

# Protection of Civilians and Human Right Violations : A Critical Examination of International Humanitarian Law in the Russo-Ukrainian Conflict

Julia Ou

Barnard College, Columbia University, 3009 Broadway, New York, NY 10027, US

jo2716@barnard.edu

**Abstract.** International humanitarian law crimes committed during the war between Russia and Ukraine are the focus of this article. The war's beginnings, evolution, and effects on both residents and visitors are examined. This article gives a brief introduction to the fundamental concepts of IHL and describes how these principles apply to the safeguarding of civilians in times of war. Whether or whether international humanitarian law was observed throughout the war between Russia and Ukraine is investigated. Human rights violations and the role of international humanitarian law in safeguarding people are also discussed. The results emphasize the significance of political will in protecting international law, and the necessity for improved IHL enforcement measures.

**Keywords:** International Humanitarian Law; Russia-Ukraine War; Human Rights Violations; Safeguarding Civilians; IHL Enforcement Measures.

## 1. Introduction

There has been much discussion on how effective International Humanitarian Law (IHL) is in protecting civilians during times of war in light of the Russian-Ukrainian conflict, which is a complicated and ongoing geopolitical dilemma [1]. The intricate political dynamics and widespread human toll make this war an important case study for analysing the function of IHL in modern combat.

The goal of international humanitarian law is to reduce human suffering during and after war. Its major purpose is to ensure the security of noncombatant populations and demobilised soldiers [2]. No matter what your beliefs are, you must treat everyone with dignity and nonviolence is never acceptable. Conflicts like the one between Russia and Ukraine highlight the importance of IHL because of the difficulty in distinguishing between fighters and civilians and the disproportionate impact that violence has on civilians.

In this paper, I will use the framework of international humanitarian law to analyse the war between Russia and Ukraine. Analyses of specific incidents involving civilian casualties, attacks on civilian infrastructure, and other potential violations of human rights can help illuminate the success of international legal protections for civilians during armed conflicts.

## 2. Background

### 2.1. The Russian-Ukrainian Conflict: A Geopolitical Impact

Throughout its duration from 2014 until 2022, the Russian-Ukrainian conflict was a major factor in the world's current geopolitical situation [3]. The conflict between Russia and Ukraine has been worsened by external players, but it has deeper roots in the two nations' shared history and culture.

### 2.2. Origins and Strategies: Sparking and Waging the Conflict

The war was sparked by Russia's internationally criticised 2014 annexation of Crimea. For months, government forces in Eastern Ukraine fought against militants backed by Russia. The struggle has



been waged using a variety of strategies, including traditional military force as well as cyberwarfare, media manipulation, and economic pressure [4].

The dispute has been greatly affected by actors on the international stage. The North Atlantic Treaty Organization (NATO) has imposed sanctions on Russia, and it is aiding the Ukrainian government. It was recognized during the 2016 NATO Summit in Warsaw that cyberspace has been utilized as a theatre of operations [4]. This has complicated discussions about the application of international law in cyberspace, including issues of sovereignty and the separation between cyber combatants and cyber spies. Because of the war, civilians have suffered severely. Many people have had to move because of the war, and many more have lost their lives. Both traditional and unconventional forms of combat have been weaponized and used against civilians, while cyber operations have been used to disrupt vital services and infrastructure [4].

### **3. International Humanitarian Law: An Overview**

#### **3.1. Fundamental Principles of International Humanitarian Law (IHL)**

The goal of international humanitarian law (IHL), often known as the law of armed conflict, is to reduce civilian casualties in times of war. Civilians and ex-servicemen are protected, and military actions are constrained [5].

The double purpose of international humanitarian law is to protect civilians and to govern military actions. Achieving success depends on a delicate balancing act between humanitarian objectives and state security concerns. The balance is reflected in the fundamental principles of international humanitarian law (IHL), which place a focus on particularity, proportionality, and caution.

Both sides in a conflict must constantly differentiate between civilians and combatants, as well as between civilian items and military objectives. Attacks are restricted to military targets only. A violation of the principle of proportionality would be an attack that causes more harm to civilians or civilian property than is necessary to achieve the projected military advantage. Each side in a battle has a responsibility to protect civilians from injury, or at the very least lessen the severity of any damage that can't be avoided [6].

#### **3.2. Challenges and Uncertainties in International Humanitarian Law (IHL)**

The primary concern of humanitarian law is protecting civilians (IHL). Attacking people or civilian property is forbidden unless the target is actively participating in the conflict. It also protects hors de combat, such as injured, ill, or shipwrecked service members, prisoners of war, and civilians in the hands of a party to the conflict, and forbids actions or threats of violence whose primary objective is to induce terror among the civilian population [5].

But there are blank spots and uncertainties in the existing corpus of IHL. For instance, there is no consensus on what kinds of environmental damage are unacceptable. There is also a lack of clarity on the civilizable status of environmental components. The idea of proportionality is complicated when environmental harm is involved since it is often deemed 'collateral damage' [6].

### **4. Application of International Humanitarian Law in the Russo-Ukrainian Conflict**

International Humanitarian Law is under grave danger because of the conflict between Russia and Ukraine, which began in earnest on February 24, 2022. (IHL). The international community is proceeding carefully for fear of escalating the situation into a full-scale global war as a result of Russia's invasion of Ukraine, which has resulted in huge violations of Ukrainian sovereignty and territorial integrity [7].

Implementing IHL in this conflict is complex and multifaceted. One of the primary outcomes of the battle is the recognition of Russia's breaches of international law. The invasion has resulted in a

humanitarian and political disaster for Ukraine, since millions of people have been compelled to flee their homes [7].

Despite a United Nations resolution demanding their complete and immediate withdrawal from Ukraine by March 2, 2022, Russian military are still present there [9]. Especially when the fate of large states is at risk, this demonstrates the difficulty of upholding international humanitarian law.

Direct violations of international humanitarian law include assaults on civilian infrastructure and the deliberate killing of people, especially women and children. There have been 1,663 civilian deaths as of March 12, 2022, per the UN Office of the High Commissioner for Human Rights (OHCHR). Patwary, Browning, and Rodriguez-Morales (2022) report 596 fatalities and 1,067 injuries.

International organisations have played an important but limited role in policing IHL. U.N. resolutions and requests for a ceasefire are two such examples. However, political realities have made it tough to put these rulings into effect. The fact that Russia holds a permanent seat on the United Nations Security Council adds further complexity to the situation [7].

## **5. Cases of Civilian Casualties and Attacks on Civilian Infrastructure**

In the Russian-Ukrainian conflict, many civilians have been murdered and civilian infrastructure has been assaulted, both of which are violations of International Humanitarian Law (IHL). The UN High Commissioner for Human Rights (OHCHR) reports 1,663 civilian casualties as of March 12, 2022, including 596 fatalities and 1,067 wounded [8]. This estimate may be significantly low. According to the Ukrainian Prosecutor General's Office, the invasion has directly resulted in the deaths of 85 children and the injuries of over 100 more.

In the continuing conflict between Russia and Ukraine, attacks against civilian infrastructure are among the gravest violations of IHL. Russia's armed forces have seized control of the Chernobyl nuclear plant and have begun an assault on Europe's largest nuclear power plant in Zaporizhzhia [8]. The health and safety of future generations are also at risk from this sort of behaviour, which imperils the lives of people in the nearby area.

Attacking a civilian facility, resulting in civilian casualties, is a flagrant breach of international humanitarian law. International humanitarian law requires that the principle of distinction between civilians and combatants, as well as civilian objects and military goals, be strictly observed at all times during armed conflict. A violation of the principle of proportionality would be an attack that causes more harm to civilians or civilian property than is necessary to achieve the projected military advantage. Invading Ukraine, the Russian military appears to have violated both of these [8].

The conflict between Russia and Ukraine demonstrates the critical need for enhanced methods of IHL enforcement. Despite widespread violations of humanitarian law, the international community has struggled to hold perpetrators accountable and prevent other atrocities. This emphasizes the need for reforms to improve the protection of civilians and the application of IHL in times of armed conflict.

## **6. Other Potential Breaches of Human Rights**

Human rights violations may have occurred on both sides of the conflict between Russia and Ukraine, but the most obvious ones are the harm done to civilians and the destruction of infrastructure. Although these infractions may not be immediately apparent, they can have long-lasting effects on the communities they touch.

Russia and Ukraine have both broken international law by manipulating narratives to explain their conduct and influence public opinion abroad [9]. This kind of propaganda may ratchet up tensions, demonize the opponent, and justify murder. Significant discrepancies in the presentation of events and duties have been found between the narratives established by Russia and Ukraine and those developed by the international human rights community, such as the UN Human Rights Monitoring Mission in Ukraine (HRMMU) [9].

The concept of difference, a cornerstone of international humanitarian law, may also have been disregarded, which would constitute a breach. The participants to a war are bound by this concept to always differentiate between civilians and fighters, as well as between civilian objects and military goals. IHL forbids the use of indiscriminate force, which might result from a breach of this principle [10].

Furthermore, the same conduct may be regarded a crime against humanity and a war crime due to the similarities between IHRL and IHL's provisions. Since some activities conducted as part of military operations may be deemed crimes against humanity despite being acceptable under IHL, tension can arise between the two bodies of law during times of armed conflict [10].

## **7. Effectiveness and Shortcomings of International Legal Protections for Civilians in Armed Conflicts**

The conflict between Russia and Ukraine provides a striking example of the benefits and drawbacks of international humanitarian law (IHL). Russia's engagement in a neighbouring former Soviet state's protracted conflict has contributed to serious breaches of international humanitarian and human rights law [11]. Fear of a catastrophic escalation of the conflict delayed the international community's reaction, revealing the difficulties of adopting IHL when superpowers are involved [12].

Despite a UN resolution calling for an immediate and unconditional withdrawal of all Russian military from Ukraine, not much has been done to make this happen [13-14]. Principles of international humanitarian law (IHL), such as those included in the Third Geneva Convention of 1949 and the First Additional Protocol of 1977, have proven challenging to put into practise. Lack of regard for these ideas was evidenced by accounts of prisoners of war being unjustly kept and harshly tortured [2].

To what extent international humanitarian law is protecting civilians in the Russian-Ukrainian conflict is controversial. IHL is comprehensive in its concepts, but its application is sometimes contingent on the political will of the parties. This conflict shows the limitations of international law when it comes to balancing the interests and power dynamics of global superpowers.

Nonetheless, the importance of IHL cannot be overstated. It's a must-have rule that all sides of a fight have to follow, and if everyone sticks to it, it might help reduce the toll war takes on civilians. The confrontation between Russia and Ukraine shows how important it is to have strong international law enforcement and how important political will is.

## **8. Conclusion**

Human rights and humanitarian law may have been violated on both the Russian and Ukrainian sides of the conflict. There are several sides to the contemporary human rights crisis, such as the manipulation of narratives, the disregard for the concept of diversity, and the tension between international human rights law and international humanitarian law. Consequently, it is not apparent how successfully IHL can protect civilians in the present Russian-Ukrainian conflict. Failures of IHL during the Russian-Ukrainian conflict highlight the importance of political will in upholding international law and the need for more stringent enforcement mechanisms.

## **References**

- [1] Riddervold M, Rosén G. Unified in Response to Rising Powers? China, Russia and EU-US Relations[J]. *Journal of European Integration*, 2018, 40(5): 555-570.
- [2] Zaidi SMS, Saud A. Future of US-China Relations: Conflict, Competition or Cooperation? [J]. *Asian Social Science*, 2020, 16 (7).
- [3] Bahi R. *The Geopolitics of COVID-19: US-China Rivalry and the Imminent Kindleberger Trap*[M]. Emerald Publishing Limited, 2021.

- [4] Ferdinand P. Westward Ho—the China Dream and ‘One Belt, One Road’: Chinese Foreign Policy Under Xi Jinping[J]. *International Affairs*, 2016, 92(4): 941–957.
- [5] Coffey JW. Strategic Vision: America and the Crisis of Global Power[J]. *Choice Reviews Online*, 2012, 51(01).
- [6] Lai D. China's Strategic Moves and Counter-Moves[J]. *Parameters*, 2014, 44(4): 5–14.
- [7] Emmers R. ASEAN's Search for Neutrality in the South China Sea[J]. *Global Change, Peace & Security*, 2014, 26(1): 109-126.
- [8] Buszynski L, Roberts C. *The South China Sea Maritime Dispute: Political, Legal and Regional Perspectives*. Routledge, 2014.
- [9] Liff AP, Brown M. Taiwan and the 'One China' Principle in the Age of COVID-19: Assessing the Determinants and Limits of Chinese Influence[J]. *The China Quarterly*, 2021, 1-25.
- [10] Liff AP, Lin Y. Japan, Taiwan, and the 'One China' Framework After 50 Years[J]. *The China Quarterly*, 2021, 1-25.
- [11] Zhang Y. The U.S.-China Trade War: Causes, Processes, and Prospects[J]. *World Economy and International Relations*, 2023, 67(1): 52-66.
- [12] Korolev A. The U.S.-China Relations in the Context of Global and Regional Changes[J]. *RUDN Journal of World History*, 2023, 15(1): 7-20.