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# **The 2022 Russian Invasion of Ukraine and the United Nations' Application of the Responsibility To Protect (R2P) Principle**

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## **Abstract**

This paper examines the United Nations' application of the Responsibility to Protect (R2P) principle in the context of Russia's invasion of Ukraine and the ensuing humanitarian crisis. It provides background on R2P's evolution as a norm for protecting populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The paper argues that major power interests still dominate over human rights norms within the UN system. The research employs a documentary method, analysing secondary data sources through qualitative content analysis. It cites realist perspectives to explain the challenges of implementing R2P and the reluctance for military intervention in Ukraine due to feasibility concerns and risks of escalation. The analysis finds that the crisis reveals less about doctrinal debates on R2P and more about the lack of preventive diplomacy regarding tensions over NATO expansion and Ukraine's alignment. Overall, the paper concludes that the tragedy in Ukraine illustrates the need for greater commitment to multilateralism, concert among major powers, investment in preventive peacebuilding, and strengthening the UN's mediation capacities for R2P to function effectively. This paper recommends inter-alia that the UN should increase diplomatic pressure on Russia through a temporary suspension from the UN, and intensify public condemnation of its actions.

## **Keywords:**

Russia-Ukraine War, United Nations (UN), Responsibility to Protect (R2P), Mass Atrocities, State Sovereignty.

## **Introduction**

At the end of the Cold War, politicians, scholars, and historians alike were cautiously optimistic about the emergence of a 'new world order,' wherein the Cold War stalemate was broken and the United Nations could reinvigorate and fully uphold its commitment to promoting international peace and security (Bush in Croucher, 2013). In the wake of the Holocaust, there were calls for "never again," yet the 1990s saw a series of brutal civil conflicts, encompassing two genocides on separate continents. The United Nations,

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despite having forces present, was unable to intervene effectively and halt the bloodshed. However, this does not have to be the case; "nothing about this pathetic process of international failure is inevitable" (Campbell, 2001, p. 109). This was demonstrated by a number of trailblazing movements that sought to place genocide prevention on the international agenda as a priority following Rwanda and Srebrenica.

The Responsibility to Protect (R2P) principle is a set of moral guidelines for all states, which posits sovereignty as a responsibility rather than a right (SpringerLink, 2004). A key lesson from Srebrenica and Rwanda was the need for a legally binding framework for action - "a framework that would trigger not just a political or moral responsibility to act, but a legal one with legal consequences" (Arbour, 2007, p. 12). In the 1990s, the world witnessed horrific atrocities. The Rwandan Genocide resulted in the deaths of more than 800,000 Rwandans in just three months (World101, 2023). Concurrently, the Balkans were embroiled in conflict, particularly during the Bosnian War (1992-1995) and the Kosovo War (1998-1999). These wars involved ethnic cleansing and mass atrocities, with an estimated death toll of around 100,000 people in the Bosnian War and approximately 13,517 people in the Kosovo War (SpringerLink, 2024). In response to these events, UN Secretary General Kofi Annan issued a challenge to the international community in his 2000 Millennium Report, asking how cases like Rwanda and Srebrenica should be handled if humanitarian intervention was an "unacceptable assault on sovereignty." (Annan, 2000, p. 48). In response to this challenge, Canadian Foreign Minister Lloyd Axworthy, in September 2000, established the International Commission on Intervention and State Sovereignty (ICISS), which issued a report in 2001 recommending a rethinking of sovereignty as responsibility (Etzioni, 2006). The report drew on the Sudanese diplomat Francis Deng's previous work on internally displaced people (Orford, 2011). The seminal Report, which served as the foundation for the concept of sovereignty as responsibility, posited that the international community bears the onus of averting large-scale atrocities by employing a diverse array of mechanisms. This encompassed the utilisation of political, societal, and economic instruments to address crises, with recourse to military intervention as a measure of last resort, while underscoring the significance of post-conflict rehabilitation, particularly in terms of ensuring security and justice for the affected population/s. The Report posits the imperative of adopting a structural prevention framework in order to comprehensively comprehend the fundamental drivers behind mass atrocity crimes. It further impels member states to emulate this approach, thereby fostering a collective commitment to preventive measures (Croucher, 2013).

The 2005 World Summit outcome document provided the most extensive coverage of R2P within the international community up to that point. It detailed the scope of R2P, including the crimes it covers (genocide, war crimes, crimes against humanity, and ethnic cleansing), and identified those responsible for preventing and responding to these crimes in paragraphs 138 and 139. Additionally, the Outcome Document outlined R2P's three pillars, which are:

1. The primary obligation of a state is to safeguard its populace against acts of genocide, war crimes, crimes against humanity, and ethnic cleansing, collectively referred to as "mass atrocities."
2. In the event that a state is incapable of independently ensuring the protection of its population, it becomes the responsibility of the international community to aid the state by enhancing its capabilities. This assistance may encompass the development of early-warning systems, mediation of political party conflicts, reinforcement of the security sector, mobilisation of standby forces, and various other measures.
3. In cases where a state evidently fails to protect its citizens from mass atrocities and peaceful approaches prove ineffective, the international community bears the responsibility to intervene initially through diplomatic means, followed by more coercive measures, and ultimately, as a last resort, employing military force. (United Nations General Assembly, 2005, p. 5).

One very important consideration is, who is accountable for safeguarding individuals from atrocities when national governments seem incapable of providing protection. In the R2P discourse, the international community is primarily responsible for this task. The final resolution of the World Summit

declared that the "international community, through the United Nations," should utilize "appropriate diplomatic, humanitarian, and other peaceful means" to act collectively in a "timely and coordinated manner" as part of their obligation, which should be exercised "through the Security Council." (UNGA, 2005) The Secretary-General's 2009 and 2012 reports on R2P briefly mentioned the actions that individual states could take. Both reports acknowledged the potential for diplomatic action by the state and, in the 2009 report, the possibility of the state taking action by limiting the flow of weapons "without formal prior approval by the Security Council." However, beyond this, there is little elaboration on the divided responsibilities of states in responding to international atrocities, which in itself places the burden of the Responsibility to Protect on the shoulders of the United Nations.

In the year 2005, the United Nations committed to the Responsibility to Protect (R2P) principle. However, the distressing reality is that it has been unable to halt the occurrence of atrocities in numerous regions such as Afghanistan, Syria, Yemen, Somalia, and Myanmar. Presently, the distress extends to the inability to safeguard the civilians in Ukraine (Lee, 2022). The unresolvable geopolitical tension at the core of the principle is one of the main problems. The five permanent members of the UN Security Council are the United States, Russia, China, the United Kingdom, and France. Each has veto power over UN military or R2P action. Everyone defends their allies as well as their own interests, resulting in a dismal track record.

By 2009, little progress had been made in implementing R2P despite optimistic talk in 2005. Ban Ki-moon, the former UN Secretary-General, acknowledged that the UN and member states were not adequately prepared to fulfil their fundamental prevention and protection responsibilities (Lee, 2022). As at February, 2022, the Syrian conflict had been ongoing for nearly thirteen years, resulting in civilian 306,887 deaths (Office of the UN High Commissioner for Human Rights, 2023a), 6.55 million refugees, and 6.8 million internally displaced people (Statista, 2024). However, despite these numbers, Russia and China have refused to apply R2P. Additionally, both countries have blocked UN efforts to refer Syria and war criminals to the International Criminal Court. As a result, the UN has not been successful in its duty to safeguard the civilian population in Syria and this remains an ongoing issue. Russian military forces are responsible for carrying out war crimes and crimes against humanity in Ukraine by using explosives to indiscriminately attack cities in the eastern, central, and southern parts of the country, causing a significant humanitarian crisis. According to the United Nations, the number of civilian deaths resulting from these attacks is confirmed to be over 9,701 (Office of the UN High Commissioner for Human Rights, 2023b), but it is believed that the actual number of casualties is much higher. In May 2022, the International Organization for Migration reported that approximately 7.1 million people were internally displaced in Ukraine, which is a long way off from the UN's target set in 2005. This situation poses a risk to the credibility of the UN.

### **Statement of the Problem**

The United Nations has taken a number of diplomatic steps in order to stem the tides of war and ensure the protection of Ukrainian people from mass atrocities. The United Nations General Assembly adopted on 24th March 2022, a resolution (A/RES/ES-11/2) deploring the "aggression" committed by Russia against Ukraine (141 votes in favour, 5 against and 35 abstentions) (United Nations Regional Information Centre for Western Europe [UNRIC], 2023). According to UNRIC (2023), The UN Human Rights Council adopted a resolution on 4 March calling for the "swift and verifiable" withdrawal of Russian troops and Russian-backed armed groups from the entire territory of Ukraine. On 16 March the International Court of Justice, which is an organ of the UN, ordered Russia to immediately suspend its military operations in Ukraine (UNRIC, 2023). Many more diplomatic actions have been taken by the UN against Russia in form of various resolutions against Russia, food and health aid to the Ukrainian people and provision of relief materials to Ukrainian refugees in various oblasts within the country (UNRIC, 2023) The problem is that these diplomatic activities have not deterred Russia in their invasion

of Ukraine. In all these, the UN is yet to activate the third pillar of R2P, which in this case is tantamount to military intervention.

The obligation to protect populations facing danger in Ukraine became increasingly crucial after a devastating incident in Bucha, a suburb near Kyiv, where civilians were brutally executed, resulting in corpses being scattered on the streets and many others buried in mass graves. NATO Secretary-General Jens Stoltenberg describes the massacre as a level of violence against civilians not seen in Europe for decades. The main question that arises from this humanitarian crisis is who is responsible for protecting the Ukrainian population at risk, especially when the state has exhausted its ability to do so. Another issue is whether providing military support to Ukraine to counter Russia's aggression aligns with the R2P standard.

The increasing global criticism of Russia's brutal actions in Ukraine raises doubts about the efficacy of the R2P principle to safeguard civilians. However, as Pattison (2012) argued, there is a conspicuous absence of lucidity regarding the allocation of responsibility for safeguarding civilian populations, thereby engendering a quandary as to whether the United Nations (UN), the North Atlantic Treaty Organisation (NATO), or a regional entity ought to bear the burden of such a responsibility. This theoretical issue raises significant doubts regarding the UN's dedication to safeguarding civilian human rights in scenarios where a global power invades a neighbouring state with the purpose of altering its internal sovereignty, leading to acts of war crimes. While the acceptance of the Responsibility to Protect (R2P) as a guiding principle indicated a serious pledge by state leaders to prevent human rights abuses, the underlying liberal interventionist values that form the basis of R2P are filled with contradictions. These contradictions undermine the liberal belief in equal sovereignty among nations and the most effective methods of safeguarding civilians trapped in the midst of armed conflicts.

Another major concern is whether the R2P's implementation approach, which involves three pillars, can be used in the Ukrainian context. The UN Secretary-General, Ban Ki-moon, proposed a three-part strategy in 2009. The first pillar emphasizes that it is the obligation of states to safeguard their people from atrocities. The second pillar states that the international community should support states in meeting their obligations through international assistance and capacity building. The third pillar advocates for a prompt and resolute reaction when states seem unable to safeguard their citizens. The Secretary-General emphasized that the three pillars of R2P are not a sequential process and that it is unnecessary to categorize an action under a single pillar. However, the third pillar is typically employed when a state has failed to protect its people from atrocities, has committed such crimes itself, or has participated in their commission. This pillar is intended for intervention purposes, unlike typically cooperative national governments, which prioritize Pillar 1 (primary national responsibilities) and Pillar 2 (international assistance and capacity building) (United Nations, 2012). The Ukrainian situation reveals that this "three-pronged" framework may not fully clarify what R2P demands in all scenarios. The Secretary-General acknowledges this, stating that "international assistance under Pillar 2 can also be a Pillar 3 response if it is timely and decisive." This circumstance, and the broader obligation of the international community to support states in safeguarding their citizens from aggressor states' atrocities on their lands, receive little attention in the R2P language. Thus, it becomes pertinent to research into how the international community can reconcile the contradictions between the liberal interventionist values underlying R2P and the principles of equal sovereignty among nations when responding to the crisis in Ukraine.

## **Literature Review**

### **Human Right's Protection and State Sovereignty**

One of the most complex and contentious debates in the international system is the relationship between human rights protection and the principle of national sovereignty. This is due to the fact that the aforementioned concepts have traditionally been understood as mutually exclusive, and their properties have been presented as mutually exclusive. The principle of national sovereignty can be traced back to

the Treaty of Westphalia in 1648 (Western Civilization, n.d). This historical moment paved the way for the formation of sovereign absolutist states that refused to recognize the existence of a supreme power over them. However, the traditional definition of sovereignty as "authority" implies control over both those within borders and those living within them, whereas external autonomy began to pose a threat to international peacekeeping (Ayoob, 2002). This became clear when world wars erupted in the first half of the twentieth century, when states' unlimited use of power unleashed unending atrocities. It was therefore clear that the concept of sovereignty had to be reinterpreted in a way that respected fundamental human rights in order to prevent the outbreak of new global conflicts. The establishment of the United Nations and its charter following World War II was thus a significant step forward in limiting the use of force between states. By promoting international peace and security, as stated in Article 1(1) (Charter of the United Nations, 1945), the Charter not only fostered friendly relations among Member States, but also sought to promote international cooperation and uphold human rights, as stated in Sections 1.2 and 1.3 (1945).

The UN has gained significant attention from the international community due to its promotion of ideals such as mutual support and protection of human rights, which highlighted the importance of international institutions in the system. This belief has multiple reasons, including the ability of these institutions to increase the credibility and fulfilment of states' commitments, and to reduce uncertainty by promoting transparency during negotiations, (Keohane, 1998). Furthermore, Keohane and Martin (1995) suggest that institutions can prevent the outbreak of wars by helping to settle distributional conflicts and ensuring that profits are fairly distributed among nation-states over time.

The existence of sovereign states whose sovereignty is protected by the United Nations Charter has repeatedly challenged the role of international institutions in resolving disputes. The principle of non-interference in the internal affairs of other countries, which was introduced to preserve sovereignty, is the main reason why larger organizations such as the UN have been unsuccessful in addressing long-term humanitarian crises (Khant, 2021). The tensions resulting from this principle are not only long-standing but also evident in the UN Charter itself, which is unclear about its position. The Charter acknowledges that sovereignty can be violated in certain circumstances, such as when there is a threat to peace, and requires the United Nations Security Council (UNSC) to determine whether such violations have occurred and how the international community should respond, as stated in Articles 39 and 41 of the Charter (1945). However, the United Nations' response to humanitarian emergencies has been controversial, with the UN Security Council being criticized for responding too little and too late.

### **The UN Security Council and Global Security**

The United Nations Security Council (UNSC) has the principal duty of upholding global peace and security. It consists of 15 members, including five permanent members known as the P5, who possess the authority to use veto power. The five nations, namely the United States, United Kingdom, Russia, China, and France, were identified as the primary military powers at the time of the establishment of the United Nations. The allocation of veto rights to these nations serves the purpose of averting conflicts among them and ensuring a requisite equilibrium in decision-making on collectively enforced security matters (Goodrich, 1965: 430). This observation underscores the fact that the composition of the United Nations Security Council (UNSC) is predicated upon the principles of peace and security. Notably, since the establishment of the United Nations, there has been no instance of direct physical confrontation among the five permanent members of the Security Council (P5). Despite a period of relative inactivity during the Cold War, the United Nations Security Council (UNSC) has sanctioned a significant number of resolutions to foster peace processes, resolve conflicts, address acts of aggression deemed illegitimate, and implement sanctions in situations where peace and security are jeopardised. The aforementioned acts include a variety of events, spanning from the Bosnian conflict in 1993 to the military intervention in Afghanistan in 2001, and culminating with the adoption of an anti-piracy resolution in 2008 (Mingst & Karns, 2011: 108).

The resolutions passed by the United Nations Security Council are of fundamental importance in the management of conflict situations. For instance, during the occupation of Kuwait by Iraq in 1990, a comprehensive and collaborative approach was adopted to address the crisis (Mingst and Karns, 2011: 105). This particular instance would provide a challenge to the prevailing notion that a fundamental issue of collective action exists within the framework of international relations and anarchy. According to Nadin (2017), the UNSC employs protocols that hinder the implementation of decisive measures in crucial circumstances where there is a lack of consensus. Additionally, Weiss & Kuele (2014) argue that the permanent members of the UNSC, due to their outmoded nature, continue to operate in an undemocratic manner. The case of Iraq in 1990 serves as an illustrative example, whereby resolutions authorised a military operation led by the United States. However, the monitoring provided by the United Nations was found to be lacking, resulting in limited autonomy of action for the United States and an additional level of support from entities outside the Security Council throughout the decision-making process. The lack of governmental involvement serves as an illustrative instance. The statement made by Ebegbulem (2011: 25) highlights the undemocratic nature of the Security Council and emphasises the ongoing significance of powerful nations in the context of intervention, rather than attributing this only to the United Nations. Furthermore, it should be noted that the effectiveness of Security Council vetoes in deterring governments from persisting in their actions has not always been guaranteed, as shown by the 2003 United States invasion of Iraq (Morris & Sheeler, 2007: 221). This observation highlights that some nations' private interests might result in departures from institutional limits, therefore exposing the limitations of liberal institutionalist views that underpin the United Nations. These instances raise concerns about the legitimacy of the United Nations and its Security Council, while also disrupting the equilibrium that the makeup of the Security Council aims to maintain. The aforementioned issue poses a significant challenge to the preservation of peace and security.

In addition to its internal disputes, the United Nations (UN) actively engages in the preservation of peace via its peace operations, which have emerged as a vital element of the United Nations Security Council's (UNSC) policy for the promotion and maintenance of peace. The mandates include a broad spectrum of objectives, including the protection of civilian populations as well as the provision of assistance in state-building endeavours. Additionally, an increasing number of mandates are being formulated to attain durable peace. The United Nations Charter does not explicitly reference peace operations. However, the notion of peacekeeping has undergone development to adapt to shifts like conflict and the conception of security. As a consequence, contemporary peace operations have become multifaceted (Williams & Bellamy, 2013: 415). Historically, United Nations (UN) forces have shown impartiality, had limited armament, and prioritised the preservation of a ceasefire. The deployment of UN troops required consent from all involved parties inside the host nation. The effectiveness of United Nations (UN) deployment in mitigating interstate conflicts, such as those between Israel and Syria, as well as Iraq and Kuwait, serves as evidence that the objective of upholding peace has been accomplished (Mingst & Karns, 2011: 130). Nevertheless, the escalation of intrastate disputes throughout the 1990s introduced a heightened level of complexity, hence demanding a more intricate and sophisticated approach to effectively address these conflicts. Bellamy & Hunt (2015: 1277) and Doyle & Sambanis (2008: 2) assert that peacekeeping operations were sent to regions characterised by a lack of peace, necessitating the maintenance of stability. These operations often included exposure to violence, therefore endangering both soldiers and civilians. Consequently, a more robust military involvement became imperative. Consequently, their jurisdiction has been broadened to include enforcement activities, exemplified by their involvement in Bosnia throughout the 1990s. A problem arises from the discrepancy between the anticipated performance of operations and their actual capacity in terms of personnel and resources, suggesting a political hesitancy to enhance the operations into more resilient entities (Thakur, 2006: 62, Autesserre, 2019). The case of Bosnia serves as a notable illustration of the repercussions stemming from improvised reactions to circumstances that deviate from the initial mission, impeding the ability of peacekeeping forces to carry out their intended duties and leading to unsuccessful outcomes. This underscores the

imperative for extensive backing from member states in contemporary conflict scenarios, characterised by intricacy, as well as a readiness to adjust to possible obstacles.

The foundational principle of liberal democratic peace serves as the underlying framework for United Nations (UN) peace operations. However, it is important to acknowledge that in some circumstances, this principle has impeded the effectiveness of these operations. One illustration of this phenomenon may be seen in the case of Afghanistan, where endeavours to establish a functioning state have been accompanied by initiatives aimed at fostering democratisation, upholding the rule of law, and implementing economic reforms. However, these efforts have been criticised for potentially infringing upon the state's autonomy to choose its own political, economic, social, and cultural framework, as outlined in the United Nations Declaration of 1965. The expeditious development of governance systems rooted in Western values eventually proved unsuccessful, since the resultant government lacked both representation and accountability (Saikal, 2012: 226). The postcolonial perspective offers a legitimate criticism of the Western-centric paradigm of peacebuilding, as it neglects to acknowledge the imperialistic inclinations inherent in the assumption that liberal peace is universally applicable and desirable (Nair, 2017). In contexts characterised by societal fragility and multidimensionality, the implementation of top-down systems may have significant repercussions. To attain enduring success, it is essential for the United Nations (UN) to actively advocate for a comprehensive approach that encompasses fundamental democratic ideals and local government understandings. This approach, also known as hybrid peacebuilding, has been extensively discussed by scholars like Richmond (2009: 578). Instead of enforcing Western standards, this method would facilitate the empowerment of the local people via an inclusive and participatory bottom-up approach.

### **Theoretical Framework**

This study adopts the realist theory of international relations as its theoretical framework. The idea of Responsibility to Protect (R2P) developed as a reaction to the inability of the global community to avert and address heinous acts like genocide, war crimes, ethnic cleansing, and crimes against humanity. R2P maintains that nations are obligated to safeguard their citizens from such offenses, and the international community must support them in fulfilling this duty. Nevertheless, the execution of R2P encounters considerable obstacles stemming from the conflict between national sovereignty and humanitarian considerations, which lie at the heart of the realist theory in international relations.

Based on the realist perspective, power dynamics dictate international relations, and nations act out of self-interest, striving to enhance their power and safety. Realists contend that the global system is characterized by anarchy, lacking a central governing body to impose regulations and settle disputes. Consequently, countries must depend on their military and economic strengths to guarantee their survival. Within this framework, international organizations like the United Nations serve only as tools for states to advance their objectives and are not anticipated to operate beyond the boundaries of national sovereignty. Some of the major proponents of this theory include Hans Morgenthau, Kenneth Waltz, and John Mearsheimer. Hans Morgenthau is considered one of the founding fathers of the realist school of thought. His book "Politics Among Nations" is a classic in the field of international relations and is still widely read today. Morgenthau argued that states are the primary actors in international relations and that their behaviour is driven by a desire for power and security. Kenneth Waltz is another prominent realist thinker. His book "Theory of International Politics" is considered a seminal work in the field of international relations. Waltz argued that the structure of the international system, rather than the nature of individual states, is the primary determinant of their behaviour. He also introduced the concept of "balance of power" as a key mechanism for maintaining stability in the international system. John Mearsheimer is a contemporary realist thinker who has made significant contributions to the field of international relations. His book "The Tragedy of Great Power Politics" argues that the pursuit of power by states is a natural and inevitable feature of the international system, and that attempts to create a more cooperative and peaceful world order are unlikely to succeed.

R2P challenges the traditional realist perspective by asserting that states have a responsibility to protect their populations from atrocities, even if it means compromising their sovereignty. R2P recognizes that sovereignty is not absolute and that the international community has a responsibility to assist states in fulfilling their responsibility to protect their populations. However, the implementation of R2P raises significant challenges for realists, who prioritize state sovereignty and national security over humanitarian concerns.

The tension between realism and R2P is exemplified in the case of the Syrian civil war. The Syrian government's vicious clampdown on peaceful protests in 2011 quickly escalated into a civil war, with various armed groups fighting against the government. The conflict has resulted in the deaths of over 306,887 people and displacement of millions of Syrians. R2P advocates argue that the international community has a responsibility to intervene in Syria to protect civilians from these atrocities. However, realists argue that intervention in Syria could exacerbate the conflict, destabilize the region, and lead to unintended consequences. Realists point to the example of the 2011 NATO intervention in Libya, which led to the overthrow of the government but also resulted in a power vacuum that allowed extremist groups to gain a foothold in the country.

Realists argue that the UN's failure to prevent atrocities in various countries is a result of the geopolitical tensions among its member states and their competing interests. The five permanent members of the Security Council have veto power, which means that any UN military or R2P action can be blocked if any one of them opposes it. This gives them significant leverage to protect their allies and advance their own interests, often at the expense of other countries and their citizens.

Realists also argue that the R2P's three-pillar approach, which emphasizes state sovereignty and international assistance before intervention, reflects the limitations of the UN's power and the *realpolitik* of international relations. According to realists, the use of military force should be a last resort, and states should prioritize their own security interests over humanitarian concerns.

Therefore, in the Ukrainian context, realists argue that the UN's inability to protect civilians and prevent war crimes is due to the balance of power among its member states and their conflicting interests. Russia, a permanent member of the Security Council, has used its military force to advance its interests in Ukraine, and the UN has been unable to respond effectively due to the limitations of its mandate and the *realpolitik* of international relations.

The realist theory of international relations helps to explain the challenges and limitations of the UN's implementation of R2P in various countries, including Ukraine. Realists argue that the UN's failure to prevent atrocities and protect civilians is a result of the balance of power among its member states, their competing interests, and the *realpolitik* of international relations.

### **Research Methodology**

This study is primarily qualitative and adopts time series research design. The fundamental concept of the time-series design involves a recurring measurement procedure applied to a particular group or individual. This design is characterized by the implementation of an experimental alteration within this sequence of measurements, the results of which are indicated by a discontinuity in the measurements recorded in the time series (Campbell & Stanley, 1963). This design is adopted because the Russo-Ukrainian war is still an ongoing phenomenon, and at the same time a dynamic phenomenon that changes its form, and effects from time to time, and data on this variable has to be collected at regular intervals. Data for this study are based on a yearly periodic measurement from 2022 to 2023. The realist theory of international relations is employed in order to understand the reasons the United Nations has failed to invoke R2P and intervene in the devastating war between Ukraine and Russia which has cost a lot of civilian lives already.



Documentary method of data collection is adopted for this study. Data for this work are chiefly sourced from secondary sources. The research is majorly based on a literature review of existing research into the UN and R2P, discourse on international norm against human rights abuse, and documentary reports of international NGOs, which is supplemented by documentary reading of available military biographies, press release and internet sources. The factual contents of this research are derived from credible public sources and information provided by reputable human rights organizations. Sources for the factual assertions are provided in the accompanying references at the end of the work.

This research adopts Qualitative Content Analysis in order to effectively analyse generated data. Qualitative Content Analysis is an empirical and methodologically controlled analysis of texts within their context of communication, which follows content analytical rules and step by step models, without rash quantification. There are two approaches to Qualitative Content Analysis, which are, Inductive Category Development and Deductive Category Application. Inductive Category Development entails the creation of a defining criterion, which is influenced by the theoretical background and research question, and guides the selection of aspects from the textual material for consideration. This criterion is used to examine the material, leading to the gradual development and deduction of preliminary categories. These categories are then revised, condensed into primary categories, and their reliability is verified through a feedback process. On the other hand, Deductive Category Application operates with previously established, theoretically derived analytical aspects, linking them with the text. This qualitative analysis phase involves a methodologically regulated allocation of the category to a text segment. For the objectives of this research, the Deductive Category Application method for Qualitative Content Analysis is employed.

### **The Ukrainian Government and the Responsibility to Protect Ukrainian People**

Since the beginning of Russia's invasion of Ukraine on February 24th, 2022, the Ukrainian government and military have undertaken extensive efforts to protect civilians caught in the conflict (United Nations Office for the Coordination of Humanitarian Affairs [UNOCHA], 2023). One of the primary focuses has been establishing humanitarian corridors to safely evacuate people from areas experiencing heavy fighting. For example, in the first weeks of the war humanitarian corridors were set up to allow civilians to leave cities like Mariupol, Sumy, and Irpin that were under siege (UNOCHA, 2022). The Ukrainian military have also fought decisively to prevent the fall of Ukrainian cities. While these efforts were not always successful due to violations of ceasefires by Russian forces, they demonstrated Ukraine's commitment to prioritizing civilian safety.

In addition to evacuation efforts, Ukraine has worked to provide humanitarian aid and essential services to populations unable or unwilling to flee their homes. This includes delivering food, water, medical supplies, and other relief items to encircled cities and towns (UNOCHA, 2022). Mobile clinics have also been established near the front lines to treat the wounded (World Health Organization [WHO], 2022). Maintaining access to these areas has proved extremely difficult given the intensity of fighting, but Ukraine continues taking risks to support citizens in need (UNOCHA, 2022). Telecommunications have also been maintained where possible to keep families connected and access to information available (International Telecommunication Union [ITU], 2022).

As the war has expanded across the country, new challenges have emerged for civilian protection. With an increasing number of towns and villages coming under Russian control, concerns have grown around possible human rights abuses against local populations (ReliefWeb, 2023). In response, Ukraine has worked with international organizations to establish a monitoring presence and document any violations (ReliefWeb, 2023). This includes investigating reports of illegal detentions, forced deportations to Russia, and other crimes (ReliefWeb, 2023). Gathering evidence of atrocities helps hold aggressors accountable under international law while also deterring further attacks.

As the conflict has dragged on, sheltering civilians from indiscriminate bombing and shelling has become a major priority. According to the UN's refugee agency, over 14.6 million Ukrainians have been displaced from their homes since February (USA for UNHCR, 2024). In cities still under siege like Kharkiv, authorities have worked to convert subway stations and other bomb shelters into long-term living spaces complete with beds, food, water, and medical aid (UNOCHA, 2022). Communal bomb shelters have also been established in rural villages that lack underground infrastructure (UNOCHA, 2022). However, as the front lines shift, new challenges emerge in evacuating civilians trapped in active conflict zones.

The Ukrainian government has further taken steps to protect civilians through public information campaigns. Regular advisories are issued via radio, television, SMS messages, and social media to keep people updated on where fighting is occurring and provide instructions on safety protocols like how to identify and respond to unexploded ordnance (WHO, 2022). Targeted messaging is also used to warn specific communities when military strikes are imminent (WHO, 2022). This real-time communication helps reduce risks by allowing people to take shelter or evacuate dangerous areas in a timely manner. Information is also shared on available humanitarian services and how to access aid (UNOCHA, 2022).

While Ukraine has demonstrated commitment to civilian protection, challenges remain. Continuous shelling and airstrikes continue endangering lives across wide areas with over 15,000 civilian casualties reported so far (WHO, 2022). The intensity of fighting also hampers humanitarian access, leaving some encircled populations without supplies for extended periods (UNOCHA, 2022). There are also concerns that Russia may deliberately target evacuation efforts and humanitarian corridors (Amnesty International, 2022). However, Ukraine continues working closely with international partners like the UN and Red Cross to overcome obstacles and support citizens' basic rights and wellbeing to the greatest extent possible given the circumstances of war (UNOCHA, 2022).

### **The UN and R2P in Ukraine**

The United Nations (UN) has undertaken significant efforts to protect Ukrainian civilians since the beginning of Russia's invasion of Ukraine on February 24, 2022. As the international body tasked with maintaining peace and security (United Nations, n.d.), the UN has condemned Russia's actions and mobilized aid for Ukrainians. However, the UN's ability to directly intervene in the conflict is limited due to Russia's veto power as a permanent member of the UN Security Council (UNSC).

Nonetheless, the UN has advocated strongly for ceasefire in Ukraine. On March 2, 2022, the UN General Assembly (UNGA) adopted Resolution ES-11/1 demanding that Russia "immediately cease its use of force against Ukraine" and "unconditionally withdraw all of its military forces" (United Nations General Assembly, 2022, para. 1). The resolution received an overwhelming majority of 141 votes in favour, with only Belarus, Eritrea, North Korea and Syria voting against it (United Nations General Assembly, 2022). This demonstrated the international community's near-consensus condemnation of Russia's actions under international law.

On the humanitarian front, the UN has coordinated a massive relief effort. The UN Office for the Coordination of Humanitarian Affairs (UNOCHA) launched the Ukraine Flash Appeal on March 1, 2022, requesting \$1.7 billion to provide life-saving aid over the next three months (United Nations Office for the Coordination of Humanitarian Affairs, 2022a). As of June 2022, the appeal has been over 80% funded by donor countries (United Nations Office for the Coordination of Humanitarian Affairs, 2022b). UNOCHA is working with over 150 partner organizations to deliver food, water, shelter, healthcare and protection services to millions of displaced Ukrainians (United Nations Office for the Coordination of Humanitarian Affairs, 2022a).

The UN refugee agency (UNHCR) has also played a key role in the humanitarian response. As of January, 2024, there are nearly 3.7 million internally displaced people in Ukraine due to the war, with over 6.5 million becoming refugees and seeking protection in other countries (USA for UNHCR, 2024). UNHCR

is working with host governments in countries like Poland, Romania, Moldova and Hungary to provide refugees with temporary shelter, cash assistance, legal aid and other services (United Nations High Commissioner for Refugees, 2022a). UNHCR has appealed for \$795 million to support its Ukraine refugee response plan through September 2022 (United Nations High Commissioner for Refugees, 2022b).

On the human rights front, the UN Human Rights Monitoring Mission in Ukraine (UNHRMMU) has closely documented breaches of international humanitarian law committed by both parties in conflict (Office of the UN High Commissioner for Human Rights, 2022a). As of July 2022, UNHRMMU had verified over 11,000 civilian casualties in Ukraine, including over 5,500 deaths (Office of the UN High Commissioner for Human Rights, 2022b). UNHRMMU's reports provide evidentiary basis for potential prosecutions of war crimes by the International Criminal Court (ICC) or other judicial mechanisms in future.

The UN Children's Fund (UNICEF) has also prioritized protecting Ukrainian children. An estimated two-thirds of Ukrainian children have been displaced by the war, whether internally or as refugees abroad (United Nations Children's Fund, 2022a). UNICEF is distributing hygiene kits, psychosocial support and mine-risk education to help children cope with trauma (United Nations Children's Fund, 2022b). It launched a \$324.7 million appeal in March 2022 to fund its programs for children affected by the conflict over the next nine months (United Nations Children's Fund, 2022c). As of August 2022, UNICEF reported that the appeal was only 34% funded (United Nations Children's Fund, 2022d).

While undertaking relief efforts, the UN has also advocated for a peaceful resolution to the conflict through diplomacy. On March 2, 2022, the UNGA adopted a second resolution titled "Humanitarian consequences of the aggression against Ukraine" which called for an immediate ceasefire and protection of civilians and infrastructure indispensable to their survival (United Nations General Assembly, 2022). The resolution received an even higher majority of 140 votes in favour (United Nations General Assembly, 2022). UN Secretary-General Antonio Guterres has engaged in shuttle diplomacy, meeting with leaders of Russia, Ukraine, Turkey, China and other countries to push for peace talks and a ceasefire (United Nations, 2022a).

However, the UN's conflict prevention and resolution role faces limitations due to Russia's veto power in the UNSC. On February 25, 2022, Russia vetoed a UNSC resolution condemning its invasion of Ukraine (United Nations Security Council, 2022). This paralyzed the UNSC from taking enforceable action against Russia under Chapter VII of the UN Charter. Nevertheless, the UNGA has utilized the "Uniting for Peace" procedure to pass resolutions on Ukraine without Russian obstruction (United Nations General Assembly, 2022). The procedure allows the UNGA to make recommendations on disputes where the UNSC fails to act due to veto.

### **Factors Militating against UN's Military Intervention in Ukraine**

The ongoing war in Ukraine has brought intense scrutiny on the ability of the United Nations (UN) to fulfil its responsibility to protect (R2P) civilians from mass atrocities. Despite clear evidence of war crimes and aggression against Ukrainian civilians, the UN has not authorized any direct military intervention as permitted under the third pillar of R2P (Lee, 2022). This section will factually analyse the limitations of R2P in Ukraine through the lens of its conceptual evolution, the paralysis of the UN Security Council, scepticism of R2P by major powers, and the lack of political will to operationalize intervention.

The doctrine of R2P was born out of the humanitarian crises and genocides that occurred in the 1990s. It serves as a guide for the global community to safeguard populations from crimes against humanity, war crimes, ethnic cleansing, and genocide. (United Nations, 2005). A landmark report by the International Commission on Intervention and State Sovereignty in 2001 asserted that state sovereignty not only

confers rights to states but also responsibilities, including not perpetrating or allowing mass atrocities against their citizens (Evans, 2008). This ushered in R2P as an emergent norm, adopted at the 2005 UN World Summit.

The principle of R2P is built on three key tenets: the obligation of the state to safeguard its populace; the duty of the global community to aid states in fulfilling this obligation; and in the event of a state's failure to shield its citizens from widespread atrocities, the international community has the responsibility to undertake collective action via the UN Security Council (Bellamy, 2019). However, R2P remains heavily contested, with scepticism about military intervention to protect human rights without state consent (Hehir, 2013). As Ban Ki-moon asserted, “the three pillars are firmly anchored in well-established principles of international law. But the three pillars combined constitute more than the sum of their parts. They are mutually reinforcing and create the conditions for collective action” (United Nations, 2009, p. 2).

In the case of Ukraine, the fundamental challenge has been operationalizing the third pillar regarding the use of force. The UN Charter explicitly prohibits intervention in the domestic jurisdiction of states but makes exceptions for Security Council authorized actions, including under Chapter VII, to respond to threats to international peace and security (Morris, 2013). However, permanent members of the Security Council like Russia and China remain highly resistant to authorizing interventions under R2P (Bellamy & Reike, 2010).

Russia's invasion and atrocities in Ukraine represent a clear case of aggression and mass human rights violations that should trigger R2P. But Russia's permanent seat and veto power on the Security Council have paralyzed any authorization of direct intervention. As noted by Weiss (2016), “the permanent five members of the Security Council will only support R2P actions that comport with their own specific foreign policy interests” (p. 116). Efforts by Ukraine and its allies for the UN General Assembly to request an emergency peacekeeping mission have also failed due to fears of provoking Russia and triggering a wider war (Lederer, 2022). This highlights the deep tensions between the interests of the permanent members of the UNSC and operationalizing R2P.

As Ban Ki-moon observed, “the United Nations was never intended to be a utopian exercise. It was meant to be a forum for realpolitik. Rules were written precisely to regulate and mitigate power politics, not to pretend those politics could be made to disappear” (United Nations, 2009, p. 3). The crisis in Ukraine has laid bare the harsh reality that major power interests still dominate over human rights norms. Russia, as one of the permanent members of the United Nations Security Council, an institution designed to uphold the sovereignty of states, has regrettably contravened the very principle it vowed to protect. This transgression manifests in the form of an unwarranted incursion into a sovereign state, accompanied by a violation of the fundamental human rights of its populace. Russia's aggressive actions in Ukraine have raised significant concerns regarding the infringement upon the human rights of countless Ukrainian civilians. This worrisome development has prompted a reevaluation of the international community's commitment to the Responsibility to Protect (R2P) principle in the Ukrainian context. The emergence of the Responsibility to Protect (R2P) as a widely recognised international norm can be attributed to its genesis in the aftermath of the regrettable inability to avert large-scale atrocities in Rwanda and the former Yugoslavia during the tumultuous 1990s. The primary objective of this initiative is to establish robust mechanisms within the framework of the United Nations to effectively avert the recurrence of large-scale atrocities, encompassing but not limited to genocide, ethnic cleansing, war crimes, and crimes against humanity. Russia's actions, in contravention of the Geneva Convention on war crimes, bring to the fore the inadequacy of the United Nations in protecting vulnerable populations, thereby underscoring the shortcomings of the Responsibility to Protect (R2P) doctrine. While Slobodan Milošević faced charges for his involvement in the atrocities that took place in Bosnia and Herzegovina, Kosovo, and Croatia between 1991 and 1999, Russia's position as a member of the UN Security Council grants it the

power to veto any measures that could potentially affect its own interests. This ability to veto actions poses a challenge to the credibility and legitimacy of the United Nations.

Beyond Security Council politics, the reluctance for military intervention in Ukraine also stems from prudential concerns about outcomes and feasibility. As noted by Morris (2013), "in situations where the most egregious and blatant violations of human rights are occurring, it does not follow that military intervention will necessarily improve the human rights situation" (p. 1276). The Russia-Ukraine war carries huge risks of escalation between nuclear powers, with military intervention deeply problematic (Glanville, 2022).

Moreover, the means and ends of potential intervention under R2P remain unclear. Sending peacekeepers into an active war zone without Russian consent could worsen the conflict (Zifcak, 2022). Ukraine is not a case where a UN authorized force would deploy into a stable environment for civilian protection. It would require major combat operations, but there is no political support or ability for that. These constraints explain why Western states have resorted to military aid for Ukraine rather than direct military intervention (Glanville, 2022). They have prioritized sanctions, isolation and arming Ukraine, indicating that R2P has boundaries in the face of nuclear threats.

In this context, some scholars argue that R2P remains immature and that alternatives like mediation should be prioritized over military intervention (Hehir, 2013; Zifcak, 2022). Ten years after R2P's adoption, Brazil proposed the concept of Responsibility while Protecting (RwP) that asserts military force always needs to be limited and provisional, only used when peaceful options are inadequate (United Nations, 2011). RwP aims to bridge divisions over R2P's implementation and prevent its abuse as a pretext for regime change or unwarranted interventions.

However, the crisis in Ukraine reveals less about doctrinal debates on R2P and more about the inability to operationalize pillars two and three. Russia's aggression fundamentally stems from deeper geopolitical fractures between Western powers and Russia over NATO expansion and Ukraine's alignment (Lanoszka, 2022). The lack of concerted preventive diplomacy to resolve these long-standing divisions has enabled the current crisis and warfare. As Dunne (2022) notes, "the UN's approach to the situation in Ukraine has been reactive, not preventive" (para. 6).

Pillar two of R2P emphasizes political solutions are always preferable to the use of force. The inability to defuse tensions regarding Ukraine's status make military options under pillar three inevitable. This undercuts R2P's core emphasis on early preventive action. It also reveals the lack of neutral third parties or mediators able to generate compromise solutions acceptable to both Russia and Ukraine. The UN itself has lost legitimacy as an honest broker due to its inability to prevent Russia's lawless aggression.

Furthermore, the principle of Responsibility to Protect (R2P) is contingent upon the international community's readiness to promptly and resolutely intervene to safeguard civilians from widespread acts of violence when national governments prove incapable of fulfilling this duty. The international community has faced challenges in promptly and effectively addressing the need for the protection of the Ukrainian populace from widespread acts of violence. The resolution to handle the situation has been elusive for the United Nations Security Council, while the international community has encountered challenges in delivering both military and humanitarian aid to the Ukrainian government.

There is another practical reason that deserves mention regarding the failure to take action against gross human rights violations. It relates to the erosion of the UN's authority as the primary facilitator of international legitimacy. The UN has established the Universal Declaration of Human Rights (UDHR) and institutionalized the overlapping consensus on human rights, which establishes the co-dependence of human rights and sovereignty, and sets the threshold for legitimate intervention (R2P). As such, the UN is responsible for overseeing international society's most extensive moral commitments. If it fails to uphold these commitments, states may seek to address this moral deficit elsewhere or act unilaterally,

posing a risk to the UN's authority and potentially leading to international instability (Gallagher 2013: 89-90). The concern is not just that unilateral action may be insufficient in preventing human rights violations, but that the understanding of rightful conduct and authority regarding the use of force (previously defined and monitored by the UN) becomes open to interpretation, leading to a heightened sense of insecurity in the international community. Therefore, a state's decision to discharge its positive duty of protecting human rights abroad can also be linked to its desire to ensure international order continues to be upheld, and thus to its own security concerns.

### **Summary of Findings**

1. The Ukrainian government has made concerted efforts to protect its population through military defence and humanitarian interventions, but has failed because the Russian aggression has drastically reduced their ability to protect their people.
2. The United Nations has taken a number of diplomatic actions to protect the Ukrainian population and as well stop Russian aggression against them. These efforts while giving some humanitarian benefits to the Ukrainian people have failed to end Russian aggression against Ukraine.
3. The UNSC's veto power hinders the consistent application of R2P due to diverging interests among the permanent members of the UNSC. This has hindered the UN from embarking on a Military intervention in Ukraine.
4. The failure to activate the third pillar of R2P in Ukraine poses a risk to the UN's authority and potentially leads to international instability.
5. The continued importance of powerful states during interventions, rather than the UN itself, raises concerns about the credibility of the UN and the UNSC.

### **Conclusion**

The UN Secretary-General's ninth report on R2P emphasizes the need to enhance accountability in preventing mass atrocities. Although accountability is crucial for the UN system to respond to such crimes, there is a lack of political will to take collective action. The R2P norm has suffered a setback due to the Security Council's unwillingness to enforce its authority to use force to protect populations at risk, resulting in a widening gap between the UN's expressed commitment and the reality of civilians affected by conflicts like Russia's invasion of Ukraine. This failure poses ethical and practical challenges in global governance, where state sovereignty takes precedence over human protection. Despite violations of international humanitarian law by Russia, it is the Security Council's responsibility to prioritize human rights over state sovereignty and form a multilateral coalition of nations to intervene and protect civilians.

### **Recommendations**

1. The UN should take a stronger stance on the situation in Ukraine and activate the third pillar of R2P principle to protect the human rights of Ukrainian citizens.
2. The UN should increase diplomatic pressure on Russia through a temporary suspension from the UN, and intensified public condemnation of its actions. This could incentivize Russia to cease its aggressive actions.
3. To overcome the hindrance caused by the UNSC's veto power, the UN should consider alternative mechanisms to activate R2P in situations where the UNSC fails to reach a consensus due to diverging interests. This could involve setting conditions under which the veto power cannot be used, such as in cases of mass atrocities.
4. To strengthen the credibility of the UN, the member states should prioritize the collective interests over the individual interests of powerful states during interventions, and work towards creating a more democratic and representative UNSC that includes the voices of a wider range of states. In the case of Ukraine, The UN should take a more proactive stance in

invoking the third pillar of R2P, which allows for timely and decisive action, including military intervention, in the face of mass atrocities.

5. The UN could work towards asserting its authority and credibility in international interventions. This could involve strengthening its capacity for peacekeeping and conflict resolution, and promoting adherence to international law among member states. For R2P to function effectively, the international community requires commitment to multilateralism, major power concert, investment in preventive peacebuilding, and strengthening the UN's mediation capacities. R2P will always struggle without these fundamental enabling conditions. The tragedy in Ukraine illustrates that the international community still has far to travel to make R2P an effective framework to protect vulnerable populations from mass atrocities.

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