminal accountability under *jus in bello* becomes the legal extension of the original unlawful act of aggression, ensuring that violations of humanitarian norms are treated not as separate incidents but as continuing manifestations of the same illegality established under *jus ad bellum*.

Lastly, while international law is important regarding the current situation in Ukraine, it is also important to understand the politics of international relations. Therefore, in order for the international community to function effectively, a law-politics combination is essential. Thus, when international law is followed, it reinforces the rules and makes it more likely they will be applied in the future (Conant, 2014). On the other hand, the international community’s respect for this rule would begin to disintegrate if it were repeatedly disrespected. In the case of the Ukraine-Russia war, it may not be possible to restore respect for international law in the conflict (Chesterman, 2025). The rule of law has been around for a long time, and it has been used to justify aggression by the greatest purveyors of aggression. This weakens, rather than strengthens, respect for the rule of international law (Chesterman, 2025).

The Russian Federation’s 2022 invasion of Ukraine has sought to justify its actions through a number of overlapping legal arguments, introduced both formally and informally to the international community. These justifications are primarily based on three concepts accepted within international law: 1) self-defense, 2) collective security under Chapter VII of the United Nations Charter, and 3) humanitarian intervention. This section examines each of these assertions individually, evaluating their legal basis and the extent to which they conform, or fail to conform, to the existing international standards that prohibit the use of force.

2.6. Self-Defense

2.6.1. Self-Defense: The “Magic Hat”

It refers to the use of force to repel an attack or imminent threat of attack directed

against oneself, others, or a legally protected interest. Self-defense in international law refers to the inherent.

The right of a State to use force in response to an armed attack. Self-defense is one of the exceptions to the prohibition against the use of force under Article 2(4) of the UN Charter and customary international law.

Given recent events, it appears that Putin was determined to attack Ukraine from the beginning, rendering all negotiations ineffective (Chesterman, 2025). The only question was which reasoning he would rely on the most, given that there was no indication of an upcoming or actual military operation by Ukraine in the context of Article 51—one does not need to be a member of the military to understand that striking Russia’s army first is a bad idea. As a result, there is a chance that a falsified justification was used: The Pentagon accused Russia of planning a “false flag” operation in January 2022, which Russian Foreign Minister Sergei Lavrov rejected as “nonsense.”

Subsequently, Putin picked an equally daring argument: the right of the self-proclaimed “People’s Republics” of Luhansk and Donetsk to (collective) self-defense (Chesterman, 2025). The first issue with this method is that international law prohibits support for non-state militant forces. As the ICJ stated in the famous Nicaragua case (para. 246), “it is hard to see what would remain of the principle of non-intervention in international law if intervention, which is already permissible at the suggestion of a state’s government [and even that is dubious, see the Institute of International Law’s 1975 Wiesbaden Session], were also permissible at the request of the opposition.” This would allow any state to engage in the internal affairs of another state at any time, whether at the initiative of the government or the opposition. Such a case, in the Court’s opinion, does not correspond to the current state of international law” (Conant, 2014).

To overcome this legal stumbling block, Russia identified these elements as states under international law, which would make external aid for, say, Chechen rebels admissible (similar to what it did, for example, with Abkhazia and South Ossetia).

The most influential reason given by Russia for deploying soldiers into Crimea is to secure Russian citizens (United Nations General Assembly, 2019). In general, international law supports the principle of “defense of nationals,” which states that a state may gain entry into another state without permission to protect its nationals from imminent danger, at least where the regional state is disinclined or unable to guard those nationals itself. This reasoning has been upheld by states in three general situations: when their nationals have been kidnapped (U.S. Embassy in Tehran); when their nationals are under actual attack; and when their nationals face a more generically serious condition (the U.S. in Grenada; the UK in Libya in 2011). The greater the threat to citizens and the lower the fear of pretextual involvement, the more likely it is that the intervening states will avoid criticism (Conant, 2014).

Consent: A substitute explanation for introducing ground forces onto the territory of another state is that you have the said state’s consent (United Nations

General Assembly, 2019). Why hasn't Russia asserted that it has the consent of deposed Ukrainian President Yanukovich to send troops into Crimea? At the very least, there is a compelling case to be made that Yanukovich remains Ukraine's president. The answer appears to be that Putin simply does not like Yanukovich and would rather depend on the locally popular "defense of nationals" argument than associate with a previous leader he sees as a sinking ship. Intervening states, on the other hand, frequently prefer to gather as many justifications as possible, so Putin's decision appears to be unusual (*United Nations General Assembly, 2019*).

Implications. What happens if Russia launches an attempted assault on Ukraine? Article 51 of the Charter acknowledges Ukraine's right to self-defense. Ukraine must consider whether to use

Force against Russia (if that is what it wishes to do) is crucial, whether there are no other plausible ways to address the dilemma. Proportionality under *Jus ad Bellum* would also apply: Ukraine must also use only the amount of force required to build an effective defense system (*Topolski, 2022*).

Russia's invasion of Crimea is the most recent example of two recurring themes in "use of force" law: that many of its notions remain mutable on paper, and that certain coercive actions fall within the basic understandings of those concepts, such that most trusted sources presume observers would agree that those actions violate international law (*Topolski, 2022*).

2.6.2. Collective Security under Chapter VII of the Charter of the UN

The United Nations Charter forbids states from threatening or using force against other states. Even though this clause has sparked countless hours of debate, the transition of large numbers of one state's military services into another state without permission almost certainly violates Article 2(4)'s prohibition (*Bebler, 2015*). Whereas the exact number of Russian forces in Crimea is unknown, Russia appears to have sent hundreds of soldiers, ten troop trucks, and five military vehicles; there are conflicting reports that Russian ships carrying extra forces are arriving in eastern Crimea (*Bebler, 2015*). The Russian military "infiltrated the main roads of Crimea on Saturday, completely encircled government buildings, closed the main airport, and occupied interaction centers, determining what began on Friday as a secret effort to control the pro-Russian zone," according to the *New York Times*. Russia appears to be attempting to seize control of a significant portion of Ukraine from both the new Ukrainian government in Kyiv and the Ukrainian government and military authorities in Crimea (*Bebler, 2015*).

2.6.3. The Doctrine of Humanitarian Intervention

Russia takes Kosovo, Iraq, Libya, and Syria as examples. Interventions at these sites have been interpreted by the United States and its allies on the basis of humanitarian intervention, broad claims to the right to self-defense, protection of human rights, and limited interpretations of resolutions of the United Nations Security Council (*Topolski, 2022*). Russia seems to cite these models to demon-

strate how the West has compromised international law's prohibition on the use of force. The most flagrantly advanced legal rationale for why Russia used force was its alleged right to self-defense, including the collective self-defense of the alleged Donetsk and Luhansk People's Republics. This, however, as this paper has demonstrated, is not legally sound and is contrary to Article 51 of the United Nations Charter, which allows the use of force only on the basis of a real armed attack against a state (Topolski, 2022). After recognizing the two republics as states, Russia can make decisions based on "intervention by invitation" and "the right to collective self-defense"—preconditions for the use of coercive measures that other powerful nations, including the United States, have used in Iraq and Syria. Russia's justifications for self-defense are conceptually flawed. All in all, Russia's reliance on all these precepts is selfish, in fact baseless, and "morally corrupt" (Topolski, 2022). However, Russia is correct in arguing that other powerful countries have violated international law prohibiting the use of force and protecting territorial integrity, although this argument offers no legal or moral justification or virtue for Russia's own behavior. To some degree, attempts to achieve other goals through international law, especially human rights and humanitarian ends, have diminished the restriction on the use of force, primarily in Kosovo and Libya, but also to some extent in Iraq and Syria (Bebler, 2015).

The best ways to secure interstate peace are likely to extend beyond Article 2(4) of the U.N. Charter, as peace has been secured by the objective of international law; this has been going on for a century (Topolski, 2022). International law scholars and historians have connected interstate peace to the Kellogg-Briand Pact of 1928 due to the period following World War II, which is known as "the long peace." This has outlawed the use of force, with its prohibition rooted in the U.N. Charter and its origins in the

Boundaries on the League of Nations force (Pinker, 2011). However, in the mid-20th century, peace was found among Europe and its great powers, which is behind the Napoleonic wars that happened in the 19th; however, this focus was misplaced (Pinker, 2011). The relationship between interstate war and international law is shown to be very complex, as suggested by the long 19th-century peace (Pinker, 2011).

Moreover, some data indicated by political scientists show the conflict occurring over the territory, claiming that it could easily escalate and expecting an invasion of Ukraine. In order to generate peace, international law is considered to be the most effective means to reduce conflict over the territory (Pinker, 2011). Thus, Article 2(4) of the U.N. Charter, which prohibits the use of force, can help reduce the conflict, as well as the doctrine of international law that is recently being used by independent nations in order to keep their borders as colonies (Pinker, 2011).

2.6.4. The U.N. Security Council and the EU opinion

On the 16th of February, the United Nations Security Council was asked by Ukraine to discuss Russia's parliamentary bid in order for the separatists to be recognized in Ukraine (Nichols, 2022). The Minsk agreements, which were en-

dorsed in 2015 to end the separatist war and the crisis in Ukraine, were to be discussed in the 15-member council. Although Russia denied planning an attack, it stationed more than 100,000 troops near the borders of Ukraine (Nichols, 2022).

Further aggravating the threats to both Ukraine's territorial integrity and the global security architecture following the ongoing military build-up by the Russian Federation in the vicinity of the borders with Ukraine (Kyslytsya, 2022). In 2014, some Russian separatists in the Donbass separated from the Ukrainian government, and these groups started a conflict with the Ukrainian army.

Proclaimed themselves as independent, for example Donetsk and Luhansk regions. Later, it was voted by Russia's lower house for Vladimir to claim the independence of these two regions: Donetsk and Luhansk, but unfortunately, he declined to simply plan a response (Pinker, 2011). This led Kyslytsya to consider the decision undermining to the Minsk agreements, asking the UN Security Council to start the development during the meeting in New York. Therefore, the UN Security Council was not able to take any action after meeting dozens of times to discuss the Ukraine crisis since Russia annexed Ukraine's Crimea region in 2014 (Kyslytsya, 2022).

Whatever happens in its neighborhood affects the EU and its member states' security. The EU has supported Ukraine by 17 billion euros in order to provide assistance to strongly eliminate its economic dependence on its hostile neighbor Russia (Kyslytsya, 2022). What has become the largest trading partner, surpassing Russia, is the EU according to the EU-Ukraine association agreement (Kyslytsya, 2022). But what has cast a shadow on the budding EU-Ukraine bonhomie is the EU-Russia economic equation. Critics, including Ukraine, have not shied away from lambasting the EU's "Russia appeasement policies" for its failure to define this "price tag".

In 2020, Russia recorded 37.3 percent of the total trade in goods, and the EU was considered its biggest trading partner (European Commission, n.d.). Russia could not be significantly weakened; some economic sanctions were taken to deter Russia from misadventures in Ukraine or the neighborhood. However, unfortunately, this could not stop or dissuade Russia from reducing tensions on its border with Ukraine, so the EU has taken stricter sanctions, warning Russia that "aggression comes with a price tag." Moscow's belligerence in the neighborhood is averted by the bloc through hindering a strong economic response. Moreover, the deepening energy crisis at home exacerbates the EU's eastern neighborhood crisis due to its dependence on Russia, which has soared, and its many attempts to take advantage of Brussels' energy insecurity.

This is caused by the powerful position of Russia, which supplies crude oil, natural gas, and solid fossil fuels. Thus, what favors Russia is the geoeconomics of energy trade, making Brussels's position frail in dealing with the Kremlin. In the year 2014, a civilian support mission was initiated by the bloc, while the EU failed to have an influence in its neighborhood's conflict zone. On the other hand, it was aimed at law enforcement and rule-of-law institutions to be reformed by the EUAM Ukraine. Adding to that, the Ukrainian armed forces were supported by

Brussels through the provision of EUR 31 billion to reach a European peace facility (Council of the European Union, 2022). EU-led military support has been missing for more than eight years in Ukraine, throughout all the Russian annexation of Crimea and with the tensions that are still escalating due to the Russia-Ukraine border. NATO has been called upon by Ukraine for assistance and help since the crisis is predominantly military, and to take precautions in case of any eastern invasion attempts (Council of the European Union, 2022).

The absence of the bloc's centrality in European security from any meaningful dialogue was questioned regarding the EU security architecture surrounding the Russia-Ukraine crisis (Pinker, 2011). Moreover, Russia has been deploying troops on the western borders, while the EU's response has been slow. Brussels would always be seen as an uninvolved spectator unless it had a strong deterrence against Moscow (Pinker, 2011). Therefore, Brussels questions the probability of Russia invading Ukraine and how it is possible to deter Russia from further misadventures in Ukraine (Pinker, 2011).

3. Conclusion

The norms and international law do not consider the invasion of Ukraine legal under any scenario or the Russian armed invasion. According to international law, the use of force against another country for self-defense is the only justification. This condition is found in the U.N. Charter and is binding for all 193 U.N. member countries (Pinker, 2011).

In order not to overthrow governments, the help and interventions from other countries to evacuate and rescue citizens who are trapped or in danger in another country are strictly limited, although this is recognized as a form of self-defense (Kyslytsya, 2022). Thus, the Charter's only clear exception to prohibiting the use of force is self-defense, "if an armed attack occurs" against a country. Hence, nothing can justify the Russian invasion as self-defense, nor consider what Ukraine has done as an armed attack (Kyslytsya, 2022).

Some other actions that were taken by a few countries and activists were considered as uses of force, even if they were interventions for humanitarian reasons to prevent a large number of deaths and suffering (Kyslytsya, 2022). Unless the UN Security Council agrees on this justification, it would not be widely accepted, although it was accepted in 1992 when famine occurred in Somalia and when it authorized a US-led military force (Kyslytsya, 2022).

Enforcing international law's compliance is in the hands of countries themselves, as it cannot be upheld by an international police force. Also, almost all nations observe all principles of international law almost all of the time (Henkin, 2000). Out of 195 countries, only 73 have accepted the jurisdiction of the court that was created by the U.N. International Court of Justice, located in The Hague, which includes alleged violations of the U.N. Charter and decides disputes between countries (Henkin, 2000).

Moreover, the authority to use force under the U.N. Charter belongs to the U.N.

Security Council, in order to maintain international peace and security (Henkin, 2000). Ukraine finds it hard to obtain this option, which seems unrealistic because of Russia and the other four members.

The U.S., U.K., France, and China have permanent seats on the council, which allows them to have veto power over any decision taken (Henkin, 2000). However, diplomatic and economic sanctions can only have a direct effect on ending a war (Henkin, 2000). These may be imposed by the U.N. Security Council or individual countries. Lastly, Russia's invasion of Ukraine is a challenge laid bare most recently, and there isn't any international or domestic law that is interested in or enjoys universal compliance (Henkin, 2000).

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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