



# Urgent Solution to Russian -Ukraine Armed Conflict: A Step towards Peace Process

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## Abstract

The International Committee of the Red Cross (ICRC) team returned back from Mariapol to Zaporizhia. Why? The team aimed to facilitate the safe passage of civilians from Mariapol. But due to the lack of arrangements and the conditions imposed on the ICRC team by the conflicting parties( Russia and Ukraine) were unable to Proceed. Though after a few trials, the ICRC team succeeded, it is critical that the party to the conflict should respect the agreement carried between them for the peace process . Still lacking concrete moves it is going to be difficult to limit the suffering of the civilians and those who no longer participate in the hostilities which includes wounded,sick, and Prisoners of War( POWs).

Armed conflict between Ukraine and Russia completed more than 5 months and the graph of destruction , suffering and death continues to go up and which is abhorrent and unacceptable. The paper aims to highlight the ongoing suffering of civilians, human rights, international humanitarian law, food security and impact on the environment.

**Keywords:- Armed Conflict, International Law, International Humanitarian Law, International Human Rights Law**

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### Introduction

It's now been more than 5 months of armed contact between Ukraine and Russia.On 24 February, 2022, Russia attacked Ukraine for a military invasion, which is the consequence of the Russo-Ukrainian conflict that started in 2014.The current situation is harming people's rights and threatening peace not on the European continent but also in the world. destabilization of the region brought uncertainty, environmental degradation and a heavy toll on the civilian population creating a crucial task for the world community in maintaining peace and security.

The conflict between these two countries raised many questions which needed to be answered. Whether International Law governs the hostile situation between Russia and Ukraine and Secondly, which international law governs conflict between Russia and Ukraine? To the first question the answer is yes because international law is applicable to the State as States are the subject of international law. Russia's invasion on Ukraine's territory led to violation of Article 2(4) of the UN Charter. Next point is that Russia and Ukraine both are recruiting foreign fighter to join as soldiers to the armed conflict. The Ukrainian President himself called for foreigners to join the forces ( International Legion of Territory Defense )to defend the country.<sup>1</sup> US, UK, France, Canada and some other countries fighter have gone to Ukraine for support. Similarly, Germany has said it will not prosecute volunteers who join the Legion.<sup>2</sup> Under International Law such persons joining as foreign fighters are considered as combatant ( lawful person directly participating in war) and therefor this conflict comes under the ambit of international law. Therefore, the rules and regulation under international law are also applicable to this armed conflict which is international armed conflict. Assistance from other countries to both the parties, like in terms of military Belarus assistance to the Russia and NATO and other western countries assistance to the Ukraine makes the conflict international in nature.

Secondly, conflict between Russia and Ukraine is governed under International armed conflict. An international armed conflict occurs when one or more States have recourse to armed force against another State. No formal declaration of war is required. For International Armed Conflict there must be involvement of armed forces of two or more states, which is the case between the Russia and Ukraine and therefore they come under the wings of International Armed Conflict. As Russia and Ukraine forces Being parties to the four 1949 Geneva Conventions and the 1977 Additional Protocol I, both Russia and Ukraine are bound by the Convention and Protocol and also customary international humanitarian law applicable to international armed conflicts. In addition to international humanitarian law, even international human rights law also applies during times of armed conflict. The international armed conflict between Russia and Ukraine impacted in various ways.

## **Impact of Armed Conflict**

### **Effect on Civilians and Civilian Objects**

"Civilians are being killed and maimed in what appear to be indiscriminate attacks, with Russian forces using explosive weapons with wide area effects in or near populated areas. These include missiles, heavy artillery shells and rockets, airstrikes."- spokesperson Liz Throssell, speaking in Geneva.

The International Humanitarian Law through Geneva Conventions protects civilians and civilian object from scourge of armed conflict. also protect "civilian objects," which are defined as anything not considered a military objective. Direct attacks against civilian objects—such as homes, apartments and businesses, places of worship,

<sup>1</sup> EJIL:Talk! *Mercenary or Combatant? Ukraine's International Legion of Territorial Defense under International Humanitarian Law*, Ilya Nuzov, March 8, 2022

<sup>2</sup> Lawfare, *Foreign Fighters in Ukraine? Evaluating the Benefits and Risks*, Daniel Byman, March 2, 2022.

hospitals, schools, and cultural monuments—are prohibited unless they are being used for military purposes and thus become military objectives. This would be the case if military forces are deployed in what are normally civilian objects. Where there is doubt about the nature of an object, the warring party must presume it to be civilian. One of the most important principles underlying humanitarian law is that of distinction between the civilian population and combatants, and between civilian objects and military objectives (Article 48 of Protocol I, Article 13 par. 2 of Protocol II). Attacks must be limited to military objectives, i.e., those objects which, by their nature, location, purpose or use, make an effective contribution to military action, and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage. Indiscriminate attacks striking military objectives and civilians or civilians objects without distinction are prohibited. When launching an attack, two other principles have to be respected: proportionality in the military action and due precaution before deciding the attack. In case of doubt about the nature of an object, it is presumed to be civilian and should not be attacked.<sup>3</sup>

According to the World Health Organization (WHO) various reports of attacks hitting schools, colleges, hospitals and other necessary civilian objects. There are just reports from this morning from Kharkiv, authorities that (a) psychiatric institute has been attacked. If this proves to be true, this would be yet another effect on health in Ukraine,” said Tarik Jasarevic, WHO spokesperson, speaking from Lviv in western Ukraine. Russian attacks have damaged preschools, post offices, museums, sports facilities and factories. Power and gas lines have been severed; bridges and railway stations blown up. At least 10 houses of worship have become targets, including a now-crumpled church in Malyn. Civilians have been killed in their cars. Remnants of a missile were found in a zoo. At least one war memorial in the small city of Bucha took gunfire. A car wash in Baryshivka, east of Kyiv, was reduced to rubble. Onions spilled from a warehouse that was destroyed in Mykolaiv, where several residential neighborhoods have been shelled to pieces and the morgue has overflowed with bodies.

A recent analysis of satellite imagery found at least 391 buildings with evidence of damage in a Mariupol area dotted with schools and health facilities. An analysis of photos, videos and reports from the ground found that at least 69 civilian structures in the city have become targets, including at least one church. Visual evidence and reports from Mariupol have been especially limited because the city has been bombarded by Russian forces for weeks.<sup>4</sup>

The extent of civilian casualties and the destruction of civilian objects strongly suggests that the principles of distinction, of proportionality, the rule on feasible precautions and the prohibition of indiscriminate attacks have

<sup>3</sup> Protection of victims of armed conflict through respect of International Humanitarian Law, ICRC, 16-09-1999, at <https://www.icrc.org/en/doc/resources/documents/misc/57jpzn.htm>, last visited 31/07/2022.

<sup>4</sup> Russia’s Attacks on Civilian Targets Have Obliterated Everyday Life in Ukraine  
By Keith Collins, Danielle Ivory, Jon Huang, Cierra S. Queen, Lauryn Higgins, Jess Ruderman, Kristine White and Bonnie G. Wong  
March 23, 2022, available at <https://www.nytimes.com/interactive/2022/03/23/world/europe/ukraine-civilian-attacks.html>, last visited 7/05/2022.

been violated.<sup>5</sup> These attacks cause immeasurable human suffering and may amount to war crimes, and they must stop. Russian Ukraine armed conflict led to travel violations of international humanitarian law. Lack of food, sanitation, and medical care under attack increased mortality rate among civilians.

### **Environmental Disaster**

The first two days of fighting have been characterised by Russia's targeting of Ukrainian military infrastructure, including many in close proximity to civilian areas. These included ammunition storage facilities in Krasnopillia, Krivoy Rog, Dnipro and Zhitomir. Airfields, and their fuel storage tanks, in Hostomel, Gostomel, Chuhuyev, Chernobaevka, Melitopol, Ivano-Frankivsk, Mykolaiv and Millerovo (targeted by Ukraine, in Russia), and naval facilities.

These have resulted in fires releasing harmful air pollution. Large smoke plumes spread over civilian areas. These are composed of toxic gases and particulate matter and, where conventional weapons have been stored, heavy metals and energetic materials. At these sites, there will also be substantial soil and water contamination, the extent to which these pollutants can migrate from military facilities will vary depending on the site. Where efforts were made to extinguish fires, the pollution may include residues from firefighting foams. Damaged naval sites have the potential to generate coastal pollution. Where facilities have been in operation for many years, this new pollution may build on existing military contamination.

On a smaller scale, the burned out tanks, transportation vehicles, downed aircraft, and other remnants of fighting are also sources of pollution. Attacks on shipping, whether deliberate or accidental, can threaten the marine environment.<sup>6</sup>

The Russian -Ukraine armed conflict has exposed the civilian and infrastructures. Since the invasion began on February 24, Russian forces have used explosive weapons with wide-area effects in large, populated areas. Russian airstrikes have cut off heat, water, and energy for many urban residents.

What makes the Russian invasion of Ukraine somewhat distinctive, however, are the hazards to humans and ecosystems posed by the Soviet legacy of nuclear facilities, including Chornobyl, and heavy industrial facilities located close to residential areas in Ukraine. Many of these sites require ongoing environmental management. Russian attacks on fuel depots and other energy sites, the shelling of industrial facilities, and the dust and rubble

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<sup>5</sup> Situation in Ukraine, Ms. Matilda Bogner - Head of Human Rights Monitoring Mission in Ukraine on the situation in Ukraine Statement by 25 March 2022 <https://www.ohchr.org/en/statements/2022/03/situation-ukraine>, last visited 27/03/2022.

<sup>6</sup> Ukraine invasion: rapid overview of environmental issues Categories: Blog, Slider, Ukraine February 25, 2022, available at <https://ceobs.org/ukraine-invasion-rapid-overview-of-environmental-issues/> Conflict and environment observatory .

produced by using explosive weapons in residential areas pose near- and long-term threats to civilian health far beyond the immediate casualties.<sup>7</sup>

At the UN Environment Assembly meeting in Nairobi at the end of February, 108 civil society organisations from across the world highlighted the serious environmental risks the invasion poses and called for support to monitor and address them. A separate open letter by the Environmental Peacebuilding Association calls on the international community to investigate and monitor potential violations of international environmental and human rights law, and to ensure accountability in the ongoing armed conflict.

The International Criminal Court (ICC)'s Office of the Prosecutor has announced it will open an investigation into crimes perpetrated in Ukraine. But while the court theoretically has jurisdiction over the crime of "intentionally launching an attack in the knowledge that such attack will cause ... widespread, long-term and severe damage to the natural environment", it has never brought a prosecution.<sup>8</sup>

### **Violation of International Human Rights Law**

According to Human Rights Watch there were several cases of Russian military forces committing Laws of War violation against civilians in areas such as the Chernihiv Kharkiv and Kivy region of Ukraine. Violation of human Rights include rape, looting of food, Murder, gender based violence, exploitation and lack of protection directly impacted civilians right to life, safety and well being protected under International Human Rights Law. On the background of this United Nation General Assembly passed a resolution on 2nd March 2022 which is an historical moment and which demanded Russia to stop fighting and to withdraw it's military forces from Ukraine.

The UN's top rights body voted on March 4 to trigger a commission of inquiry (COI) -- the highest-possible level of investigation -- into alleged Russian violations during the war. As per United Nation Human Rights Commission report of 12th April 2022 more than 3000 civilians killed and out of which 300 women and more than 2000 were injured. Then on 12th May 2022 the United Nations Human Rights Council voted in favour to launch an inquiry into alleged serious violations committed by Russian troops in Ukraine, putting their conduct further under the microscope.

UN human rights chief Michelle Bachelet told the council that her office was verifying allegations of international human rights and humanitarian law violations, "many of which may amount to war crimes". "The scale of unlawful killings, including indicia of summary executions in areas to the north of Kyiv, is shocking," she said, citing 300

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<sup>7</sup> Where Bright Minds Share Bold Ideas, The Environmental and Health Dimensions of the Ukraine War March 16, 2022 by Erika Weinthal and Jeannie Sowers, authors of "Health and Environmental Tolls of Protracted Conflicts in the Middle East and North Africa" Current History (2021) 120 (830),<https://www.ucpress.edu/blog/58701/the-environmental-and-health-dimensions-of-the-ukraine-war/> .

<sup>8</sup> Could Russia Be Prosecuted for Environmental Harm in Ukraine?29/03/2022, ISABELLA KAMINSKI, <https://science.thewire.in/environment/russia-prosecuted-environmental-harm-ukraine/>

deaths so far -- many of them seemingly intentional.<sup>9</sup> The Russia -Ukraine armed conflict showed horrified images of civilians, grave violations of IHL as well as IHRL. Attacks on Civilian object and civilians amount to War Crimes.

It had been 10 weeks of sheer horror and of deep suffering for every Ukrainian family. Thousands of people had lost their lives, more than 200 children among them. Russian bombing and shelling had become part of everyday life. Torture, enforced disappearances and sexual violence were among the least of the crimes committed by Russia. The consequences of military attack on the protection and promotion of human rights in Ukraine would be profound and long-lasting and would cause immense suffering and irreparable harm lasting for generations.<sup>10</sup>

### **Internally Displaced Persons / Refugees**

By March 11, the United Nations reported that 2.5 million civilians had fled Ukraine, and that the Russian invasion had displaced another 2 million people inside the country. This constitutes the largest refugee crisis in Europe since World War II. Local service organizations, volunteers, and the international humanitarian community have mobilized to assist civilians fleeing the war in Ukraine, many crossing the border into Poland. As per UNHCR Source 5,988,696 individual refugees from Ukraine recorded across Europe; 3,709,329 refugees from Ukraine registered for Temporary Protection or similar national protection schemes in Europe; 9,567,033 border crossings from Ukraine and 3,793,403 border crossings to Ukraine.<sup>11</sup> Many people are trapped under this situation and unable to meet their basic needs and humanitarian aid remain challenging. Thus all the civilians will continue to face lack of long term needs. They definitely require assistance to rebuild their lives.

### **Increases in Food price**

The Ukraine and Russia War is the next important reason for the increasing global food crisis after Covid-19 Pandemic. Ukraine war drives international food prices to 'new all-time high, United Nations. Food Security is based on availability, stability, accessibility and Utilization. Food insecurity means unavailability of food on a day to day basis. Such concentrated and thin markets mean that when crises like the war in Ukraine happen, the global supply of food can be derailed quickly, leading to high costs. For example, insurance premiums are skyrocketing for vessels operating in the Black Sea, which only further raises prices for staple foods. Many countries are turning to alternative sources, but there are cost increases associated with these maneuvers as well. Countries in Europe or the Middle East that relied on Russian or Ukrainian food imports now suddenly have to

<sup>9</sup> United Nations Starts Probe Into Russian Abuses In Ukraine, <https://www.ndtv.com/world-news/united-nations-human-rights-council-ukraine-russia-conflict-united-nations-launches-probe-into-russian-abuses-in-ukraine-2970931>, 12 may 2022.)

<sup>10</sup> High Commissioner to Special Session of the Human Rights Council on Ukraine: Many of the Allegations of Violations of International Human Rights and Humanitarian Law in Ukraine May Amount to War Crimes, Human Rights Council, Press Release, 121 May 2022, at <https://www.ohchr.org/en/press-releases/2022/05/high-commissioner-special-session-human-rights-council-ukraine-many>.

<sup>11</sup> Ukraine Situation Flash Update #22 (22 July 2022), UNHCR, 2022, at <https://reliefweb.int/report/ukraine/ukraine-situation-flash-update-22-22-july-2022>

pivot to acquiring them from Canada or Australia, for example, which will be more expensive given the greater distance traveled. Shocks like the war in Ukraine put into stark relief that food insecurity challenges are not always related to availability issues. Rather, it's a question of accessibility and affordability.<sup>12</sup>

Under the theme Securing Global Food Security in Times of Crisis, QU Dongyu, Food and Agriculture Organization (FAO) Director-General, told agriculture ministers from G7 wealthy nations gathered in Stuttgart, Germany, that the most significant threats stem from conflict, and the associated humanitarian impact, together with multiple overlapping crises. Crisis represents a challenge for food security for many countries, and especially for low-income food import dependent countries and vulnerable population groups," he said.<sup>13</sup> For example South Sudan facing acute food insecurity due to civil war since 2013. Russian Ukraine armed conflict damaged agriculture fields, crops, disrupt food production, reduce food and fuel storage, disposition of land, cattles, and other related factors diverted to increased in the food price. Increased in food price increases many form of grievance such as malnutrition (acute and chronic), health problems, poverty, unemployment, internally Displaced Persons and refugees. This will affect employment, wages, food security and will increase pressure on social protection systems. Combining effort for preservation of livestock, food security, normal flow of food within and outside a country may strengthen peace building and help to achieve sustained peace.

## Conclusion

Russian Ukraine conflict has adversely affected human development as a result of multiple channels including violations of human rights, humanitarian law, international law, lack of financial and trade flow, Displaced Persons, food security and environment. Use of weapons affecting large area hits international humanitarian law.

The 2030 Agenda for Sustainable Development outcome is recognition of peace as a vital condition for development. The question is how this goal can be achieved in the background of Russian Ukraine's ongoing conflict? The answer is

1. Suspension of international armed conflict by adopting ceasefire.
2. If peace is to rebuild then, Ukraine on its part may do so by become a neutral country firstly, by not joining NATO or the Collective Security Treaty Organisation and secondly, not taking the membership of the European Union and the Eurasian Economic Union. it is an opportune to step toward building peace and cooperation, the Left in particular, in Ukraine, Russia, Europe and the rest of the world, to develop

<sup>12</sup> Dr. Arif Husain, The Ukraine War is Deepening Global Food Insecurity — What Can Be Done?, United States Institute Of Peace, at <https://www.usip.org/publications/2022/05/ukraine-war-deepening-global-food-insecurity-what-can-be-done>, last visited at 23/07/2022

<sup>13</sup> Ukraine war squeezes food supplies, drives up prices, threatens vulnerable nations, UN News, at <https://news.un.org/en/story/2022/05/1118172>, 21.07.2022

scenarios for a political and diplomatic solution to the conflict in Ukraine. If this effort for peace succeeds, it will set a valuable precedent for resolving other ongoing armed conflicts in the world.

3. Need for international, regional and national response. Concentrated efforts will be required to reconstruct Ukraine.
4. Need to protect vulnerable groups from mass killing, human shield, target killing, gender based violence, unemployment and poverty.
5. Efforts are needed for food security productivity.
6. Both the Russian and Ukraine are parties to a number of international human rights treaties, humanitarian treaties and also environmental treaties so they are bound to follow them. Use of these legal frameworks by the parties will definitely help to mitigate the effects of armed conflict.
7. Support for vulnerable people
8. Rapid response to civilian in affected areas
9. To defend and promote universal human rights without any distinction.