

The Limits of International Legal Frameworks in Modern Warfare: The Russia-Ukraine Conflict and the Crisis of Enforcement

Nguyen Thi Ngoc Mai*

ABSTRACT

The resurgence of state-led aggression and hybrid warfare tactics in the Russia–Ukraine conflict has exposed critical weaknesses in the international legal system. This study investigates how current legal frameworks have failed to prevent unlawful uses of force and to ensure accountability for international crimes, particularly in asymmetric modern conflicts. The analysis adopts a doctrinal legal research approach, examining key instruments including the UN Charter, the Rome Statute, the Geneva Conventions, and relevant treaties. It evaluates structural limitations through case studies, legal principles, and enforcement gaps, especially in relation to the UN Security Council, the ICC, and non-state actors. Findings reveal systemic deficiencies in enforcement, the ineffectiveness of non-binding security guarantees, and the exploitation of legal ambiguities in cyber warfare, disinformation, and the use of private military contractors. These failures result in impunity for high-ranking perpetrators and undermine the authority of international law. The Russia–Ukraine war exemplifies a legal system that is normatively ambitious but operationally constrained. Urgent reform is necessary to strengthen enforcement mechanisms, clarify legal responsibilities in modern warfare, and shield judicial accountability from geopolitical interference.

Keywords: *International Law, Russia–Ukraine War, Use of Force, Accountability, International Criminal Court (ICC), Universal Jurisdiction, Hybrid Warfare, Private Military Contractors (PMCs), UN Security Council, Political Shielding*

I. INTRODUCTION

With origins tracing back to the 19th century¹ and a significantly reinforced role after World War II (1939-1945), international law serves as the primary legal framework for preventing war, regulating armed conflicts, and ensuring legal accountability.² The legitimate relationship between international law and armed conflict is expressed through the United Nations (UN) Charter, which explicitly prohibits the use of force.³ At the same time, international organizations such as the North Atlantic Treaty Organization (NATO),⁴ the European Union (EU),⁵ and the Organization for Security and Co-operation in Europe (OSCE) contribute to conflict mediation.⁶ The Geneva Conventions and International Humanitarian Law (IHL) establish guidelines for the protection of civilians,⁷⁸ the treatment of prisoners of war,⁹ and the regulation of weapons of mass destruction.^{10 11} Additionally, judicial bodies such as the International Criminal Court (ICC) and the International Court of Justice (ICJ), alongside international sanctions,¹² play a role in adjudicating war crimes and

¹ International Committee of the Red Cross, 'The Origins of International Humanitarian Law' (7 August 2017) <https://blogs.icrc.org/ilot/2017/08/07/origins-international-humanitarian-law/> accessed 5 April 2025.

² United Nations, 'Preamble to the Charter of the United Nations' <https://www.un.org/en/about-us/un-charter/preamble> accessed 5 April 2025.

³ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) art 2(4).

⁴ North Atlantic Treaty Organization, 'What is NATO?' <https://www.nato.int/nato-welcome/index.html> accessed 5 April 2025.

⁵ European External Action Service, 'Conflict Prevention, Peace Building and Mediation' https://www.eeas.europa.eu/eeas/conflict-prevention-peace-building-and-mediation_en accessed 5 April 2025.

⁶ Organization for Security and Co-operation in Europe, 'The OSCE Approach to Mediation' <https://www.osce.org/secretariat/125136> accessed 5 April 2025.

⁷ American Red Cross, 'Summary of the Geneva Conventions of 1949 and Their Additional Protocols' https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf accessed 5 April 2025.

⁸ International Committee of the Red Cross, 'What Are the Rules of War and Why Do They Matter?' <https://www.icrc.org/en/document/ihl-rules-of-war-FAQ-Geneva-Conventions> accessed 5 April 2025.

⁹ OHCHR, 'Geneva Convention Relative to the Protection of Civilian Persons in Time of War' <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war> accessed 5 April 2025.

¹⁰ Practical Guide to Humanitarian Law, 'Methods and Means of Warfare' <https://guide-humanitarian-law.org/content/article/3/methods-and-means-of-warfare/> accessed 5 April 2025.

¹¹ International Committee of the Red Cross, 'Weapons and Disarmament' <https://www.icrc.org/en/law-and-policy/weapons-and-disarmament> accessed 5 April 2025.

¹² David L Philips, *The International Criminal Court and Deterrence: A Report to the U.S. Department of State* (Stanford Law School, 2016) <https://law.stanford.edu/wp-content/uploads/2016/07/Philips-The-International-Criminal-Court-and-Deterrence-A-Report-to-the-U.S.-Department-of-State.pdf> accessed 5 April 2025.

detering violations.¹³¹⁴ Despite this well-established legal framework,¹⁵ the effectiveness of international law remains contingent on the political will¹⁶ and voluntary compliance of major powers,¹⁷ thereby unintentionally abetting their use of force¹⁸ and limiting the prosecution of international crimes.¹⁹ The ongoing Russia-Ukraine war, which began in 2022,²⁰ serves as a stark demonstration of the inadequacies of international law in preventing war,²¹ regulating modern armed conflicts,²² and ensuring accountability for violations.²³ This essay argues that the failure of international law is evident in two primary aspects: first, its inability to prevent war and adapt to evolving conflicts due to weak enforcement mechanisms,²⁴ unfulfilled security agreements,²⁵ and legal loopholes exploited by modern warfare tactics;²⁶ second, its failure to ensure accountability and prosecuting perpetrators within the international legal system, as reflected in the lack of universal jurisdiction, the absence of independent enforcement mechanisms,²⁷ and the persistent political shielding of high-ranking officials and state leaders.²⁸ Ultimately, the Russia-Ukraine war underscores the pressing need for comprehensive reform in international law to strengthen its enforcement mechanisms and enhance its capacity to address contemporary conflicts, along with prosecuting perpetrators

¹³ United Nations, 'The Role of the International Criminal Court in Ending Impunity and Establishing the Rule of Law' <https://www.un.org/en/chronicle/article/role-international-criminal-court-ending-impunity-and-establishing-rule-law> accessed 5 April 2025.

¹⁴ International Court of Justice, 'Frequently Asked Questions' <https://www.icj-cij.org/frequently-asked-questions> accessed 5 April 2025.

¹⁵ Fuad Zarbiyev, 'Judicial Activism in International Law—A Conceptual Framework for Analysis' (2012) 3(2) *Journal of International Dispute Settlement* 262.

¹⁶ Martti Koskenniemi, 'The Politics of International Law' in *The Nature of International Law* (Routledge 2017) 356.

¹⁷ Oona A Hathaway, 'Between Power and Principle: An Integrated Theory of International Law' (2005) *The University of Chicago Law Review* 472.

¹⁸ Oscar Schachter, 'The Lawful Resort to Unilateral Use of Force' (1984) 10 *Yale Journal of International Law* 294.

¹⁹ Alexander KA Greenawalt, 'Justice Without Politics: Prosecutorial Discretion and the International Criminal Court' (2006) 39 *New York University Journal of International Law and Politics* 604.

²⁰ UK House of Commons Library, 'Russia-Ukraine War: Legal Issues' (Briefing Paper, CBP-9847, 2023) <https://commonslibrary.parliament.uk/research-briefings/cbp-9847/> accessed 5 April 2025.

²¹ Michael J Kelly, 'The Role of International Law in the Russia-Ukraine War' (2023) 55 *Case Western Reserve Journal of International Law* 88.

²² Saumya Garg, 'Role of International Law in Regulating Armed Conflicts in Ukraine and Russia' (2024) 8.

²³ Allison Weiner, 'The Russia-Ukraine Conflict: Obstacles to Accountability' (2023) 10(2) *Brandeis University Law Journal* 49–57.

²⁴ Anita Maria Nwotite, 'Mechanisms for the Enforcement of International Law – Strength and Downside' (2024) 15(2) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 53.

²⁵ Andrew T Guzman, 'The Design of International Agreements' (2005) 16(4) *European Journal of International Law* 580.

²⁶ Morten M Fogt, 'Legal Challenges or “Gaps” by Countering Hybrid Warfare – Building Resilience in *Jus Ante Bellum*' (2021) 27 *Southwestern Journal of International Law* 31.

²⁷ Esra Craeghs, 'The Prosecution of Putin before the International Criminal Court' (2023) 4.

²⁸ Dapo Akande, 'International Law Immunities and the International Criminal Court' (2004) 98(3) *American Journal of International Law* 407–433.

of international crimes.²⁹ If the international legal system continues to operate under its current constraints, it risks further erosion of its authority and continued ineffectiveness in preventing and solving future conflicts.³⁰

II. The Failure of International Law in Preventing the Use of Force and Adapting to Contemporary Conflicts

The failure of international law to prevent war and adapt to contemporary conflicts is starkly illustrated by the Russia-Ukraine war, wherein weak enforcement mechanisms enabled Russia to invade Ukraine with limited repercussions.³¹ The paralysis of the United Nations Security Council (UNSC), owing to Russia's veto power, obstructed any effective intervention or imposition of sanctions to curb the aggression,³² while security agreements and treaties, such as the Budapest Memorandum, proved inadequate in safeguarding Ukraine, leaving it exposed to invasion.³³ Furthermore, the application of modern warfare tactics, including cyberattacks, hybrid warfare, and disinformation campaigns, has exploited legal loopholes, complicating the ability of international law to respond to these novel forms of aggression.³⁴ Consequently, these gaps within the international legal framework underscore the limitations of current legal structures in addressing the evolving nature of contemporary and asymmetrical warfare.³⁵

2.1. Weak Enforcement Mechanisms and the Paralysis of Collective Security

Weak enforcement mechanisms, such as the UN Security Council's paralysis from Russia's veto power³⁶ and the ineffectiveness of deterrents like economic sanctions and diplomatic condemnation, enabled Russia to invade Ukraine without facing significant consequences.³⁷

The paralysis of the UN Security Council, resulting from Russia's veto power as a permanent member, played a central role in enabling Russia to invade Ukraine without facing

²⁹ Charles B Berebon, 'Reassessing Global Governance: Lessons from the Russia-Ukraine Conflict on Sovereignty, Security, and International Cooperation' (2024) 53–61.

³⁰ Abdulrasheed Abdulyakeen and Nurain Abayomi Mumuni, 'Russia-Ukraine War and the Imperatives of a New Global Order' (2024) 5(1) *Journal of Contemporary International Relations and Diplomacy* 133–135.

³¹ Christian Marxsen, 'International Law in Crisis: Russia's Struggle for Recognition' (2015) 58 *German Yearbook of International Law* 27.

³² Jennifer Trahan, 'Legal Issues Surrounding Veto Use and Aggression' (2023) 55 *Case Western Reserve Journal of International Law* 131.

³³ David S Yost, 'The Budapest Memorandum and Russia's Intervention in Ukraine' (2015) 91(3) *International Affairs* 510.

³⁴ Waseem Ahmad Qureshi, 'Information Warfare, International Law, and the Changing Battlefield' (2019) 43 *Fordham International Law Journal* 928.

³⁵ Mahshad Jafariandehkordi, 'The AI Battlefield: Legal Challenges of Autonomous Weapon Systems under International Humanitarian Law' (2024) 4.

³⁶ Blessing Nneka Iyase and Sheriff Folami Folarin, 'A Critique of Veto Power System in the United Nations Security Council' (2018) 11(2) *Acta Universitatis Danubius. Relationes Internationales* 115.

³⁷ Bettina Renz, 'Was the Russian Invasion of Ukraine a Failure of Western Deterrence?' (2023) 53(4) *The US Army War College Quarterly: Parameters* 17.

significant consequences.³⁸ According to Article 2(4) of the UN Charter, the use of force by one state against another is explicitly prohibited, a provision that Russia directly violated with its invasion of Ukraine.³⁹ This breach should have triggered an immediate response from the Security Council, which, under Article 24, is charged with maintaining international peace and security.⁴⁰ The Security Council is empowered to take decisive actions, such as imposing sanctions, authorizing military intervention, or employing other measures to address threats to peace.⁴¹ However, Russia's ability to exercise its veto power under Article 27(3) of the UN Charter allows it to block any substantive resolution, effectively stalling the Council's ability to take action in response to its aggression.⁴² Despite overwhelming international condemnation and urgent calls for intervention,⁴³ Russia's veto power prevented the adoption of any meaningful resolutions, paralyzing the Security Council and leaving the global order without a viable mechanism to prevent or halt the invasion.⁴⁴ This dysfunction within the UNSC underscores a fundamental flaw in the international legal system: the inability to enforce accountability or uphold its own foundational principles when confronted with the actions of a powerful state.⁴⁵

International law also lacks effective deterrents due to its weak enforcement mechanisms in the Russia-Ukraine war.⁴⁶ Despite the imposition of economic sanctions by Western nations, including the United States,⁴⁷ European Union,⁴⁸ and United Kingdom,⁴⁹ along with

³⁸ E Ekpe Dickson and T Abumbe Gabriel, 'Russia Invasion of Ukraine, Veto Power and the Position of the United Nations Security Council (UNSC) in Conflict Prevention and Maintenance of International Peace and Security' (2024) 2(1) *Journal of Public Administration, Policy and Governance Research* 163.

³⁹ Oksana Baskakova, 'How Russia Violates International Law by Invading Ukraine' (2023) *Series of Legal Sciences* 359.

⁴⁰ Tim Murithi, 'The Failure of the United Nations Security Council in Creating the Framework Conditions for Mediation in the Russia-Ukraine Crisis' (2022) 44(1) *The Strategic Review for Southern Africa* 90–91.

⁴¹ David D Caron, 'The Legitimacy of the Collective Authority of the Security Council' (1993) 87(4) *American Journal of International Law* 553.

⁴² E Ekpe Dickson and T Abumbe Gabriel, 'Russia Invasion of Ukraine, Veto Power and the Position of the United Nations Security Council (UNSC) in Conflict Prevention and Maintenance of International Peace and Security' (2024) 2(1) *Journal of Public Administration, Policy and Governance Research* 166.

⁴³ UNGA, 'General Assembly Adopts Resolution Demanding Russian Federation Immediately Withdraw from Ukraine' (UN Press, 2 March 2022) <https://press.un.org/en/2022/ga12407.doc.htm> accessed 5 April 2025.

⁴⁴ Michael P Scharf, 'Power Shift: The Return of the Uniting for Peace Resolution' (2023) 55 *Case Western Reserve Journal of International Law* 12.

⁴⁵ Jordi Martinali, 'A Right to Impunity: Veto Power in the United Nations Security Council' (2024) 19.

⁴⁶ Cyriacus NN Ike, Cornel Chinedu U Udumaga and Ngozi N Osudibia, 'International Law and Its Challenges in the Russia-Ukraine War' (2024) 14(6) *African Journal of Social and Behavioural Sciences* 3700.

⁴⁷ US Department of State, 'Ukraine and Russia Sanctions' (Bureau of Economic and Business Affairs) <https://www.state.gov/division-for-counter-threat-finance-and-sanctions/ukraine-and-russia-sanctions> accessed 5 April 2025.

⁴⁸ European External Action Service (EEAS), 'EU Sanctions Against Russia' https://www.eeas.europa.eu/eeas/eu-sanctions-against-russia_en?utm_source accessed 5 April 2025.

⁴⁹ UK Government, 'UK Sanctions Following Russia's Invasion of Ukraine' <https://www.gov.uk/government/collections/uk-sanctions-following-russias-invasion-of-ukraine> accessed 5 April 2025.

widespread diplomatic condemnation,⁵⁰ these measures proved inadequate in compelling Russia to cease its aggression.⁵¹ The sanctions targeted certain sectors, such as finance and energy,⁵² but lacked the comprehensiveness and severity necessary to force a significant shift in Russian behavior.⁵³ Moreover, the absence of a credible military or legal deterrent, such as direct military intervention by NATO⁵⁴ or stronger international legal action through the ICC,⁵⁵ allowed Russia to continue its invasion largely unimpeded.⁵⁶ Furthermore, NATO countries,⁵⁷ particularly the United States⁵⁸ and Germany,⁵⁹ were hesitant to directly engage in military combat with Russia during its invasion of Ukraine due to concerns that such an escalation could lead to a broader and more destructive conflict, especially given Russia's possession of nuclear weapons.⁶⁰ Allies and strategic partners such as China, Iran, and North Korea even enable Russia to circumvent international sanctions and reduce its geopolitical isolation through mechanisms such as economic cooperation, military collaboration, and diplomatic support,⁶¹ illustrating the extent to which political alliances can shield a state from the legal consequences of its actions.⁶² This reluctance or refusal to take stronger military actions exposed a significant flaw in the international legal system: it lacks effective mechanisms to compel nations, particularly powerful states, to take decisive and aggressive

⁵⁰ UN News, 'UN Warns of Ongoing Humanitarian and Nuclear Threats in Ukraine Crisis' (7 February 2025) <https://news.un.org/en/story/2025/02/1160456> accessed 5 April 2025.

⁵¹ I Timofeev, 'Sanctions on Russia: A New Chapter' (2022) 20(4) *Russia in Global Affairs* 103.

⁵² Roxana Niknami, 'European Union Energy Sanctions Against Russian Federation and Its Impact on Their Trade System (2022–2024)' (2024) 17(1) *Central Eurasia Studies* 363.

⁵³ Constantinos Syropoulos and others, 'The Global Sanctions Data Base – Release 3: COVID-19, Russia, and Multilateral Sanctions' (2024) 32(1) *Review of International Economics* 22.

⁵⁴ Bryan A Frederick and others, *Pathways to Russian Escalation Against NATO from the Ukraine War*, vol 7 (RAND Corporation 2022) 3.

⁵⁵ Yvonne Dutton and Milena Sterio, 'The War in Ukraine and the Legitimacy of the International Criminal Court' (2022) 72 *American University Law Review* 827–828.

⁵⁶ UNSC, 'Security Council Reaffirms Need for Nuclear Disarmament, Urges Compliance with Non-Proliferation Treaty' (UN Press, 3 April 2023) <https://press.un.org/en/2023/sc15172.doc.htm> accessed 5 April 2025.

⁵⁷ Shannon Bugos, 'What the Russian Public Thinks About the Use of Nuclear Weapons' (Arms Control Association, October 2024) <https://www.armscontrol.org/act/2024-10/features/what-russian-public-thinks-about-use-nuclear-weapons> accessed 5 April 2025.

⁵⁸ Mark S Bell, 'The Russia-Ukraine War and Nuclear Weapons: Evaluating Familiar Insights' (2024) 7(2) *Journal for Peace and Nuclear Disarmament* 498.

⁵⁹ Nicole Zhang, 'Strategic Narratives Around Refugee Acceptance and Military Engagement: A Comparative Analysis of Responses to the Wars in Syria and Ukraine' (2023) 29.

⁶⁰ Suci Vajriyati and others, 'The Effect of the Russia-Ukraine Conflict on the Potential Use of Nuclear Weapons' (2022) 3(3) *Journal of Social Political Sciences* 250.

⁶¹ New Geopolitics Research Network, 'How Are China, Russia, North Korea and Iran Working Against the West?' (New Geopolitics, 25 December 2024) <https://www.newgeopolitics.org/2024/12/25/how-are-china-russia-north-korea-and-iran-working-against-the-west/> accessed 7 April 2025.

⁶² Christopher S Chivvis and Jack Keating, 'How Evil? Deconstructing the New Russia–China–Iran–North Korea Axis' (2024) 66 *Survival* 51.

action in response to acts of aggression.⁶³ As a result, despite Russia's clear violation of international law,⁶⁴ the fear of escalating the conflict into a wider war, potentially involving nuclear weapons, prevented states from enforcing meaningful consequences against Russia.⁶⁵ Accordingly, Russia faced minimal consequences,⁶⁶ and its invasion actions went largely unchecked due to the lack of coordinated and decisive actions from the international community,⁶⁷ revealing the weaknesses inherent in the current legal security architecture globally.⁶⁸

2.2. The Failure of Security Guarantees and the Fragility of International Legal Commitments

Security agreements and treaties failed to protect Ukraine, as illustrated by the ineffectiveness of the 1994 Budapest Memorandum⁶⁹ and the 1997 Friendship Treaty, both of which lacked binding enforcement mechanisms and were ultimately violated without consequence.⁷⁰

The failure of international law to prevent the unlawful use of force is starkly illustrated by Ukraine's experience following its denuclearization under the 1994 Budapest Memorandum.⁷¹ In relinquishing what was then the third-largest nuclear arsenal in the world,⁷² Ukraine received security assurances from Russia, the United States, and the United Kingdom to respect its sovereignty and territorial integrity.⁷³ However, these assurances were not legally binding and lacked enforcement mechanisms, as the Memorandum did not

⁶³ Lela Totadze, *Prosecuting the Crime of Aggression in the Context of the Russian Military Aggression Against Ukraine: Between Law and Politics* (PhD thesis, Vilnius University 2025) 12.

⁶⁴ Sofia Cavandoli and Gary Wilson, 'Distorting Fundamental Norms of International Law to Resurrect the Soviet Union: The International Law Context of Russia's Invasion of Ukraine' (2022) 69 *Netherlands International Law Review* 393.

⁶⁵ Alexander K Bollfrass and Stephen Herzog, 'The War in Ukraine and Global Nuclear Order' (2023) 64 *Survival* 15.

⁶⁶ Elisabeth Mahase, 'Ukraine: Over 700 Recorded Attacks on Health Facilities and Workers in Year Since Russia Invasion' (2023) 380 *BMJ* 451.

⁶⁷ Charles B Berebon, 'Reassessing Global Governance: Lessons from the Russia-Ukraine Conflict on Sovereignty, Security, and International Cooperation' (2024) 60.

⁶⁸ Amaresh Patel and Rajshree Tiwari, 'Critical Analysis of International Law Failures in the Russian Invasion of Ukraine: Implications for Global Security' (2024) *Law & Safety* 51.

⁶⁹ Д А Івженко, 'Budapest Memorandum 1994–(Non) Guarantees for Ukraine. Будапештський меморандум 1994 р.–(Не) гарантії України' (2023) 321.

⁷⁰ Stephen Adi Odey and Samuel Akpan Bassey, 'Ukrainian Foreign Policy toward Russia Between 1991 and 2004: The Start of the Conflict' (2022) 8 *Journal of Liberty and International Affairs* 356.

⁷¹ Alina Shymanska, 'Rethinking the Budapest Memorandum from the Perspective of Ukrainian-Russian Relations in the Post-Soviet Period' (2020) 14 *Central European Journal of International & Security Studies* 1.

⁷² Journal on World Affairs, 'Relinquishing the Third Largest Nuclear Arsenal in the World: What Ukraine Teaches About Nuclear Proliferation' (28 August 2020) <https://journalonworldaffairs.org/2020/08/28/relinquishing-the-third-largest-nuclear-arsenal-in-the-world-what-ukraine-teaches-about-nuclear-proliferation/> accessed 7 April 2025.

⁷³ United Nations, 'Budapest Memorandum on Security Assurances (1994)' <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280401fbb> accessed 7 April 2025.

constitute a treaty under the 1969 Vienna Convention on the Law of Treaties (VCLT).⁷⁴ This legal deficiency became tragically apparent with Russia's annexation of Crimea in 2014 and its full-scale invasion in 2022, both of which flagrantly violated the spirit of the agreement.⁷⁵ While international responses - including UN General Assembly Resolution ES-11/1 (2022)⁷⁶ and a series of sanctions imposed by the European Union, the United States, the United Kingdom, Canada, Japan, Australia, and other allied states condemned the aggression,⁷⁷ they failed to generate the coercive impact necessary to alter Russia's conduct.⁷⁸ This case reveals a broader systemic shortcoming in international law: the inability of non-binding instruments and politically motivated responses to restrain powerful states, particularly when formal enforcement mechanisms, such as those under Chapter VII of the UN Charter, are rendered ineffective by vetoes or geopolitical deadlock, as mentioned.⁷⁹

Beyond the Budapest Memorandum, the 1997 Treaty on Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation further demonstrates the vulnerability of international legal commitments without robust enforcement and binding.⁸⁰ Article 2 of the Treaty committed both parties to respect each other's territorial integrity and recognize the inviolability of existing borders.⁸¹ However, Russia's continued military intervention since 2014, such as the annexation of Crimea and the deployment of troops and military equipment in Eastern Ukraine,⁸² culminating in Ukraine's suspension of the treaty in 2018, represents a direct breach of these obligations,⁸³ along with violated the fundamental principle of *pacta sunt servanda*⁸⁴ and the prohibition of the use of force under Article 2(4)

⁷⁴ Jonathan Clough, 'A World of Difference: The Budapest Convention on Cybercrime and the Challenges of Harmonisation' (2014) 40 *Monash University Law Review* 710.

⁷⁵ Gustave Jules Erich Tausch, *Key Aspects to a Better Understanding of the Struggle of Ukraine in History* (2023) 37.

⁷⁶ United Nations General Assembly, 'Resolution ES-11/1' (2 March 2022) UN Doc A/RES/ES-11/1 <https://docs.un.org/en/A/RES/ES-11/1> accessed 7 April 2025.

⁷⁷ European External Action Service, 'EU Sanctions Against Russia' (EEAS) https://www.eeas.europa.eu/eeas/eu-sanctions-against-russia_en accessed 7 April 2025.

⁷⁸ Amaechi Fidelis Nwador, Franklins A Sanubi and Esekumemu Victor Clark, 'Sanctions as Tool for Strategic Deterrence: An Assessment of Targeted Sanctions in Russia' (2023) 12 *PERSPEKTIF* 841.

⁷⁹ Amaresh Patel and Rajshree Tiwari, 'Critical Analysis of International Law Failures in the Russian Invasion of Ukraine: Implications for Global Security' (2024) *Law & Safety* 47.

⁸⁰ David G Buffa, 'A Proposed Remedy for the Dilemma of Innumerable Futures: Ukraine, Russia, and NATO Membership' (2010) 35 *Brooklyn Journal of International Law* 615.

⁸¹ Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation (signed 31 May 1997, entered into force 1 April 1999) art 2.

⁸² UN General Assembly, 'Territorial Integrity of Ukraine' (27 March 2014) UNGA Res 68/262 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_res_68_262.pdf accessed 9 April 2025.

⁸³ Patryk Labuda, 'Termination of the Treaty of Friendship Between Ukraine and Russia: Too Little, Too Late?' (Opinio Juris, 1 May 2019) <https://opiniojuris.org/2019/05/01/termination-of-the-treaty-of-friendship-between-ukraine-and-russia-too-little-too-late-%EF%BB%BF/> accessed 9 April 2025.

⁸⁴ Garagurbanly Rafat Rashad Ogly, 'Legal and Practical Aspects of Compliance with the Principle of *Pacta Sunt Servanda* in Modern Conditions' (2024) 3 *Civil Service and Personnel* 238.

of the UN Charter.⁸⁵ Similar violations are evident in Russia's disregard for the principles of the 1975 Helsinki Final Act⁸⁶ and its undermining of the Minsk Agreements (2014, 2015), which aimed to de-escalate conflict in the Donbas region.⁸⁷ Russia's support for separatist forces and recognition of self-declared republics blatantly contravenes its commitments to preserve Ukraine's territorial integrity.⁸⁸ These breaches underscore a recurring pattern in international law: the lack of *jus cogens* status⁸⁹ and enforceable compliance mechanisms within key agreements leaves them ill-equipped to prevent aggression by dominant actors.⁹⁰ Moreover, Russia's actions violate fundamental norms under the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), particularly Article 41, which prohibits states from recognizing any situation resulting from a serious breach of a peremptory norm.⁹¹ Ukraine's case thus demands a critical reassessment of the international legal system's capacity to protect smaller states when conflicts occur,⁹² highlighting that the legitimacy and efficacy of international law rest not only on normative values but also on the political will and institutional mechanisms that ensure their enforcement.⁹³

2.3. Hybrid Warfare and the Legal Vacuum in Modern Conflict

The international legal system, particularly the frameworks governing the use of force and the conduct of armed conflict, was developed primarily in response to traditional, state-based warfare.⁹⁴ However, the nature of contemporary conflict has shifted significantly.⁹⁵ Modern warfare now involves hybrid threats such as non-state actors, cyber operations, and other unconventional tactics

⁸⁵ Tamas Hoffmann, 'War or Peace?—International Legal Issues Concerning the Use of Force in the Russia–Ukraine Conflict' (2022) 63 *Hungarian Journal of Legal Studies* 226.

⁸⁶ Richard Schifter, 'Human Rights and the Helsinki Final Act: From USSR to Contemporary Russia' (2013) 1 *Journal of Global Policy and Governance* 200.

⁸⁷ Hugo Von Essen and Andreas Umland, 'Russia's Dictated Non-Peace in the Donbas 2014–2022: Why the Minsk Agreements Were Doomed to Fail' in *Russia's War of Aggression Against Ukraine* (Nomos Verlagsgesellschaft mbH & Co KG 2023) 106.

⁸⁸ Erika Harris, 'What Is the Role of Nationalism and Ethnicity in the Russia–Ukraine Crisis?' (2020) 72 *Europe-Asia Studies* 599.

⁸⁹ Mariana Alexandre Queirós Matos Macedo de Oliveira, *International Responsibility of States and Jus Cogens Norms: The Conflict Between Ukraine vs. Russian Federation* (PhD thesis, 2024) 4.

⁹⁰ Iryna Izarova, Yuliia Hartman and Silviu Nate, 'Mechanisms for the Compensation of War Damages: Toward a Fair Solution for Ukraine' (2024) 10 *International Comparative Jurisprudence* 45.

⁹¹ Ilya Nuzov, 'National Ratification of an Internationally Wrongful Act: The Decision Validating Russia's Incorporation of Crimea: Constitutional Court of the Russian Federation Decision of 19 March 2014, No. 6-P' (2016) 12 *European Constitutional Law Review* 375.

⁹² Atul Alexander, 'Crisis and General International Law: Lessons from the Russia-Ukraine Conflict' (2023) 21 *Indonesian Journal of International Law* 3.

⁹³ Oona A Hathaway, 'Between Power and Principle: An Integrated Theory of International Law' (2005) *University of Chicago Law Review* 472.

⁹⁴ Emily Crawford, 'From Inter-State and Symmetric to Intra-State and Asymmetric: Changing Methods of Warfare and the Law of Armed Conflict in the 100 Years Since World War One' (2016) 17 *Yearbook of International Humanitarian Law* 106.

⁹⁵ Toni Haastrup, *Global Conflict Trends: Planning for the Future* (2024) 1.

that challenge the applicability and effectiveness of existing legal norms.⁹⁶ This evolution has exposed critical shortcomings in international law, as these modern tactics often exploit legal ambiguities and operate within undefined regulatory zones.⁹⁷

Since the onset of the Russia-Ukraine conflict in 2022, Russia has increasingly relied on private military contractors (PMCs), such as the notorious Wagner Group, to carry out military operations, particularly in regions where the Kremlin seeks to avoid direct military involvement.⁹⁸ The Wagner Group, a private paramilitary organization, has been involved in various activities ranging from combat operations to covert missions, often in sensitive conflict zones like Ukraine, Syria, and Africa.⁹⁹ By using PMCs, Russia can pursue its strategic objectives without officially mobilizing its regular military forces, thereby circumventing political and diplomatic consequences that might arise from a formal declaration of war.¹⁰⁰ This tactic also allows Russia to maintain plausible deniability; the state can distance itself from any actions taken by PMCs, despite their close ties and potential directives from the Russian government.¹⁰¹ By operating through these private entities, Russia effectively outsources warfare, which helps minimize both international scrutiny and domestic backlash while still pursuing its military and geopolitical goals.¹⁰²

The deployment of private military contractors (PMCs) by Russia in its military operations underscores significant failures within international law, particularly concerning accountability, ambiguous legal terminology, and the lack of clear regulatory frameworks for non-state actors engaged in armed conflict.¹⁰³ Russia's use of PMCs, such as the Wagner Group, highlights the difficulty of holding states accountable for violations of international law, as international frameworks like Article 91 of Additional Protocol I to the Geneva Conventions impose responsibility on states to ensure their military forces comply with international humanitarian law (IHL), especially regarding the protection of civilians and prisoners of war.¹⁰⁴ However, this responsibility does not extend to non-state actors,

⁹⁶ Ayodele A Otaiku, 'A Framework for Hybrid Warfare: Threats, Challenges and Solutions' (2018) 8 *Journal of Defense Management* 378.

⁹⁷ Michael N Schmitt, 'Grey Zones in the International Law of Cyberspace' (2017) 42 *Yale Journal of International Law Online* 3.

⁹⁸ Molly Dunigan and Anthony Adler, *Will to Fight of Private Military Actors* (RAND Corporation 2023) 2–3.

⁹⁹ Candace Rondeaux, *Decoding the Wagner Group: Analyzing the Role of Private Military Security Contractors in Russian Proxy Warfare* (New America 2019) 6.

¹⁰⁰ Niklas M Rendboe, *Connecting the Dots of PMC Wagner: Strategic Actor or Mere Business Opportunity?* (University of Southern Denmark 2019) 32.

¹⁰¹ Emmet Foley and Christian Kaunert, 'Russian Private Military and Ukraine: Hybrid Surrogate Warfare and Russian State Policy by Other Means' (2022) 16(3) *Central European Journal of International and Security Studies* 178.

¹⁰² Mark Conway, 'An Examination into Russia's Use of Private Military Contractors as a Tool to Achieve Their Geopolitical Goals in Africa' (2025) 6(1) *Journal of Military History and Defence Studies* 93.

¹⁰³ Iurie Patrichev, 'Reshaping the Contours of State Responsibility for Employing Private Military Companies: A Case Study Analysis of Russia's Role in Wagner's Activities in Ukraine' (2024) SSRN <https://ssrn.com/abstract=5115992> 1.

¹⁰⁴ Tara Harper, *War, Decisions, и Деньги: Analyzing Private Military Companies in American and Russian Contexts* (2023) 13.

including PMCs, enabling states to conduct military operations while distancing themselves from the actions of contractors.¹⁰⁵ This creates a jurisdictional gap, complicating the ability of international bodies such as the ICC to prosecute states for war crimes committed by non-state actors under their direction, resulting in the failure to deliver justice for victims.¹⁰⁶ In addition to the lack of accountability, the ambiguity of legal terminology further exacerbates the issue.¹⁰⁷ Instruments like the Geneva Conventions and their Additional Protocols do not offer clear definitions for terms such as "mercenary"¹⁰⁸ or "private military contractor",¹⁰⁹ leading to inconsistencies in the regulation of non-state combatants.¹¹⁰ Although Article 47 of the International Convention Against the Recruitment, Use, Financing, and Training of Mercenaries (1989) addresses mercenaries, it fails to provide adequate guidelines for regulating PMCs, leaving states with the discretion to exploit these ambiguities.¹¹¹ For instance, the Wagner Group is not officially recognized as a military entity, allowing Russia to deny responsibility for unlawful actions carried out by its contractors, such as war crimes or crimes against humanity.¹¹² This vagueness, coupled with inconsistent legal definitions, enables strategic exploitation of legal loopholes, further complicating efforts to enforce accountability.¹¹³ Moreover, the absence of clear definitions and regulations concerning PMCs has contributed to the failure of international law in addressing the Russia-Ukraine war.¹¹⁴ Despite existing treaties, such as the UN Mercenary Convention and protocols under the Geneva Conventions, the regulatory framework for PMCs remains underdeveloped, lacking a comprehensive, universally applicable mechanism to oversee their operations in armed conflicts.¹¹⁵ Consequently, states like Russia can deploy PMCs as proxy forces,

¹⁰⁵ Ahmad Khalil, Mohammad Bitar and S Anandha Krishna Raj, 'A New Era of Armed Conflict: The Role of State and Non-State Actors in Cyber Warfare with Special Reference to Russia-Ukraine War' (2024) 14(2) *TalTech Journal of European Studies* 60.

¹⁰⁶ William A Schabas, 'Punishment of Non-State Actors in Non-International Armed Conflict' (2002) 26 *Fordham International Law Journal* 910, 918.

¹⁰⁷ Andrew Mumford and Pascal Carlucci, 'Hybrid Warfare: The Continuation of Ambiguity by Other Means' (2023) 8(2) *European Journal of International Security* 198.

¹⁰⁸ Joana Abrisketa, *Blackwater: Mercenaries and International Law* (FRIDE 2012) 2; DR Ambarwati, *Hukum Humaniter Internasional Dalam Studi Hubungan Internasional* (Raja Grafindo Persada 2007).

¹⁰⁹ Ali Deif, 'Military Contractors and International Law' (2016) 3.

¹¹⁰ M Cherif Bassiouni, 'The New Wars and the Crisis of Compliance with the Law of Armed Conflict by Non-State Actors' (2007) 98 *Journal of Criminal Law and Criminology* 733.

¹¹¹ Christopher Kinsey, 'International Law and the Control of Mercenaries and Private Military Companies' (2003) 52 *Cultures & Conflicts* 13.

¹¹² Habib Badawi and Mohammad Daaboul, 'The Wagner Group: Complex Web of Intrigue and Geopolitical Structure' (2024) 40(2) *The Arab Journal of Security Studies* 267.

¹¹³ Sid B Maru, 'Cyberwar in the Seams: Russian Exploitation of International and Humanitarian Law in Offensive Cyber Operations' (2022) 4.

¹¹⁴ Iurie Patricheev, 'Reshaping the Contours of State Responsibility for Employing Private Military Companies: A Case Study Analysis of Russia's Role in Wagner's Activities in Ukraine' (2024) SSRN <https://ssrn.com/abstract=5115992> 333.

¹¹⁵ Katrīna Gailīte, 'Corporate Beneficiaries During Times of Armed Conflict' (2024) 11.

circumventing legal responsibility for violations of international law.¹¹⁶ This regulatory gap underscores the failure of international law in response to the increasing role of non-state actors in modern warfare.¹¹⁷ Without clear, enforceable standards for PMC operations, states can continue to exploit legal gray areas,¹¹⁸ undermining the principle of accountability enshrined in instruments such as the International Court of Justice (ICJ) and ICC statutes,¹¹⁹ thus perpetuating a system that allows violations of international law to persist with minimal legal repercussions.¹²⁰

Moreover, cyber and information warfare played a major role in Russia's strategy, with cyberattacks on Ukraine's infrastructure and massive disinformation campaigns.¹²¹ However, International law currently lacks effective mechanisms to regulate the growing threat of cyber warfare, as seen in Russia's strategic use of digital attacks during the Ukraine conflict.¹²² Under Article 2(4) of the UN Charter, the use of force is prohibited, yet most cyber operations - such as disabling infrastructure or spreading malware - do not meet the traditional definition of force, allowing aggressors to act with impunity.¹²³ Similarly, International Humanitarian Law (IHL), designed for kinetic warfare, is ill-equipped to regulate the complexities of cyber conflict.¹²⁴ Core principles such as distinction and proportionality lack clear operational relevance when civilian harm is inflicted through code rather than conventional arms.¹²⁵ The Tallinn Manual on the International Law Applicable to Cyber Warfare (Tallinn Manual 2.0) provides expert commentary on how existing international laws could be interpreted in cyber contexts;¹²⁶ however, it is non-binding and

¹¹⁶ Catrina Doxsee, 'Putin's Proxies: Examining Russia's Use of Private Military Companies' (Testimony, House Oversight and Reform Subcommittee on National Security, 21 September 2022) Center for Strategic & International Studies https://csis-website-prod.s3.amazonaws.com/s3fspublic/congressional_testimony/ts220921_Doxsee.pdf 8.

¹¹⁷ Maddocks JH, *State Responsibility for International Law Violations Involving Non-State Actors in Armed Conflict* (PhD thesis, University of Reading 2022) 2.

¹¹⁸ Schreier F and Caparini M, *Privatising Security: Law, Practice and Governance of Private Military and Security Companies*, vol 6 (DCAF 2005) 2.

¹¹⁹ McRae P, *Unaccountable Soldiers: Private Military Companies and the Law of Armed Conflict* (University of Ottawa 2012) 5.

¹²⁰ Aladekomo A, 'Russian Aggression Against Ukraine, Sovereignty and International Law' (2022) *Sovereignty and International Law* 19.

¹²¹ Giles K, 'Russian Cyber and Information Warfare in Practice' (Chatham House, December 2023) 10.

¹²² Azubuike CF, 'Cyber Security and International Conflicts: An Analysis of State-Sponsored Cyber Attacks' (2023) 8(3) *Nnamdi Azikiwe Journal of Political Science* 110.

¹²³ Asada M, 'The War in Ukraine under International Law: Its Use of Force and Armed Conflict Aspects' (2024) 26(1–2) *International Community Law Review* 34.

¹²⁴ Shahaf S, 'Mind the Gap(s)—The Need to Resolve Uncertainties in the International Law of Cyber Warfare' (2022) 63 *Virginia Journal of International Law* 223.

¹²⁵ Goździewicz W, 'Targeting in the Russian-Ukrainian War: The Crossroads of Legal and Technical Aspects' (2024) 106 *Acta Universitatis Lodzianae. Folia Iuridica* 50.

¹²⁶ CCDCOE, 'Tallinn Manual on the International Law Applicable to Cyber Operations' <https://ccdcoe.org/research/tallinn-manual/> accessed 14 April 2025.

lacks legal enforcement, limiting its influence in holding states accountable for cyber aggression.¹²⁷

The international law's legal vacuum is equally stark in the realm of information warfare.¹²⁸ There is no binding international treaty explicitly prohibiting or regulating state-sponsored or implemented disinformation¹²⁹ despite its proven ability to destabilize institutions, incite unrest, and manipulate global perceptions.¹³⁰ For instance, Deepfake videos falsely portraying Ukrainian President Volodymyr Zelenskyy surrendering circulated widely online in 2022,¹³¹ undermining confidence and Ukraine's internal cohesion;¹³² or Russia's promotion of false narratives claiming Ukraine was developing biological weapons in U.S.-backed labs was intended to justify military aggression,¹³³ truly sowing distrust internationally.¹³⁴ This normative vacuum is further exacerbated by national legislation, such as Russia's 2022 "fake news" laws, which criminalize dissent and provide a legal shield for disinformation campaigns that extend well beyond domestic borders.¹³⁵ Such legislation not only contravenes fundamental rights enshrined in instruments like the International Covenant on Civil and Political Rights (ICCPR), particularly Article 19 on freedom of expression,¹³⁶ but also serves as a tool for cross-border psychological operations.¹³⁷ Thus, the absence of clear global norms¹³⁸ and enforcement mechanisms¹³⁹ for disinformation campaigns enables state actors to wage psychological warfare without facing legal

¹²⁷ Sang M, 'Legal Regulation of Cyber Warfare: Reviewing the Contribution of the Tallinn Manual to the Advancement of International Law' (2015) 16.

¹²⁸ Denning DER, *Information Warfare and Security*, vol 4 (Addison-Wesley 1999) 1.

¹²⁹ Pielemeier J, 'Disentangling Disinformation: What Makes Regulating Disinformation So Difficult?' (2020) *Utah Law Review* 938.

¹³⁰ Fadiran OA, 'Fake News on Social Media and Its Implication on National Security' (2024) 3.

¹³¹ Mohan S and Wadhwa S, 'Deepfakes and Shallow Laws: Regulating Distorted Narratives in the Political Cyberspace' (2024) 19(2) *Indian Journal of Law and Technology* 91.

¹³² Helmus TC and Holynska K, 'Ukrainian Resistance to Russian Disinformation' (2024) 5.

¹³³ Gerard P and others, 'Modeling Information Narrative Detection and Evolution on Telegram during the Russia-Ukraine War' (2024) *arXiv preprint arXiv:2409.07684* 6.

¹³⁴ Leitenberg M, 'False Allegations of Biological-Weapons Use from Putin's Russia' (2020) 27(4–6) *The Nonproliferation Review* 438.

¹³⁵ Sussman G, 'Propaganda, Political Economy, and Empire: The Russia-Ukraine Conflict' in *Russiagate Revisited: The Aftermath of a Hoax* (Springer 2023) 109.

¹³⁶ Riekkinen M, *Freedom of Expression and the Law in Russia: Asymmetrical Information* (Taylor & Francis 2025) 8.

¹³⁷ Snegovaya M, 'Putin's Information Warfare in Ukraine' (2015) *Russia Report* 1, 15.

¹³⁸ Lahmann H, 'Information Operations and the Question of Illegitimate Interference under International Law' (2020) 53(2) *Israel Law Review* 191.

¹³⁹ Leiser MR, 'Regulating Computational Propaganda: Lessons from International Law' (2019) 8(2) *Cambridge International Law Journal* 223.

repercussions.¹⁴⁰ These regulatory shortcomings regarding cyber and information highlight the failure of international law in addressing the realities of current modern hybrid warfare.¹⁴¹

To sum up, the Russia-Ukraine war serves as a stark and compelling indictment of the inability of international law to effectively prevent the use of force or adapt to the complexities of modern conflict.¹⁴² Despite the normative clarity of the UN Charter, particularly Article 2(4), which prohibits aggression, enforcement has been undermined by the structural paralysis of the UN Security Council, where veto power, notably exercised by Russia, renders collective action ineffective.¹⁴³ Traditional deterrents such as economic sanctions and diplomatic condemnation have proven insufficient in modifying the aggressor's behavior.¹⁴⁴ Similarly, security assurances and multilateral treaties have demonstrably failed to safeguard Ukraine's sovereignty, revealing the fragility of legal guarantees in the absence of binding, enforceable obligations.¹⁴⁵ Furthermore, international humanitarian law remains ill-equipped to regulate emerging dimensions of warfare, including the legal responsibilities of private military contractors, as well as the near-total absence of binding legal instruments governing cyber and information warfare.¹⁴⁶ These deficiencies expose a broader failure of the international legal order to evolve in tandem with contemporary armed threats.¹⁴⁷ The Ukraine-Russia conflict underscores that international law, while normatively ambitious,¹⁴⁸ is operationally constrained and strategically outpaced, raising urgent questions about its application in addressing 21st-century geopolitical realities.¹⁴⁹

III. The Failure of International Law in Ensuring Accountability and Prosecuting Perpetrators of International Crimes

¹⁴⁰ Ezema PO, 'Humanitarian Law and Protection of Victims of Armed Conflicts: Israel-Hamas and Russia-Ukraine Wars in Perspective' (2025) 8(1) *Chukwuemeka Odumegwu Ojukwu University Law Journal* 134.

¹⁴¹ Khan ZF, 'Cyber Warfare and International Security: A New Geopolitical Frontier' (2025) 3(2) *The Critical Review of Social Sciences Studies* 518.

¹⁴² Alvi ZM and Haider S, 'Humanitarian Dilemmas Arising From Major Power Confrontations: With Special Focus on Russia-Ukraine Conflict' (2024) 3 *International Journal of Emerging Knowledge Studies* 111.

¹⁴³ Erameh NI et al, 'In the Shadow of Empire: Putin's Expansionism, Russia-Ukraine Conflict and the Limitation of United Nations Security Council Veto Power' (2023) *African Journal of Peace and Conflict Studies* 26.

¹⁴⁴ Moret E et al, 'The New Deterrent?: International Sanctions Against Russia Over the Ukraine Crisis: Impacts, Costs and Further Action' (2016) 8.

¹⁴⁵ Cafruny A et al, 'Ukraine, Multipolarity and the Crisis of Grand Strategies' (2023) 25(1) *Journal of Balkan and Near Eastern Studies* 18.

¹⁴⁶ Svanberg LK, 'RIP R2P - And Yet It Moves: It Is Premature to Declare the Responsibility to Protect Dead - No, It Needs CPR in the Dark Ages of the 2020s!' (2024) 21 *SCJ International Law & Business* 1.

¹⁴⁷ Kelly MJ, 'The Role of International Law in the Russia-Ukraine War' (2023) 55 *Case Western Reserve Journal of International Law* 77.

¹⁴⁸ Steinhardt RG, 'The Role of International Law as a Canon of Domestic Statutory Construction' (1990) 43 *Vanderbilt Law Review* 1123.

¹⁴⁹ Bukhari SRH et al, 'Ukraine and Russia: A Historical Analysis of Geopolitical Dynamics, National Identity, and Conflict Escalation Leading to the Present-Day Crisis' (2024) 12(2) *Kurdish Studies* 5804.

The ongoing Russia-Ukraine conflict has laid bare the profound structural deficiencies of the international legal system in ensuring accountability and prosecuting perpetrators of international crimes.¹⁵⁰ Despite mounting evidence of war crimes and crimes against humanity, efforts to hold individual perpetrators accountable have been largely ineffective.¹⁵¹ This failure is rooted in two fundamental issues: the absence of universal jurisdiction and enforcement power,¹⁵² and the political shielding of high-ranking officials or state leaders.¹⁵³ Russia's non-recognition of international legal bodies like the ICC, combined with geopolitical protection of key actors, has allowed alleged offenders to act with impunity.¹⁵⁴

3.1. The Absence of Universal Jurisdiction and the Weakness of Enforcement Mechanisms

One of the most critical legal obstacles to ensuring accountability and prosecuting perpetrators of international crimes lies in the absence of universal jurisdiction¹⁵⁵ and the lack of an independent enforcement mechanism within the existing international legal framework.¹⁵⁶ Although the principle of universal jurisdiction permits states to prosecute certain core international crimes such as genocide,¹⁵⁷ war crimes, and crimes against humanity¹⁵⁸ regardless of where they were committed or the nationality of the perpetrator or victim, its application remains inconsistent, politically sensitive, and largely discretionary.¹⁵⁹ Notably, no binding multilateral treaty imposes a universal obligation on all states to exercise such jurisdiction.¹⁶⁰ Instruments like the Geneva Conventions of 1949 and Additional Protocol I (1977) do require states to prosecute or extradite individuals suspected of grave

¹⁵⁰ Varga R, 'The Russian-Ukrainian War: The Possibilities of Ensuring Accountability' (2024) 64(4) *Hungarian Journal of Legal Studies* 580.

¹⁵¹ Karpus T, 'Ukraine's Quest for Justice: Accountability for Atrocities Committed in the Russia-Ukraine War' (2023) 51.

¹⁵² Colangelo AJ, 'The Legal Limits of Universal Jurisdiction' in *Globalization and Common Responsibilities of States* (Routledge 2017) 162.

¹⁵³ Gislain MUTABAZI, *Legal Analysis on the Investigation and Prosecution of State Officials with Immunity under International Criminal Law* (Diss, ULK 2024) 20.

¹⁵⁴ Hafetz J, 'International Criminal Law and the Role of Narrative in the War in Ukraine' (2024) 36 *Pace International Law Review* 395.

¹⁵⁵ Colangelo AJ, 'The Legal Limits of Universal Jurisdiction' in *Globalization and Common Responsibilities of States* (Routledge 2017) 157.

¹⁵⁶ Stopchinski R, 'Enforcement Mechanisms for International Standards of Judicial Independence: The Role of Government and Private Actors' (2019) 26(2) *Indiana Journal of Global Legal Studies* 677.

¹⁵⁷ *Convention on the Prevention and Punishment of the Crime of Genocide* 9 December 1948, Art I.

¹⁵⁸ *Rome Statute of the International Criminal Court* 17 July 1998, Arts 5-8.

¹⁵⁹ Burger ES and Holland M, 'Law as Politics: The Russian Procuracy and Its Investigative Committee' (2008) 2 *Columbia Journal of European Law* 144.

¹⁶⁰ Colangelo AJ, 'The Legal Limits of Universal Jurisdiction' in *Globalization and Common Responsibilities of States* (Routledge 2017) 166.

breaches,¹⁶¹¹⁶²¹⁶³¹⁶⁴ but these obligations are limited in scope and rely heavily on national implementation.¹⁶⁵ Many states have yet to incorporate universal jurisdiction into their domestic legal systems, resulting in significant enforcement gaps and inconsistent practice.¹⁶⁶

3.2. Institutional Limitations of the International Criminal Court and the Role of Non-Cooperation

The International Criminal Court, established under the Rome Statute of 1998, suffers from severe institutional limitations.¹⁶⁷ The Court lacks its own police force and cannot independently arrest suspects or compel state cooperation.¹⁶⁸ The Rome Statute imposes only a general obligation on States Parties to "cooperate fully with the Court,"¹⁶⁹ while setting out procedures for transmitting cooperation requests, including arrest and surrender.¹⁷⁰ However, these provisions lack coercive mechanisms to enforce compliance or penalize refusal.¹⁷¹ Although the Rome Statute allows the Court to refer cases of non-compliance to the Assembly of States Parties or the UN Security Council,¹⁷² this mechanism is often ineffective due to geopolitical deadlock, particularly when the accused individuals are nationals of powerful non-State Parties such as Russia.¹⁷³ Russia's non-ratification of the Rome Statute and formal withdrawal of its signature in 2016 exempts it from any legal obligation to cooperate with the ICC under treaty law.¹⁷⁴ As a result, accountability becomes contingent on political will rather than legal obligation, allowing alleged perpetrators, particularly those in protected or non-cooperative jurisdictions, to evade justice.¹⁷⁵ This normative and practical deficiency not only erodes deterrence but also undermines the

¹⁶¹ *Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* 12 August 1949, Art 49.

¹⁶² *Geneva Convention II for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea* 12 August 1949, Art 50.

¹⁶³ *Geneva Convention III Relative to the Treatment of Prisoners of War* 12 August 1949, Art 129.

¹⁶⁴ *Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War* 12 August 1949, Art 146.

¹⁶⁵ Meron T, 'The Geneva Conventions as Customary Law' (1987) 81(2) *American Journal of International Law* 351.

¹⁶⁶ Bassiouni MC, 'Universal Jurisdiction for International Crimes: Historical Perspectives and Contemporary Practice' (2001) 42 *Virginia Journal of International Law* 89.

¹⁶⁷ Goldsmith J, 'The Self-Defeating International Criminal Court' (2003) 70 *University of Chicago Law Review* 101.

¹⁶⁸ Hughes G, 'Agreements for Cooperation in Criminal Cases' (1992) 45 *Vanderbilt Law Review* 7.

¹⁶⁹ *Rome Statute of the International Criminal Court* 17 July 1998, Art 86.

¹⁷⁰ *Rome Statute of the International Criminal Court* 17 July 1998, Arts 87-89.

¹⁷¹ Ssenyonjo M, 'State Withdrawal Notifications from the Rome Statute of the International Criminal Court: South Africa, Burundi and the Gambia' (2018) 29(1) *Criminal Law Forum* 70.

¹⁷² *Rome Statute of the International Criminal Court* 17 July 1998, Art 87(7).

¹⁷³ Topor L, 'Sovereignty, Power, International Security and a Lack of International Law' in *Cyber Sovereignty: International Security, Mass Communication, and the Future of the Internet* (Springer Nature Switzerland 2024) 67.

¹⁷⁴ Zhu Z, 'Study on the Relationship Between Russia and the International Criminal Court' (2024) 4 *Commentary and Critique* 2.

¹⁷⁵ Rached DH, 'The Concept(s) of Accountability: Form in Search of Substance' (2016) 29(2) *Leiden Journal of International Law* 325.

legitimacy, authority, and coherence of international criminal law and international law more broadly.¹⁷⁶

3.3. Political Shielding, Sovereign Immunity, and the Erosion of Accountability

The prosecution of international crimes is frequently obstructed by political shielding, whereby states protect high-ranking officials, often those most responsible for serious violations of international law, from legal accountability.¹⁷⁷ Despite the principle of individual criminal responsibility codified in the Rome Statute¹⁷⁸ and the rejection of official capacity as a bar to prosecution,¹⁷⁹ which states that the Statute shall apply "equally to all persons without any distinction based on official capacity," enforcement remains subject to geopolitical manipulation.¹⁸⁰ Russian political and military elites, such as President Vladimir Putin and high-ranking officials, accused of genocide, war crimes, or crimes against humanity, are often shielded by the Russian state, which refuses to cooperate with international legal mechanisms.¹⁸¹ Under the Rome Statute, a requested state may refuse to surrender a person to the ICC if it would require the state to act inconsistently with its obligations under international agreements that grant immunity to officials.¹⁸² Therefore, this provision is often invoked to protect sitting heads of state or senior officials, despite the Statute's intention to remove such immunities.¹⁸³

Further compounding this issue is the political use of veto power within the UNSC under the UN Charter, which requires the affirmative votes of all five permanent members (P5) for substantive decisions.¹⁸⁴ In situations where the ICC's jurisdiction must be triggered via Article 13(b) of the Rome Statute, through UNSC referral, powerful states such as Russia can and have exercised their veto to block investigations and prosecutions of their allies or themselves.¹⁸⁵ This politicization not only undermines the impartiality and universality of

¹⁷⁶ Danner AM, 'Enhancing the Legitimacy and Accountability of Prosecutorial Discretion at the International Criminal Court' (2003) 97(3) *American Journal of International Law* 533.

¹⁷⁷ Akande D and Shah S, 'Immunities of State Officials, International Crimes, and Foreign Domestic Courts' in *Challenges in International Human Rights Law* (Routledge 2017) 840.

¹⁷⁸ *Rome Statute of the International Criminal Court* 17 July 1998, Art 25.

¹⁷⁹ *Rome Statute of the International Criminal Court* 17 July 1998, Art 27(1).

¹⁸⁰ Youvan DC, 'Challenges in Prosecuting Politically Powerful States for Genocide: A Comparative Analysis of ICC and ICJ Jurisprudence' (2024) 17.

¹⁸¹ Oksamytna K, 'Imperialism, Supremacy, and the Russian Invasion of Ukraine' (2023) 44(4) *Contemporary Security Policy* 501.

¹⁸² *Rome Statute of the International Criminal Court* 17 July 1998, Art 98(1).

¹⁸³ Iverson JM, 'The Continuing Functions of Article 98 of the Rome Statute' (2012) 4 *Goettingen Journal of International Law* 145.

¹⁸⁴ UN Charter, art 27(3).

¹⁸⁵ Fremuth ML and Stavrou K, 'The Future We Want?: Reflections on the Exercise of the United Nations Security Council Members' Veto Powers towards the International Criminal Court' (2022) 25(1) *Max Planck Yearbook of United Nations Law Online* 170.

international criminal justice¹⁸⁶ but also reinforces a culture of impunity for those at the highest levels of power.¹⁸⁷ Consequently, despite normative frameworks designed to ensure accountability, political shielding continues to create a de facto immunity for senior perpetrators of international crimes, thereby weakening the authority of international legal institutions and eroding trust in the rule of international law at the global level.¹⁸⁸

The Russia-Ukraine war has laid bare the structural failures of international law in holding perpetrators of international crimes accountable.¹⁸⁹ Chief among these is the absence of universal jurisdiction and an independent enforcement mechanism, which leaves justice dependent on often unwilling state cooperation.¹⁹⁰ The ICC, constrained by its reliance on member states for arrests and enforcement, lacks the authority to act decisively.¹⁹¹ This legal impotence is exacerbated by political shielding, as powerful states protect high-ranking offenders through sovereign immunity claims or Article 98 of the Rome Statute legal loopholes.¹⁹² The politicized use of permanent members' veto power within the UN Security Council further obstructs accountability.¹⁹³ Together, these legal and political deficiencies entrench impunity and expose the international justice system's inability to respond effectively to grave violations committed during armed conflict.¹⁹⁴

IV. CONCLUSION

Accordingly, the Russia-Ukraine war, ongoing since 2022, starkly illustrates the structural and functional deficiencies of international law in addressing contemporary armed conflicts.¹⁹⁵ It reveals a dual failure: first, the incapacity of international legal norms to prevent the use of force and respond effectively to the evolving nature of warfare,¹⁹⁶ owing

¹⁸⁶ Trahan J, 'Why the Veto Power Is Not Unlimited: A Response to Critiques of, and Questions About, Existing Legal Limits to the Veto Power in the Face of Atrocity Crimes' (2022) 54 *Case Western Reserve Journal of International Law* 111.

¹⁸⁷ Igonoh JA, 'United Nations Security Council, Human Rights and State Impunity: Redefining the Concept of Human Right in the 21st Century' (2024) 240.

¹⁸⁸ Andrews JT and Montinola GR, 'Veto Players and the Rule of Law in Emerging Democracies' (2004) 37(1) *Comparative Political Studies* 72.

¹⁸⁹ Perry FV, 'The Russian Invasion of Ukraine and the Tottering Principles of International Law: Russia's Assault on World Norms' (2022) 40 *Wisconsin International Law Journal* 334.

¹⁹⁰ Jervis R, 'Cooperation under the Security Dilemma' (1978) 30(2) *World Politics* 179.

¹⁹¹ Gegout C, 'The International Criminal Court: Limits, Potential and Conditions for the Promotion of Justice and Peace' (2013) 34(5) *Third World Quarterly* 801.

¹⁹² Ambos K, *Rome Statute of the International Criminal Court* (CH Beck 2021) 21.

¹⁹³ Webb P, 'Deadlock or Restraint? The Security Council Veto and the Use of Force in Syria' (2014) 19(3) *Journal of Conflict and Security Law* 474.

¹⁹⁴ Adamu ANV, 'The Applicability of Humanitarian Intervention and the Responsibility to Protect During Armed Conflicts: Russia-Ukraine War in Focus' (2023) 2(1) *American Journal of Law and Political Science* 9.

¹⁹⁵ Kalmykova O, 'Ukraine, Russia, and International Law: Occupation, Armed Conflict and Human Rights' (2022) 2(2) *Law, Business and Sustainability Herald* 5.

¹⁹⁶ Sivakumaran S, 'Re-envisioning the International Law of Internal Armed Conflict' (2011) 22(1) *European Journal of International Law* 258.

to the absence of robust enforcement mechanisms,¹⁹⁷ the erosion of binding security guarantees,¹⁹⁸ and the exploitation of legal ambiguities by state actors;¹⁹⁹ and second, the persistent ineffectiveness of the international legal system in ensuring accountability and prosecuting perpetrators of international crimes,²⁰⁰ as evidenced by limited jurisdictional reach,²⁰¹ the lack of autonomous enforcement capabilities,²⁰² and the political immunity of high-ranking officials.²⁰³ This conflict underscores an urgent imperative: international law must undergo comprehensive reform to reinforce its enforcement architecture,²⁰⁴ enhance its adaptability to modern conflict dynamics,²⁰⁵ and ensure that mechanisms for accountability are insulated from political interference.²⁰⁶ Without such reforms, international law risks further erosion of its legitimacy and relevance²⁰⁷ in the face of contemporary geopolitical realities against the backdrop of a rising incidence and intensity of armed conflicts worldwide.²⁰⁸

¹⁹⁷ Izarova I, Hartman Y and Nate S, 'Mechanisms for the Compensation of War Damages: Toward a Fair Solution for Ukraine' (2024) 10(1) *International Comparative Jurisprudence* 31.

¹⁹⁸ Lippert WE, 'How Conventional Arms Control Failures Caused the Russo-Ukraine War' (2024) 40(1) *Defense & Security Analysis* 152.

¹⁹⁹ Sotula O, 'The Evolution of Modern Warfare Through the Prism of the Russian-Ukrainian Conflict: A Comprehensive Analysis' (2024) 106 *Acta Universitatis Lodzensis. Folia Iuridica* 9.

²⁰⁰ Williams A, 'Ukraine and the Investigation of Systemic War Crimes: Learning from the UK's Investigative Failures in the Iraq and Afghanistan Wars' in *The Russian-Ukrainian Conflict and War Crimes* (Routledge 2024) 299.

²⁰¹ Heeney M, 'Legal Shortcomings in the Prosecution of War Crimes: The Case for Continued Use of Ad Hoc Tribunals in Upholding International Law' (2024) 39.

²⁰² Sotula O, 'The Evolution of Modern Warfare Through the Prism of the Russian-Ukrainian Conflict: A Comprehensive Analysis' (2024) 106 *Acta Universitatis Lodzensis. Folia Iuridica* 9.

²⁰³ Trykhlil K, 'Constitutional Order and the Rule of Law in a Time of War in Ukraine' (2024) 24(1) *International & Comparative Law Review/Mezinárodní a Srovnávací Právní Revue* 246.

²⁰⁴ Pantaleo L and Siddi M, 'The EU 30+ Should Overhaul Its Rule of Law Toolkit to Meet the Challenges of Further Enlargement' (2024) 10 *TEPSA European Council Experts' Debrief* 11.

²⁰⁵ Kharitonova NI, 'The Nature of Contemporary Conflicts and Prospects for Adapting Collective Security Systems: A Triadic Approach' (2025) 25(1) *Vestnik RUDN. International Relations* 27.

²⁰⁶ Modaber AA and Sediq AF, 'The Legal Position of Accountability in the International Law System' (2024) 3(12) *Modern Science and Research* 241.

²⁰⁷ Patel A and Tiwari R, 'Critical Analysis of International Law Failures in the Russian Invasion of Ukraine: Implications for Global Security' (2024) *Law & Safety* 48.

²⁰⁸ Saliternik M and Agon SS, 'Proactive International Law' (2023) 75 *University of Cincinnati Law Review* 685.

BIBLIOGRAPHY

Cases

Constitutional Court of the Russian Federation, Decision No. 6-P (19 March 2014) <https://www.constitutionalcourt.ru/>.

European Court of Human Rights, *Ilașcu and Others v Moldova and Russia* (2004) 39 EHRR 705.

International Court of Justice, *Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)* (2005) ICJ Reports 168.

International Court of Justice, *Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* [1986] ICJ Rep 14.

International Criminal Court, *Prosecutor v. Thomas Lubanga Dyilo* (ICC-01/04-01/06) *Judgment on the Appeal of Thomas Lubanga Dyilo* (2014).

Statutes and Statutory Instruments

Budapest Memorandum on Security Assurances (1994), Ukraine's Security Assurances, <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280401fbb> (accessed 7 April 2025).

Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) Art 2(4), 27(3).

Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (12 August 1949) Art 49.

Geneva Convention II for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (12 August 1949) Art 50.

Geneva Convention III Relative to the Treatment of Prisoners of War (12 August 1949) Art 129.

Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War (12 August 1949) Art 146.

Rome Statute of the International Criminal Court (17 July 1998) Art 25, 27(1), 86–89, 87(7), 98(1).

Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation (signed 31 May 1997, entered into force 1 April 1999) Art 2.

UN General Assembly, *Resolution ES-11/1*, 2 March 2022. UN Doc A/RES/ES-11/1. <https://docs.un.org/en/A/RES/ES-11/1> (accessed 7 April 2025).

UN General Assembly, *Resolution on the Situation in Ukraine*, A/RES/68/262, 2014. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_res_68_262.pdf (accessed 7 April 2025).

UN General Assembly, *Resolution on the Rome Statute*, A/RES/58/323, 2004. UN Doc. (accessed 7 April 2025).

UN Security Council, *Resolution on the Situation in Ukraine*, S/RES/2202, 2015. UN Doc. <https://press.un.org/en/2015/sc11785.doc.htm> (accessed 7 April 2025).

United Nations, *Budapest Memorandum on Security Assurances (1994)* <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280401fbb> (<https://treaties.un.org/>).

Institutional Reports and Documents

American Red Cross, *Summary of the Geneva Conventions of 1949 and Their Additional Protocols*. <https://www.redcross.org/> (accessed 5 April 2025).

Candace Rondeaux, *Decoding the Wagner Group: Analyzing the Role of Private Military Security Contractors in Russian Proxy Warfare*, New America, 2019. <https://www.newamerica.org/> (accessed 5 April 2025).

Catrina Doxsee, *Putin's Proxies: Examining Russia's Use of Private Military Companies*, Testimony, House Oversight and Reform Subcommittee on National Security, 21 September 2022. Center for Strategic & International Studies. https://csis-website-prod.s3.amazonaws.com/s3fspublic/congressional_testimony/ts220921_Doxsee.pdf (accessed 5 April 2025).

CCDCOE, *Tallinn Manual on the International Law Applicable to Cyber Operations*. <https://ccdcoe.org/research/tallinn-manual/> (accessed 14 April 2025).

David L. Philips, *The International Criminal Court and Deterrence: A Report to the U.S. Department of State*, Stanford Law School, 2016. <https://law.stanford.edu/> (accessed 5 April 2025).

European External Action Service, *Conflict Prevention, Peace Building and Mediation*. https://www.eeas.europa.eu/eeas/conflict-prevention-peace-building-and-mediation_en (accessed 5 April 2025).

European External Action Service, *EU Sanctions Against Russia*. https://www.eeas.europa.eu/eeas/eu-sanctions-against-russia_en (accessed 5 April 2025).

Geneva Academy of International Humanitarian Law and Human Rights, *Geneva Conventions*. <https://www.geneva-academy.ch/> (accessed 7 April 2025).

Gerard P. et al., *Modeling Information Narrative Detection and Evolution on Telegram during the Russia-Ukraine War*, arXiv preprint arXiv:2409.07684, 2024. <https://arxiv.org/abs/2409.07684> (accessed 7 April 2025).

Giles K., *Russian Cyber and Information Warfare in Practice*, Chatham House, December 2023. <https://www.chathamhouse.org/2023/12/russian-cyber-and-information-warfare-practice> (accessed 5 April 2025).

International Committee of the Red Cross, *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*, 2019. <https://www.icrc.org/en/document/icrc-report-ihl-and-challenges-contemporary-armed-conflicts> (accessed 5 April 2025).

- International Committee of the Red Cross, *The Origins of International Humanitarian Law*, 7 August 2017. <https://blogs.icrc.org/ilot/2017/08/07/origins-international-humanitarian-law/> (accessed 5 April 2025).
- International Committee of the Red Cross, *Weapons and Disarmament*. <https://www.icrc.org/en/what-we-do/weapons-and-disarmament> (accessed 5 April 2025).
- International Committee of the Red Cross, *What Are the Rules of War and Why Do They Matter?* <https://www.icrc.org/en/document/what-are-rules-war-and-why-do-they-matter> (accessed 5 April 2025).
- International Court of Justice, *Frequently Asked Questions*. <https://www.icj-cij.org/frequently-asked-questions> (accessed 5 April 2025).
- International Criminal Court, *Rome Statute of the International Criminal Court*, 14 March 2024. <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf> (accessed 7 April 2025).
- New Geopolitics Research Network, *How Are China, Russia, North Korea and Iran Working Against the West?*, 25 December 2024. <https://www.newgeopolitics.org/2024/12/25/how-are-china-russia-north-korea-and-iran-working-against-the-west/> (accessed 7 April 2025).
- Niklas M. Rendboe, *Connecting the Dots of PMC Wagner: Strategic Actor or Mere Business Opportunity?*, University of Southern Denmark, 2019. <https://www.sdu.dk/> (accessed 5 April 2025).
- North Atlantic Treaty Organization, *What is NATO?* <https://www.nato.int/nato-welcome/> (accessed 5 April 2025).
- OHCHR, *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war> (accessed 5 April 2025).
- Organization for Security and Co-operation in Europe, *The OSCE Approach to Mediation*. <https://www.osce.org/secretariat/125136> (accessed 5 April 2025).
- Toni Haastrup, *Global Conflict Trends: Planning for the Future*, 2024. (Publisher information not provided) (accessed 5 April 2025).
- UK Government, *UK Sanctions Following Russia's Invasion of Ukraine*. <https://www.gov.uk/government/collections/uk-sanctions-following-russias-invasion-of-ukraine> (accessed 5 April 2025).
- UK House of Commons Library, *Russia-Ukraine War: Legal Issues*, Briefing Paper CBP-9847, 2023. <https://commonslibrary.parliament.uk/research-briefings/cbp-9847/> (accessed 5 April 2025).
- UN Security Council, *Security Council Reaffirms Need for Nuclear Disarmament, Urges Compliance with Non-Proliferation Treaty*, 3 April 2023. <https://press.un.org/en/2023/sc15172.doc.htm> (accessed 5 April 2025).

Books

- Abrisketa J, *Blackwater: Mercenaries and International Law* (FRIDE 2012) 2.
- Akande D and Shah S, 'Immunities of State Officials, International Crimes, and Foreign Domestic Courts' in *Challenges in International Human Rights Law* (Routledge 2017) 840.
- Alexandre Queirós Matos Macedo de Oliveira M, *International Responsibility of States and Jus Cogens Norms: The Conflict Between Ukraine vs. Russian Federation* (PhD thesis, 2024) 4.
- Ambos K, *Rome Statute of the International Criminal Court* (CH Beck 2021) 21.
- Ambarwati DR, *Hukum Humaniter Internasional Dalam Studi Hubungan Internasional* (Raja Grafindo Persada 2007).
- Colangelo AJ, 'The Legal Limits of Universal Jurisdiction' in *Globalization and Common Responsibilities of States* (Routledge 2017) 157.
- Denning DER, *Information Warfare and Security*, vol 4 (Addison-Wesley 1999).
- Dunigan M and Adler A, *Will to Fight of Private Military Actors* (RAND Corporation 2023) 2–3.
- Erich Tausch GJ, *Key Aspects to a Better Understanding of the Struggle of Ukraine in History* (2023) 37.
- Frederick BA and others, *Pathways to Russian Escalation Against NATO from the Ukraine War*, vol 7 (RAND Corporation 2022) 3.
- Haastrup T, *Global Conflict Trends: Planning for the Future* (2024) 1.
- Koskenniemi M, 'The Politics of International Law' in *The Nature of International Law* (Routledge 2017) 356.
- Riekkinen M, *Freedom of Expression and the Law in Russia: Asymmetrical Information* (Taylor & Francis 2025).
- Schreier F and Caparini M, *Privatising Security: Law, Practice and Governance of Private Military and Security Companies*, vol 6 (DCAF 2005).
- Sussman G, 'Propaganda, Political Economy, and Empire: The Russia-Ukraine Conflict' in *Russiagate Revisited: The Aftermath of a Hoax* (Springer 2023) 109.
- Topor L, 'Sovereignty, Power, International Security and a Lack of International Law' in *Cyber Sovereignty: International Security, Mass Communication, and the Future of the Internet* (Springer Nature Switzerland 2024) 67.
- Von Essen H and Umland A, 'Russia's Dictated Non-Peace in the Donbas 2014–2022: Why the Minsk Agreements Were Doomed to Fail' in *Russia's War of Aggression Against Ukraine* (Nomos Verlagsgesellschaft mbH & Co KG 2023) 106.
- Williams A, 'Ukraine and the Investigation of Systemic War Crimes: Learning from the UK's Investigative Failures in the Iraq and Afghanistan Wars' in *The Russian-Ukrainian Conflict and War Crimes* (Routledge 2024) 299.
- Harper T, *War, Decisions, и Деньги: Analyzing Private Military Companies in American and Russian Contexts* (2023) 13.

Encyclopedias

Denning DER, *Information Warfare and Security*, vol 4 (Addison-Wesley 1999).
Meron T, 'The Geneva Conventions as Customary Law' (1987) 81(2) *American Journal of International Law* 351.

NATO CCDCOE, *Tallinn Manual on the International Law Applicable to Cyber Operations*.
<https://ccdcoe.org/research/tallinn-manual/> (accessed 14 April 2025).

Journal Articles

Abdulrasheed Abdulyakeen and Nurain Abayomi Mumuni, 'Russia-Ukraine War and the Imperatives of a New Global Order' (2024) 5(1) *Journal of Contemporary International Relations and Diplomacy* 133–135.

Adamu ANV, 'The Applicability of Humanitarian Intervention and the Responsibility to Protect During Armed Conflicts: Russia-Ukraine War in Focus' (2023) 2(1) *American Journal of Law and Political Science* 9.

Ahmad Khalil, Mohammad Bitar and S Anandha Krishna Raj, 'A New Era of Armed Conflict: The Role of State and Non-State Actors in Cyber Warfare with Special Reference to Russia-Ukraine War' (2024) 14(2) *TaTech Journal of European Studies* 60.

Aladekomo A, 'Russian Aggression Against Ukraine, Sovereignty and International Law' (2022) *Sovereignty and International Law* 19

Alexander KA Greenawalt, 'Justice Without Politics: Prosecutorial Discretion and the International Criminal Court' (2006) 39 *New York University Journal of International Law and Politics* 604.

Alexander K Bollfrass and Stephen Herzog, 'The War in Ukraine and Global Nuclear Order' (2023) 64 *Survival* 15.

Ali Deif, 'Military Contractors and International Law' (2016) 3.

Alina Shymanska, 'Rethinking the Budapest Memorandum from the Perspective of Ukrainian-Russian Relations in the Post-Soviet Period' (2020) 14 *Central European Journal of International & Security Studies* 1.

Allison Weiner, 'The Russia-Ukraine Conflict: Obstacles to Accountability' (2023) 10(2) *Brandeis University Law Journal* 49–57.

Alvi ZM and Haider S, 'Humanitarian Dilemmas Arising From Major Power Confrontations: With Special Focus on Russia-Ukraine Conflict' (2024) 3 *International Journal of Emerging Knowledge Studies* 111.

Amaechi Fidelis Nwador, Franklins A Sanubi and Esekumemu Victor Clark, 'Sanctions as Tool for Strategic Deterrence: An Assessment of Targeted Sanctions in Russia' (2023) 12 *PERSPEKTIF* 841.

Amaresh Patel and Rajshree Tiwari, 'Critical Analysis of International Law Failures in the Russian Invasion of Ukraine: Implications for Global Security' (2024) *Law & Safety* 47, 51.

- Andrew Mumford and Pascal Carlucci, 'Hybrid Warfare: The Continuation of Ambiguity by Other Means' (2023) 8(2) *European Journal of International Security* 198.
- Andrew T Guzman, 'The Design of International Agreements' (2005) 16(4) *European Journal of International Law* 580.
- Anita Maria Nwotite, 'Mechanisms for the Enforcement of International Law – Strength and Downside' (2024) 15(2) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 53.
- Asada M, 'The War in Ukraine under International Law: Its Use of Force and Armed Conflict Aspects' (2024) 26(1–2) *International Community Law Review* 34.
- Atul Alexander, 'Crisis and General International Law: Lessons from the Russia-Ukraine Conflict' (2023) 21 *Indonesian Journal of International Law* 3.
- Ayodele A Otaiku, 'A Framework for Hybrid Warfare: Threats, Challenges and Solutions' (2018) 8 *Journal of Defense Management* 378.
- Azubuikwe CF, 'Cyber Security and International Conflicts: An Analysis of State-Sponsored Cyber Attacks' (2023) 8(3) *Nnamdi Azikiwe Journal of Political Science* 110.
- Bassiouni MC, 'Universal Jurisdiction for International Crimes: Historical Perspectives and Contemporary Practice' (2001) 42 *Virginia Journal of International Law* 89.
- Bettina Renz, 'Was the Russian Invasion of Ukraine a Failure of Western Deterrence?' (2023) 53(4) *The US Army War College Quarterly: Parameters* 17.
- Blessing Nneka Iyase and Sheriff Folami Folarin, 'A Critique of Veto Power System in the United Nations Security Council' (2018) 11(2) *Acta Universitatis Danubius. Relationes Internationales* 115.
- Catrina Doxsee, 'Putin's Proxies: Examining Russia's Use of Private Military Companies' (Testimony, House Oversight and Reform Subcommittee on National Security, 21 September 2022) *Center for Strategic & International Studies* https://csis-website-prod.s3.amazonaws.com/s3fspublic/congressional_testimony/ts220921_Doxsee.pdf.
- Charles B Berebon, 'Reassessing Global Governance: Lessons from the Russia-Ukraine Conflict on Sovereignty, Security, and International Cooperation' (2024) 53–61, 60.
- Christian Marxsen, 'International Law in Crisis: Russia's Struggle for Recognition' (2015) 58 *German Yearbook of International Law* 27.
- Christopher Kinsey, 'International Law and the Control of Mercenaries and Private Military Companies' (2003) 52 *Cultures & Conflicts* 13.
- Christopher S Chivvis and Jack Keating, 'How Evil? Deconstructing the New Russia–China–Iran–North Korea Axis' (2024) 66 *Survival* 51.
- Constantinos Syropoulos and others, 'The Global Sanctions Data Base – Release 3: COVID-19, Russia, and Multilateral Sanctions' (2024) 32(1) *Review of International Economics* 22.

- Cyriacus NN Ike, Cornel Chinedu U Udumaga and Ngozi N Osudibia, 'International Law and Its Challenges in the Russia-Ukraine War' (2024) 14(6) *African Journal of Social and Behavioural Sciences* 3700.
- Danner AM, 'Enhancing the Legitimacy and Accountability of Prosecutorial Discretion at the International Criminal Court' (2003) 97(3) *American Journal of International Law* 533.
- Dapo Akande, 'International Law Immunities and the International Criminal Court' (2004) 98(3) *American Journal of International Law* 407–433.
- David D Caron, 'The Legitimacy of the Collective Authority of the Security Council' (1993) 87(4) *American Journal of International Law* 553.
- David G Buffa, 'A Proposed Remedy for the Dilemma of Innumerable Futures: Ukraine, Russia, and NATO Membership' (2010) 35 *Brooklyn Journal of International Law* 615.
- David S Yost, 'The Budapest Memorandum and Russia's Intervention in Ukraine' (2015) 91(3) *International Affairs* 510.
- E Ekpe Dickson and T Abumbe Gabriel, 'Russia Invasion of Ukraine, Veto Power and the Position of the United Nations Security Council (UNSC) in Conflict Prevention and Maintenance of International Peace and Security' (2024) 2(1) *Journal of Public Administration, Policy and Governance Research* 163, 166.
- Elisabeth Mahase, 'Ukraine: Over 700 Recorded Attacks on Health Facilities and Workers in Year Since Russia Invasion' (2023) 380 *BMJ* 451.
- Emily Crawford, 'From Inter-State and Symmetric to Intra-State and Asymmetric: Changing Methods of Warfare and the Law of Armed Conflict in the 100 Years Since World War One' (2016) 17 *Yearbook of International Humanitarian Law* 106.
- Emmet Foley and Christian Kaunert, 'Russian Private Military and Ukraine: Hybrid Surrogate Warfare and Russian State Policy by Other Means' (2022) 16(3) *Central European Journal of International and Security Studies* 178.
- Erika Harris, 'What Is the Role of Nationalism and Ethnicity in the Russia–Ukraine Crisis?' (2020) 72 *Europe-Asia Studies* 599.
- Esra Craeghs, 'The Prosecution of Putin before the International Criminal Court' (2023) 4.
- Ezema PO, 'Humanitarian Law and Protection of Victims of Armed Conflicts: Israel-Hamas and Russia-Ukraine Wars in Perspective' (2025) 8(1) *Chukwuemeka Odumegwu Ojukwu University Law Journal* 134.
- Fadiran OA, 'Fake News on Social Media and Its Implication on National Security' (2024) 3.
- Fremuth ML and Stavrou K, 'The Future We Want?: Reflections on the Exercise of the United Nations Security Council Members' Veto Powers towards the International Criminal Court' (2022) 25(1) *Max Planck Yearbook of United Nations Law Online* 170.
- Fuad Zarbiyev, 'Judicial Activism in International Law—A Conceptual Framework for Analysis' (2012) 3(2) *Journal of International Dispute Settlement* 262.

- Garagurbanly Rafat Rashad Ogly, 'Legal and Practical Aspects of Compliance with the Principle of Pacta Sunt Servanda in Modern Conditions' (2024) 3 *Civil Service and Personnel* 238.
- Gegout C, 'The International Criminal Court: Limits, Potential and Conditions for the Promotion of Justice and Peace' (2013) 34(5) *Third World Quarterly* 801.
- Goldsmith J, 'The Self-Defeating International Criminal Court' (2003) 70 *University of Chicago Law Review* 101.
- Goździewicz W, 'Targeting in the Russian-Ukrainian War: The Crossroads of Legal and Technical Aspects' (2024) 106 *Acta Universitatis Lodzianis. Folia Iuridica* 50.
- Habib Badawi and Mohammad Daaboul, 'The Wagner Group: Complex Web of Intrigue and Geopolitical Structure' (2024) 40(2) *The Arab Journal of Security Studies* 267.
- Helmus TC and Holynska K, 'Ukrainian Resistance to Russian Disinformation' (2024) 5.
- Hughes G, 'Agreements for Cooperation in Criminal Cases' (1992) 45 *Vanderbilt Law Review* 7.
- Ilya Nuzov, 'National Ratification of an Internationally Wrongful Act: The Decision Validating Russia's Incorporation of Crimea: Constitutional Court of the Russian Federation Decision of 19 March 2014, No. 6-P' (2016) 12 *European Constitutional Law Review* 375.
- Iryna Izarova, Yuliia Hartman and Silviu Nate, 'Mechanisms for the Compensation of War Damages: Toward a Fair Solution for Ukraine' (2024) 10 *International Comparative Jurisprudence* 45.
- I Timofeev, 'Sanctions on Russia: A New Chapter' (2022) 20(4) *Russia in Global Affairs* 103.
- Iverson JM, 'The Continuing Functions of Article 98 of the Rome Statute' (2012) 4 *Goettingen Journal of International Law* 145.
- Izarova I, Hartman Y, and Nate S, 'Mechanisms for the Compensation of War Damages: Toward a Fair Solution for Ukraine' (2024) 10(1) *International Comparative Jurisprudence* 31.
- Jennifer Trahan, 'Legal Issues Surrounding Veto Use and Aggression' (2023) 55 *Case Western Reserve Journal of International Law* 131.
- Jervis R, 'Cooperation under the Security Dilemma' (1978) 30(2) *World Politics* 179.
- Jonathan Clough, 'A World of Difference: The Budapest Convention on Cybercrime and the Challenges of Harmonisation' (2014) 40 *Monash University Law Review* 710.
- Jordi Martinali, 'A Right to Impunity: Veto Power in the United Nations Security Council' (2024) 19.
- Kalmykova O, 'Ukraine, Russia, and International Law: Occupation, Armed Conflict and Human Rights' (2022) 2(2) *Law, Business and Sustainability Herald* 5.
- Katrīna Gailīte, 'Corporate Beneficiaries During Times of Armed Conflict' (2024) 11 *Journal of International Peace and Conflict Studies*.

- Khan ZF, 'Cyber Warfare and International Security: A New Geopolitical Frontier' (2025) 3(2) *The Critical Review of Social Sciences Studies* 518.
- Lahmann H, 'Information Operations and the Question of Illegitimate Interference under International Law' (2020) 53(2) *Israel Law Review* 191.
- Leiser MR, 'Regulating Computational Propaganda: Lessons from International Law' (2019) 8(2) *Cambridge International Law Journal* 223.
- Leitenberg M, 'False Allegations of Biological-Weapons Use from Putin's Russia' (2020) 27(4–6) *The Nonproliferation Review* 438.
- Mahshad Jafariandehkordi, 'The AI Battlefield: Legal Challenges of Autonomous Weapon Systems under International Humanitarian Law' (2024) 4.
- Mark Conway, 'An Examination into Russia's Use of Private Military Contractors as a Tool to Achieve Their Geopolitical Goals in Africa' (2025) 6(1) *Journal of Military History and Defence Studies* 93.
- Mark S Bell, 'The Russia-Ukraine War and Nuclear Weapons: Evaluating Familiar Insights' (2024) 7(2) *Journal for Peace and Nuclear Disarmament* 498.
- M Cherif Bassiouni, 'The New Wars and the Crisis of Compliance with the Law of Armed Conflict by Non-State Actors' (2007) 98 *Journal of Criminal Law and Criminology* 733.
- Meron T, 'The Geneva Conventions as Customary Law' (1987) 81(2) *American Journal of International Law* 351.
- Michael J Kelly, 'The Role of International Law in the Russia-Ukraine War' (2023) 55 *Case Western Reserve Journal of International Law* 88.
- Michael N Schmitt, 'Grey Zones in the International Law of Cyberspace' (2017) 42 *Yale Journal of International Law Online* 3.
- Michael P Scharf, 'Power Shift: The Return of the Uniting for Peace Resolution' (2023) 55 *Case Western Reserve Journal of International Law* 12.
- Mohan S and Wadhwa S, 'Deepfakes and Shallow Laws: Regulating Distorted Narratives in the Political Cyberspace' (2024) 19(2) *Indian Journal of Law and Technology* 91.
- Morten M Fogt, 'Legal Challenges or "Gaps" by Countering Hybrid Warfare – Building Resilience in Jus Ante Bellum' (2021) 27 *Southwestern Journal of International Law* 31.
- Nicole Zhang, 'Strategic Narratives Around Refugee Acceptance and Military Engagement: A Comparative Analysis of Responses to the Wars in Syria and Ukraine' (2023) 29.
- Oksamytna K, 'Imperialism, Supremacy, and the Russian Invasion of Ukraine' (2023) 44(4) *Contemporary Security Policy* 501.
- Oksana Baskakova, 'How Russia Violates International Law by Invading Ukraine' (2023) *Series of Legal Sciences* 359.
- Oona A Hathaway, 'Between Power and Principle: An Integrated Theory of International Law' (2005) *The University of Chicago Law Review* 472.

- Oscar Schachter, 'The Lawful Resort to Unilateral Use of Force' (1984) 10 *Yale Journal of International Law* 294.
- Perry FV, 'The Russian Invasion of Ukraine and the Tottering Principles of International Law: Russia's Assault on World Norms' (2022) 40 *Wisconsin International Law Journal* 334.
- Pielemeier J, 'Disentangling Disinformation: What Makes Regulating Disinformation So Difficult?' (2020) *Utah Law Review* 938.
- Rached DH, 'The Concept(s) of Accountability: Form in Search of Substance' (2016) 29(2) *Leiden Journal of International Law* 325.
- Richard Schifter, 'Human Rights and the Helsinki Final Act: From USSR to Contemporary Russia' (2013) 1 *Journal of Global Policy and Governance* 200.
- Roxana Niknami, 'European Union Energy Sanctions Against Russian Federation and Its Impact on Their Trade System (2022–2024)' (2024) 17(1) *Central Eurasia Studies* 363.
- Sang M, 'Legal Regulation of Cyber Warfare: Reviewing the Contribution of the Tallinn Manual to the Advancement of International Law' (2015) 16.
- Saumya Garg, 'Role of International Law in Regulating Armed Conflicts in Ukraine and Russia' (2024) 8.
- Shahaf S, 'Mind the Gap(s)—The Need to Resolve Uncertainties in the International Law of Cyber Warfare' (2022) 63 *Virginia Journal of International Law* 223.
- Sid B Maru, 'Cyberwar in the Seams: Russian Exploitation of International and Humanitarian Law in Offensive Cyber Operations' (2022) 4.
- Sivakumaran S, 'Re-envisioning the International Law of Internal Armed Conflict' (2011) 22(1) *European Journal of International Law* 258.
- Snegovaya M, 'Putin's Information Warfare in Ukraine' (2015) *Russia Report* 1, 15.
- Sofia Cavandoli and Gary Wilson, 'Distorting Fundamental Norms of International Law to Resurrect the Soviet Union: The International Law Context of Russia's Invasion of Ukraine' (2022) 69 *Netherlands International Law Review* 393.
- Ssenyonjo M, 'State Withdrawal Notifications from the Rome Statute of the International Criminal Court: South Africa, Burundi and the Gambia' (2018) 29(1) *Criminal Law Forum* 70.
- Stephen Adi Odey and Samuel Akpan Bassey, 'Ukrainian Foreign Policy toward Russia Between 1991 and 2004: The Start of the Conflict' (2022) 8 *Journal of Liberty and International Affairs* 356.
- Suci Vajriyati and others, 'The Effect of the Russia-Ukraine Conflict on the Potential Use of Nuclear Weapons' (2022) 3(3) *Journal of Social Political Sciences* 250.
- Tamas Hoffmann, 'War or Peace?—International Legal Issues Concerning the Use of Force in the Russia–Ukraine Conflict' (2022) 63 *Hungarian Journal of Legal Studies* 226.

- Tim Murithi, 'The Failure of the United Nations Security Council in Creating the Framework Conditions for Mediation in the Russia-Ukraine Crisis' (2022) 44(1) *The Strategic Review for Southern Africa* 90–91.
- Trahan J, 'Why the Veto Power Is Not Unlimited: A Response to Critiques of, and Questions About, Existing Legal Limits to the Veto Power in the Face of Atrocity Crimes' (2022) 54 *Case Western Reserve Journal of International Law* 111.
- Waseem Ahmad Qureshi, 'Information Warfare, International Law, and the Changing Battlefield' (2019) 43 *Fordham International Law Journal* 928.
- Webb P, 'Deadlock or Restraint? The Security Council Veto and the Use of Force in Syria' (2014) 19(3) *Journal of Conflict and Security Law* 474.
- William A Schabas, 'Punishment of Non-State Actors in Non-International Armed Conflict' (2002) 26 *Fordham International Law Journal* 910, 918.
- Youvan DC, 'Challenges in Prosecuting Politically Powerful States for Genocide: A Comparative Analysis of ICC and ICJ Jurisprudence' (2024) 17.
- Yvonne Dutton and Milena Sterio, 'The War in Ukraine and the Legitimacy of the International Criminal Court' (2022) 72 *American University Law Review* 827–828.
- Д А Івженко, 'Budapest Memorandum 1994—(Non) Guarantees for Ukraine. Будапештський меморандум 1994 р.—(Не) гарантії Україні?' (2023) 321.

Theses

- Maddocks JH, *State Responsibility for International Law Violations Involving Non-State Actors in Armed Conflict* (PhD thesis, University of Reading 2022).
- McRae P, *Unaccountable Soldiers: Private Military Companies and the Law of Armed Conflict* (University of Ottawa 2012).
- Totadze L, *Prosecuting the Crime of Aggression in the Context of the Russian Military Aggression Against Ukraine: Between Law and Politics* (PhD thesis, Vilnius University 2025).

Websites

- Arms Control Association, Shannon Bugos, 'What the Russian Public Thinks About the Use of Nuclear Weapons' (October 2024) <https://www.armscontrol.org/act/2024-10/features/what-russian-public-thinks-about-use-nuclear-weapons> (accessed 5 April 2025).
- European External Action Service, 'EU Sanctions Against Russia' https://www.eeas.europa.eu/eeas/eu-sanctions-against-russia_en (accessed 7 April 2025).
- Geneva Academy of International Humanitarian Law and Human Rights, *Geneva Conventions* <https://www.geneva-academy.ch> (accessed 7 April 2025).
- International Criminal Court, *The Rome Statute* <https://www.icc-cpi.int/romestatut> (accessed 7 April 2025).

- International Criminal Court, *State Parties to the Rome Statute of the International Criminal Court* <https://www.icc-cpi.int/asp/statesparties/Pages/default.aspx> (accessed 7 April 2025).
- Journal on World Affairs, 'Relinquishing the Third Largest Nuclear Arsenal in the World: What Ukraine Teaches About Nuclear Proliferation' (28 August 2020) <https://journalonworldaffairs.org/2020/08/28/relinquishing-the-third-largest-nuclear-arsenal-in-the-world-what-ukraine-teaches-about-nuclear-proliferation/> (accessed 7 April 2025).
- New Geopolitics Research Network, 'How Are China, Russia, North Korea and Iran Working Against the West?' (25 December 2024) <https://www.newgeopolitics.org/2024/12/25/how-are-china-russia-north-korea-and-iran-working-against-the-west/> (accessed 7 April 2025).
- Opinio Juris, Patryk Labuda, 'Termination of the Treaty of Friendship Between Ukraine and Russia: Too Little, Too Late?' (1 May 2019) <https://opiniojuris.org/2019/05/01/termination-of-the-treaty-of-friendship-between-ukraine-and-russia-too-little-too-late-%EF%BB%BF/> (accessed 9 April 2025).
- Practical Guide to Humanitarian Law, 'Methods and Means of Warfare' <https://guide-humanitarian-law.org> (accessed 5 April 2025).
- Iurie Patricheev, 'Reshaping the Contours of State Responsibility for Employing Private Military Companies: A Case Study Analysis of Russia's Role in Wagner's Activities in Ukraine' (2024) <https://ssrn.com/abstract=5115992> (accessed 9 April 2025).
- UN News, 'UN Warns of Ongoing Humanitarian and Nuclear Threats in Ukraine Crisis' (7 February 2025) <https://news.un.org/en/story/2025/02/1160456> (accessed 5 April 2025).