

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 3

2022

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

International Laws on Occupation, War and Human Rights in Relation to Russia-Ukraine Hostility

BHUMIKA SHAH¹

ABSTRACT

A number of international laws were adopted and enforced in the last two centuries. However, the efficacy of these laws has always been in question. Some jurists never considered international laws as proper law. World War I and World War II also posed questions on the validity and efficacy of international laws. After the establishment of the United Nation a new international law regime started and it was thought that international law has now established itself as a proper law and is able to regulate the relations between nations. A conception was created that the concepts like sovereignty, human rights, law of war are now well followed. However, Russia- Ukraine hostility once again posed questions not only on the law of war but also on the efficiency of international organizations to control wars. The Invasion of Ukraine seems to be a clear example of ineffectiveness of international laws in the present date. Researchers in the present paper have analyzed the efficacy of international laws in recent times with special focus on the Russia- Ukraine war. Law on war, occupation and human rights are the main laws discussed in this paper.

I. INTRODUCTION

International law refers to certain laws, rules, norms that govern relations between two different countries that have their own internal laws. It is binding on different sovereign nations. Currently, relations between sovereign nations have been increasing, every state wishes to make and maintain good relations with the other states. International law regulates reciprocal relations between states and their behavior. If there arises any disagreement between international law and internal law of a state, the internal law prevails. When two countries reach the stage of war, is everything done fair and justified or are there any rules that the countries are to follow? The answer to this is yes, there are rules of war too. And if they are not followed, it is considered a crime. This law of war applies to each country that is about to or that is undergoing the state of war. The first Geneva Convention¹ was signed so as to prevent wars and consequences of it, many more such conventions and treaties were signed later for the same. It

¹ Author is a Student at Lovely Professional University, India.

was believed that these conventions would prevent any further war or war suffering in the world after World war II but we have witnessed various attacks and state of war between countries. This paper discusses laws of war in relation to the ongoing Russia Ukraine Hostility.

The world is the witness that the world has suffered a lot of violation, exploitation, harassment, etc. International law of Human Rights was brought to prevent the same. Many revolutions were made, there were declarations for freedom and much more before International law of Human Rights was brought in the year 2048 for development for the entire Human race globally. Human rights is a right that a person has just because He/She is a human and not because one is a citizen of a country, or a member of any organization or so anything else. Similarly, there is the Law of Occupation that we are going to talk about in this paper. Occupation is the state of being occupied or captured, when an external force takes control over a country it is said to be occupied. Occupation can be done by any external force, we are to talk about occupation by a country. After international law on various issues were welcomed, it was believed that the said laws shall prevent military attacks and wars in the future but that is not true as we all have been witnessing various military actions globally and breach of International laws on matters of war, Human Rights, Humanitarian rights and more, be it Russia's Invasion of Ukraine, 9/11 attack on US or other attacks.

Russia and Ukraine, the two largest countries in Europe do not seem to be having an amicable relationship. Russian invasion on 24th of February 2022 of Ukraine has left the world dumbstruck. The way Russia invaded Ukraine on the above date has caused tension globally and people around the world have been wondering about the history of the same. People in Ukraine have been affected a lot, each person from elderly people, women, children and the men of the country have been suffering one or the other way. There has been a great humanitarian crisis, children are deprived of basic necessities. People have been fleeing, children have fled to neighboring countries resulting in an increasing number of refugees. This is said to be the worst military mobilization in Europe after the second world war. Many are killed and many injured in the Russian invasion on 24th Feb, 2022. The warfare has caused humanitarian distress in the country, this is when the roles of International laws and conventions come into picture. The crisis in Ukraine strongly makes the importance of Diplomacy, good leadership, and decisiveness clear. And the importance of International Laws and its applicability.

II. INTERNATIONAL LAW AND WAR; HISTORICAL PERSPECTIVE

We are here going to start with the origin of International law. Origin, History and Development of International law are all interlinked. The term "International Law" was introduced in 1780 A.D by Jeremy Bentham, this does not mean there was no law at all to govern countries internationally and international relations. Before 1780, countries were internationally governed by "The Law of the Nations" and it was recognized as International Law only after 1780. When we think about International Law, we tend to think of its 100, 200 years old law but the fact is its existence can be traced back to 4000 years back and it is guessed that International law has been in existence even before 4000 back. Development of International Law started in 1780 B.C., 4000 years back, 'when the Treaty of Lagash was signed between 'The nation state of Lagash' and 'The nation state of Uma'. A border agreement was made between these two states in 'Mesopotamia', this concludes that the treaties that are being signed are not recent developments, these treaties have rather been with us from around 4000 years back. There have been many such treaties and agreements in the development history of International Law after then. One such treaty that is considered to be holding great significance in the Development of International law is 'The treaty of WestPhalia' signed in 1648 A.D, it has given some basic principles of International Law. This treaty talks about the concept of territorial sovereignty and territorial jurisdiction. The Treaty of Westphalia holds great importance if we talk about modern development of International Law but if we look at the origin, the history of International Law starts from the Treaty of Lagash, we can trace its evidence as this agreement was written on a stone. Next important treaty in history was the "Treaty of Congress of Paris". A few states like France, Britain, Germany sat together to end a war, it is considered a peace treaty and it holds significance in the history of International Law. In 1856, "The Congress of Vienna" was signed, the Ottoman Empire was included in the agreement and this was the first time ever a non-christian state was admitted to an International conference. Then a milestone was accomplished in 1919 A.D, "Treaty of Versailles" was signed, it is also called the foundation of the League of Nations which was formed later in 1920. This treaty gave many principles to International Law, one major principle that this very treaty gave is 'The principle of Collective security' that a threat to one would be considered a threat to all and all different states would act collectively to a threat to one. Then what we have is "UN Charter 1945", many principles have been settled down in the charter, the most important ones being, Non Agression, Non Intervention, Sovereignty, International Peace and self determination. All these principles are mentioned under UN charter and all these principles

are still applicable. It is these treaties and agreements that are the sources of our International Law.

III. INTERNATIONAL LAW

Talking of Background of Russia's attack on Ukraine, Ukraine is willing to join NATO whereas Russia is opposing this very thing. Russia does not want Ukraine to join NATO, a defense alliance because Article 5² NATO talks about collective defense. If any of NATO member countries is attacked, all NATO members will consider the attack as an attack on them all and will collectively defend against it and can counter attack collectively. This clears the question as to why there is a war like situation between Russia and Ukraine.

As we know, law is a set of rules and regulations that govern society, similarly International law has rules that govern relations between different countries and it includes all different types of relations be it business relations, diplomatic relations. International law is made by all the countries that abide by the laws. These laws are adhered to by countries' internal laws and these laws are contained in international treaties, conventions and pacts. There are questions of International law that have arisen with respect to the Russia Ukraine Crisis.

(A) International Law's Take on Sovereignty

This can be discussed by first mentioning, there are three major principles of International Law, SOVEREIGNTY, TERRITORIAL INTEGRITY AND NON INTERFERENCE IN INTERNAL AFFAIRS OF COUNTRIES. The state has absolute liberty to decide on matters concerning itself, it is sovereignty. International law also tells that there shall be no interference by any other country in one country's internal affairs. Ukraine is a sovereign country, after the collapse of soviet nations Ukraine was declared an independent country and has its sovereignty. With regard to this, Russia preventing Ukraine from joining NATO is against International law because Ukraine is a sovereign country and it can decide on matters relating to itself. Ukraine has also expressed its interest to join NATO for its national security issue. Hence, Russia's actions are not justified as per International law's principle of Sovereignty.

(B) Has Russia violated the principle of non-intervention of the UN charter?

UN charter is an agreement signed between all the countries for their regulation, working, etc. and countries have voluntarily been a part of this agreement. According to article 2(4)³ of the

² "Here's what Nato's Article 5 and how it applies to Russia's invasion of Ukraine", CNN Politics, available at <https://edition.cnn.com/2022/03/07/politics/what-is-nato-article-5/index.html> last visited on 10/03/2022

³ 'United Nations Charter', United Nations, available at <https://www.un.org/en/about-us/un-charter> last seen on 24/03/2022

charter, no country shall use threat in international relations. As we can clearly see Russia has been using threats against Ukraine to create fear and this is a violation to the UN charter. The foundational principle of article 2(4) is 'Non Intervention in Domestic Affairs' and deciding on matters such as to join any alliance, Sign a Treaty, etc. are the country's domestic affairs. UN charter prohibits forcible trespassing in territory of another state be it temporarily. The Budapest Convention was discussed in the General Assembly Security Council in 1994 and was signed by presidents of Ukraine, Russia, USA, UK, Great Britain and Northern Ireland. They decided on respecting Integrity and sovereignty of Ukraine, refraining use of threat or force against the territorial integrity of Political independence of Ukraine. It was also decided that none of their weapons will ever be used against Ukraine. But the situation we see today, Russia is using ballistic missiles, arms and ammunition against Ukraine. Russia has also violated the norms of Budapest Convention. Use of force is not permissible unless there is an armed attack, once there is an armed attack concept of self-defense comes into picture and this exception is given under article 51 of the UN Charter.

(C) International Law on War and Peace

There are regulations to regulate the situation of war, the most relevant ones are the four Geneva Conventions. The 1st Geneva Convention protects wounded and sick soldiers on land during a war, 2nd Geneva Convention protects Wounded, sick, shipwrecked military personnel at sea during war, 3rd Convention protects prisoners of war and the Fourth Geneva Convention protects civilians.

One most important question that has been striking our head is why are not the United Nation Security Council, International Court Of Justice and various other states doing anything. We are witnessing clips and live videos of Ukraine viewing bombarding, firing, etc., why is anything not happening in the front. So, talking about the United Nation Security Council, it can use force to bring peace, if it wills to. But the fact that Russia has a permanent seat in the United Nations Security council and the provision that a permanent member can exercise its veto power against any resolution. That is why UNited Nation Security Council is mum on this matter because if it takes any such action against Russia to prevent Russia's actions, Russia can Veto such an action of the Security Council. Similarly, different states are imposing various sanctions on Russia, be it freezing assets, non return of loan amount ans so on. All these sanctions are an indirect way to restore peace. Therefore, this was a short introduction on International law in relation to the Russia Ukraine Crisis and as to why we are still not able to restore peace in the world even after a month of invasion.

IV. LAW OF WAR

War is not an issue that has erupted recently, we have heard of war even in religious text books where one country attacks another for its own interests. It is something that has a long history. The situation is the same till date, nothing has changed. Countries still attack other countries with the help of military force and violence with an intention to have control on other countries in order to impose their own interests. Talking about the laws of war, the most common question we come across is 'are there any laws of war?' because all we know is 'everything is fair in war'. But yes, there are laws of war that are to be followed during a war and if one fails to comply with the laws of war, it is considered a crime. Almost 5.5 crore people were killed during the second world war that continued for six long years from 1939 to 1945. Nuclear bomb was used for the very first time in world warII. Just to prevent similar destruction and such a devastating situation any further in the future, a meeting was held in Geneva, the capital of Switzerland in the year 1949. Laws made in relation to war in the Geneva Convention are said to be Laws of war. A total of 161 Rules were made in the convention and were approved by all 196 countries. Every country is obliged to follow all these rules. The question arises, 'what was the matter decided by the Geneva Convention?'. The meeting discussed how a war is to be fought, who can be killed in a war and who can not be pointed out, who is to be targeted in a war, use of arms in a war and what laws of war are.

(A) Rules of War

The rules of war are;

1. No Civilian should be targeted during a war.
2. Residential areas, Schools, Colleges, and houses are not to be targeted.
3. Medical workers and health workers are not to be targeted.
4. Hospitals and medical units are not to be attacked.
5. No attack on historical sites, religious sites and cultural heritage sites.
6. No attack on shelter homes made for civilians.
7. No attack on the demilitarized zone.
8. Enemy country's armed addresses can be attacked.
9. Enemy country's army is not to be treated badly once they have surrendered.
10. Prisoners of wars are to be treated with humanity.

And one of most important rule is that a country must warn the enemy country before starting a war, a war can not be initiated without prior warning. If any country fails to abide by these rules or breaches these rules, it is considered to be war crime. In such a case, the case will be heard in International Court of Justice and the lawsuit is filed against individuals. Targeting civilians during a war is considered a war crime, like imprisoning civilians, capturing private properties, Inhuman behavior to civilians, torturing, malicious killings, preventing war prisonerors from trials. All these are considered war crimes as per the laws.

(B) Geneva Convention

Geneva Conventions are a set of four treaties. They were established as a result of the second world war and were formalized in 1949⁴. First two out of three protocols were added in 1977 and the third one was added in 2005. These laws of war codified ethical and legal standards for Humanitarian treatment of those impacted by any ongoing war.

FIRST GENEVA CONVENTION

The First Convention, famously known as First Geneva Convention protects wounded and sick soldiers on land of war. First Geneva convention was signed in 1864 with many articles and it explained how soldiers are to be treated. Important points in the entire convention were:

1. Wounded soldiers who are wounded or fallen in a battlefield should not be tortured and bothered unnecessarily.
2. Medical treatment is to be provided even to the enemy soldiers.
3. That no attack should be made to an impartial agency, medical units like 'The Red Cross' who are in the battlefield to help the ones suffering.
4. People involved in a religious way into a battlefield are not to be targeted, attacked.⁵

World war I started after the first Geneva Convention from the year 1914-1918. It was observed that the rules and laws of the Geneva Convention were not being followed. And it was observed that there are many other factors that were not covered in the first Geneva Convention that actually happens during a war. That is why few updates were made in the first Geneva convention in 1929 and it talked about people who have been captured, how are they to be treated.

⁴ 'THE GENEVA CONVENTIONS OF 12 AUGUST 1949', available at <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf> last visited on 28 March, 2022

⁵ *ibid*

SECOND GENEVA CONVENTION

The second Geneva convention was drafted in 1949 after second world war when it was observed that there are still many things left to cover in the Convention after Germany, a signatory of Geneva Convention, tortured soldiers, civilians in many ways. The Convention protects wounded, sick and shipwrecked military personnel at sea and makes it a law that if an enemy country's ship is destroyed or it is drowning, it is the duty of the other country's soldiers to rescue them and provide medical assistance.⁶

THIRD GENEVA CONVENTION

The third Geneva Convention applies to prisoners of war for a wide range of protections such as humane treatment, maintenance and equality across prisoners, conditions of captivity, questioning evacuation of prisoners, transit camps, food, clothing, medicines, Hygiene and right to practice religious activities, physical and intellectual activities of the prisoners.⁷

FOURTH GENEVA CONVENTION

The fourth Geneva Convention protects civilians, including those in occupied Territory. It focuses on their status and treatment and it asserts the obligations of the occupying power with respect to the civilian population.⁸ The fourth Geneva convention applies to the ongoing crisis in Ukraine. In the ongoing conflict, Russia President Vladimir Putin and his administration have denied any harm to civilians but we can still witness photos and videos that clearly show civilian casualties, destroyed Hospitals and public property. It is now the Geneva Convention that is looked for, and violation of the convention and commission of war crimes can be investigated and prosecuted by the International Criminal Court. According to Analysts, the question as to who ordered which crime is not traceable. The only possible proof is in Russian Soldiers' phones and devices be it telephone conversations or project maps. To overcome the issue, ICC opened a war crimes investigation under its prosecutor, Karim Khan on February 28, 2022. Russia has already withdrawn itself from article 90 of protocol 1 of the Geneva Convention which expects countries to oblige and comply with any international fact-finding mission while all other member countries abide by rules of Convention. Since Russia has

⁶ “Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea”, available at <https://www.un.org/ruleoflaw/files/Geneva%20Convention%20II.pdf> last seen on 27 March, 2022

⁷ “Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.”, ICRC, available on <https://ihl-databases.icrc.org/ihl/full/GCIII-commentary>, last seen on 28 March 2022

⁸ Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. United Nations, available at <https://ihl-databases.icrc.org/ihl/INTRO/380> last seen on 28 March 2022

already withdrawn itself, Russia can refuse to access records and resources that might prove a breach of Geneva Convention .

(C) Origin of Geneva Convention

Origin of the Geneva Convention traces back to almost 150 years back in Switzerland. A person named Henry Dunant from Geneva in Switzerland. This person belonged to a well to do family but he had a lot of compassion towards poor and vulnerable people. He used to visit Jail in his city to talk, help and rehabilitate prisoners. In 1859, this person went to see the then French King Napoleon III to talk about his business. Napoleon was then in Italy in some military campaign. Henry Dunant witnessed that many were wounded, many were suffering and crying but nobody was helped. Henry wrote a book named "a memory of Solferino " and talked about the tragedy of a war and that only those soldiers who are actively involved in a war can understand how tragic it is. And the second thing that he wrote in the book was a proposal, a proposal to introduce and establish an organization to help those suffering during a war and to help those wounded and injured in a battlefield. He took this proposal further and suggested for a governmental agency to help those in a war. And it was proposed that such agency should not be attacked and should be considered neutral. His suggestions were so impactful that a committee was formed to decide on means and measures to implement the suggestions. The same committee is still active in various countries of the world. The name of the committee is 'The International Committee of Red Cross'. This way, 12 members came together to decide on war related relief and the convention is called "The first Geneva Convention ". Everything after has been discussed above.

In simpler words, we can understand this with reference to the Russia Ukraine war. Russia attacked a TV Tower in Kyiv⁹, Ukraine, this will not be considered war crime but if civilians are killed in a missile attack, it is considered a war crime. As of data, at least 264 civilians have been killed including four children in Kiyv since the beginning of Russian invasion according to the city's Mayor.¹⁰ We've seen numerous credible reports of indiscriminate attacks and attacks deliberately targeting civilians. Russia's forces have destroyed apartment buildings, schools, hospitals, critical infrastructure, civilian vehicles, shopping centers, and ambulances, leaving thousands of innocent civilians killed or wounded. Many of the sites Russia's forces

⁹ "Ukraine conflict: Kyiv TV tower struck by Russian missile", CNN News, available at <https://www.bbc.com/news/av/world-europe-60579847> last visited on 01/03/2022

¹⁰ 'March 23, 2022 Russia ukraine news', CNN World, available at https://edition.cnn.com/europe/live-news/ukraine-russia-putin-news-03-23-22/h_f233398bc84b1046828479a76628609c last visited on 24/03/2022

have been clearly identified as in-use by civilians.¹¹ All these actions will be considered crime as per laws of war.

V. LAWS OF HUMAN RIGHTS

Human rights are rights which are available to humans only for the fact that one is a Human, being a citizen of a country or belonging to a particular racial group has nothing to do with one's Human Rights. Infact, this right is provided to Human race. These rights are universal, it has nothing to do with a country's internal laws, every human is entitled to these rights no matter which land they are at and these rights do not differ from one country to another. These rights are also said to be fundamental as these rights can not be denied or removed by anybody. There are various types of rights like Civil rights, Criminal rights, Political Rights, all these rights are inter connected and co-related. All these rights are important, for example; if people are given the political right of freedom to go eat at any restaurant but the freedom is subject to lack of economic rights i.e. one needs money in order to go eat at any restaurant. So, this means we do need economic rights along with political rights and this concludes rights are inter connected. Therefore, Human Rights are indivisible; no matter what rights one is entitled to, the right will not be able to protect the interest that the right is entitled to if it is not accompanied with Human Rights. These are basic rights and are absolute, Human Rights are important to live a dignified life. One can just survive without Human Rights, but can not live life.

(A) History and Evolution of Human Rights

Talking of history and evolution of Human Rights, it was first introduced in Magna Carta by King John in England in 1215. In 1689, the Bill of Rights limited the rights of the king and gave rights to the parliament. Rights under these two documents gave rights to parliamentarians and Ministers, and not to humans in general. The US Declaration of Independence in the year 1776 changed this very thing and talked about Right to life, Liberty and pursuit of happiness. The Declaration also said these rights should be given to every Human. Similarly, French declaration came in after the French revolution that talked of life, liberty and Fraternity. Congres of Vienna came in 1815 with an attempt to abolish slave trade, International labour office was established in 1901 which later becomes specialized agency of United Nations, Hague convention in 1907 to regulate conduct of war. 1948 is considered a breaking point, a watershed moment in the history of Human Rights. The UN general assembly passed a historic document of 'Universal Declaration of Human Rights' on 10th of December, 10th of December

¹¹ 'Russia's attack on civilians target obliterated everyday life in Ukraine', The New York Times, available at <https://www.nytimes.com/interactive/2022/03/23/world/europe/ukraine-civilian-attacks.html> last visited on 25/03/2022

is still celebrated as Human Rights Day. This Declaration was signed in Paris, France and talks about 30 rights in its 30 articles¹². Since this Declaration was not legal, it was not legally binding on states. Therefore, two major International conventions were made.

1. International Covenant on Civil and political Rights
2. International Covenant on economic, Social and cultural rights.

These conventions were made so as to make laws of Human rights legally binding. These two conventions along with the Universal Declaration of Human Rights are jointly called the International Bill of Rights. International Bodies that govern Human Rights are;

- United Nations on Human Rights (UNHCR) established in 1946
- Office of High Commissioner for Human Rights (OHCHR)- It is a department of the UN secretariat. It was established by the world conference on Human Rights in 1993
- The United Nations Human Rights Council (UNHRC)- It was established by the UN general Assembly in 2006.

Talking about Human Rights violation during Russia's attack on Ukraine, Russia has been using various munitions and Russian forces have been using explosive weapons affecting populated areas and creating risks for civilians. According to Human Rights Watch on 24th March, 2022¹³ Russian authorities have arbitrarily detained, harassed, raided critics of war, Russians who are peacefully protesting against war and they are labeled "national traitors" by the president himself and other high level authorities.¹⁴

VI. LAWS OF OCCUPATION

Occupation is the state of occupying another state, occupying here means gaining control over a state. Being occupied can be understood as being under control of a hostile force. Article 42 of the 1907 Hague Regulations (HR) defines the term 'Occupation'. The duty to identify whether an occupation is legal or not lies with the UN Charter and as soon as such a situation arises in any state, the law of occupation comes into picture.¹⁵ No matter what intention is behind an occupation, what is the occupation called, etc. but what matters is Humanitarian concerns in an

¹² 'International Human Rights Law, a short History' United Nations, available at <https://www.un.org/en/chronicle/article/international-human-rights-law-short-history> Last visited on 18/03/2022

¹³ 'March 24, 2022 Russia Ukraine news', CNN world, available at https://edition.cnn.com/europe/live-news/ukraine-russia-putin-news-03-24-22/h_f6e7a5aa36c0ca373198555d605a39e1 last visited on 24/03/2022

¹⁴ 'World Report 2022', Human Rights Watch, available at <https://www.hrw.org/world-report/2022/country-chapters/ukraine> last visited on 23/03/2022

¹⁵ "Occupation and international humanitarian law: questions and answers", available at <https://www.icrc.org/en/doc/resources/documents/misc/634kfc.htm> Last seen on 1 April, 2022

Occupation and applicability of the same is determined depending on it. If we talk about applicability of Law of Occupation, the question arises 'When is it that the law of occupation start to apply?', The answer to this would be it starts to apply as soon as there is an effective control over a state by an occupant irrespective of the fact whether or not there has been any kind of armed attacks and counter attacks. This leads us to understand applicability in two different ways, first one being Law of occupation applies as soon as there is use of some force or authority over a certain territory other than their own, this ideology would bind Russia under the law of Occupation already on the first day of Invasion of Ukraine as this ideology talks about same. The other approach is a more widely adopted one, this one is a more restrictive one and says a situation can be called Occupation only if one party is in a position to have a control over the state or territory getting occupied. There are restrictions on the occupier and one such restriction is that an occupier can not control over a private property. In case of public property, an occupier can confiscate any movable property for the use of military operations but the occupier can not take control over immovable public property. Having said that, occupier authority can make use of public property including natural resources only by ensuring no exploitation on the properties. The occupants can use food and medical supplies only for the forces inside the territory should the needs of the civilian population of the occupied territory be fulfilled. All these powers and restrictions are given under Fourth Geneva Convention and Hague Regulations. Talking about the end of Occupation, it is generally understood that an occupation has come to an end once the Occupier has withdrawn its forces, but there also is a different approach to this. Another approach says the situation of Occupation has come to an end once the foreign army or the occupier army have given back the authority to the local government even if they have not left the territory yet should the local authority be ok with the foreign army staying in its territory. But once the army turns hostile again, the law of occupation starts to apply. Having all these said, the rights of Prisoners of war and internees are not to be forgotten during and after Occupation. Each one under custody is to be treated as per international Humanitarian law during and after the occupation. Besides, prisoners of war and those covered under 3rd Geneva Convention are protected under the protection, civilians are protected under 4th Geneva Convention.

According to the first approach that we talked about, there has been a situation of Occupation in Ukraine on the very first day that Russia started an Invasion. And the fact that Humanitarian laws have been violated as there have been attacks on schools, hospitals and civilians have been killed makes the law of occupation applicable in the Russia Ukraine hostility. As a result of this occupation Refugee crisis has begun in Ukraine. Besides, this refugee crisis has not

happened since World war II and the pace of the crisis in Ukraine has shifted very quickly. In 2015, the refugee crisis when Syrians and afghans were fleeing into Europe, it took 3 months to reach one million mark but this time it only took one week to reach one million mark. In this conflict, the level of violence perpetrated by the Russian military as a part of Invasion hiked very quickly and it has surprised everyone.

VII. RUSSIA UKRAINE CONFLICT; AN ANALYSIS

It has already been a month to Russia's Invasion of Ukraine, both Russian and Ukrainian Soldiers are being killed, civilians are being killed, cities are bombarded and 1000s of Ukrainian are turning Refugees. The sanctions put on Russia, Peace protests in Russia and Peace talks between Russia and Ukraine have proved to be of no help to stop the invasion against Ukraine. With time, we have all started to think, nothing new is happening in Ukraine but the fact is houses are fired, new cities are attacked and new people turn refugees once a war has started. If we look at numbers, the United Nations High Commission for Refugees (UNHCR) estimates around 35,00,000 people have had to flee Ukraine and around 65,00,000 people have got displaced in Ukraine itself which concludes that around one crore Ukrainians have had to leave their homes. And this number makes up 23% of Ukraine's total population.¹⁶ UNHCR has also verified casualties and the amount of destruction in areas such as schools, private places. According to UNHCR, at least 902 civilians have been killed as of March 19th, they have also claimed that the numbers must be high in reality and this is just the number of verified deaths. It is claimed that around 464 schools and kindergartens and 43 hospitals have been destroyed.¹⁷ One city that has been affected the most is MARIUPOL, it is one Ukrainian city that has been seeing continuous bombardment from the last three weeks. Attacks on civilian centers, shopping centers, hospitals, and residential areas are all under bombardment. Situation is vulnerable there and it is estimated that more than 2,300 people have been killed in this particular city. The French foreign Minister has even compared Mariupol with Aleppo, a city in Syria that got destroyed entirely in the Syria war.¹⁸ The city was bombarded so much that nothing was left in the city except for destroyed buildings and ashes. It is even said that Mariupol city will be counted in such cities in the history of world that was entirely destroyed

¹⁶ “News comment: Without international solidarity, Ukraine’s displacement crisis could turn into catastrophe”, UNHCR Asia Pacific, available at <https://www.unhcr.org/news/press/2022/3/623ce1e44/news-comment-international-solidarity-ukraines-displacement-crisis-turn.html> last visited on 26th March, 2022

¹⁷ “Six million children trapped in Ukraine face grave danger as attacks on schools and hospitals soar”, OCHA services, available at <https://reliefweb.int/report/ukraine/six-million-children-trapped-ukraine-face-grave-danger-attacks-schools-and-hospitals> last visited on 23rd March, 2022

¹⁸ “Amid Russia-Ukraine war, French FM says Mariupol is the new Aleppo”, Business standard, available at https://www.business-standard.com/article/international/amid-russia-ukraine-war-french-fm-says-mariupol-is-the-new-aleppo-122032800187_1.html last visited on 29th March, 2022

in a war. Journalists have started being hunt down by the Russian Soldiers, as according to an associate Journalist who is believed to be last international Journalist who was there in the city and they could flee with the help of Ukrainian Soldiers. Electricity, water and supply have already been cut off from the city, and moreover cell phones, radio towers have all been shut in the city. Ukrainian forces in Mariupol have even got ultimatum from Russian forces that they could be provided secret passage to Ukraine controlled areas if Ukrainians drop down their arms, which Ukrainian forces refused to. Attacks in Mariupol are backed by Russia's strategic importance. Mariupol is located on the coast of the Sea of Azov, to its right there are Russian occupied territories Donetsk and Luhansk and to its left there is Russian occupied Crimea and Kherson that Russia has recently occupied. And if Mariupol is occupied by Russia, an entire part can be cut off from Ukraine. From Crimea, Kemasan to Donetsk, Luhansk, the whole south eastern Ukraine can be under Russian occupation. Russia has been occupying and marching forward in Southern and eastern parts of Ukraine and also it has been trying to get into places of strategic importance, be it Kyiv, Ukrainian Capital in North, Maccarese, a suburb near Kyiv, and chuhui suburb near Kharkiv city. But Ukrainian army have been fighting dead against Russians trying to have occupation on these places. Western Ukraine has not been attacked and army has not reached Western Ukraine, but this fact does not make these places less vulnerable because the places that have not been seeing armed attacks have been seeing bombarding, all these places in the west have been continuously bombarded. And during such bombarding, there arises danger of other things too, like in Sumy, a northeastern Ukrainian city, where a chemical plant bore the effects of Russian Shelling. On 21st March, 2022 a tank full of poisonous ammonia gas was damaged and was spread through air across a radius of 2.5 km¹⁹. Even though it is said the effect has been controlled, this shows possibilities. There are more such incidents that show horrible possibilities of a war. And more countries have put sanctions on Russia, it in fact is the ²⁰most sanctioned country in the world. And also the situation in Russia itself is pathetic, Russians marching against war have been detained, fined and made shut one or this other way. It is even said that both Russia and Ukraine's foreign ministers are to have a face-to-face peace talk, it is the very first time after the war started that Russia and Ukraine are expected to meet physically and have a talk. In light of this very war, many countries have come forward and tried to contribute one or the other way, such as

¹⁹ “Ukrainian town told to shelter after ‘leak’ at ammonia plant”, Aljazeera available at <https://www.aljazeera.com/news/2022/3/21/ukrainians-told-to-shelter-after-leak-at-ammonia-plant> last seen on 23rd March, 2022

²⁰“ Russia, Ukraine Foreign Ministers To Meet In Turkey For Peace Talks Today”, NDTV, available at <https://www.ndtv.com/world-news/russia-ukraine-foreign-ministers-to-meet-in-turkey-for-peace-talks-today-2813939> last visited on 20th March, 2022

Switzerland, a country that is historically neutral, has come forward and put sanctions against Russia. Similarly, Turkey came forward to make sure these two countries have a peace talk, and the Turkish President even said that it is the two countries that can put this to an end and the world is looking up to them. As we talk about peace negotiations, there is somebody who does not want it to happen because as per reports, the Ukrainian peace negotiators and Russian Billionaire suffered from suspected poisoning²¹, the question that arises here is who is the one who does not want peace negotiations, and who was it to poison them? Besides, both the parties seem to be open to some compromise, Zelensky has said Ukraine will be a neutral nation and a non-nuclear country, it will neither bring in any weapons nor join NATO for that matter while Russia has also reportedly said it is open to some compromise, Russia would let Ukraine join EU as long as Ukraine does not join NATO. Meanwhile, Putin does not seem to agree on compromise at all. Here, the question arises of the states occupied by Russia, what will their status be, will they belong to Russia or to Ukraine or will they be declared independent? As per reports, Russia might just divide Ukraine like North Korea and South Korea, like India was divided by the British into India and Pakistan, by divide we mean the southeastern Ukraine from Crimea to all such separatists areas might just be independent. Looking at how Russia has been acting, Russia seems to be barbaric. Be anything a reason, no country should ever exploit a weaker country or even make it forcefully agree on things. Ukraine is a sovereign country, it has full rights to think about itself, which organization to join, what to do and what not to. Russia rather should have no say in it, Russia's ruthless actions seem to be very unpleasant to Ukraine and the world in general. If this is the case and it continues this way, there are many other weak countries located between or near powerful nations who can just any day exploit and invade them.

VIII. CONCLUSION

Russia has invaded Ukraine and many are calling this a legal war of aggression. The Russian invasion of Ukraine has horrified people all around the world, almost every nation has condemned the invasion. Many call it a legal war. Even traditionally neutral countries like Switzerland and Sweden have joined in Economic sanctions against Russia and the Secretary General of United Nations mentioned that Russia's Invasion of Ukraine has violated the International Law. Antonio Guterres -" It is wrong. It is against the (United Nations) charter. It is unacceptable" . The United Nations Charter which has been formed by 196 member countries

²¹ "Russian billionaire Abramovich, Ukrainian peace negotiators hit by suspected poisoning", Economic Times <https://economictimes.indiatimes.com/news/international/world-news/russian-billionaire-abramovich-ukrainian-peace-negotiators-hit-by-suspected-poisoning/articleshow/90502532.cms> last viewed on 29th March, 2022

says that countries should not invade each other but the question that arises is 'who is entitled to enforce International Law and make sure there is no Invasion?' All member countries are obligated under the UN Charter to carry out the security council's decision. All of the world is remarkably united about Russia's war against Ukraine, it will still be difficult for the Security council to take direct action against Russia. Most Security Council decisions require a majority of the nine members plus consent of all five permanent member states. Russia, a permanent member vetoed a Council resolution condemning its attack on Ukraine. China, India and UAE abstained from that vote. But as long as Russia is a member of the UN Security Council, no resolution is going to pass. Besides, there is a different argument to this, many say Russia is not in fact a member of the UN Security Council because the original member of the Council was the Soviet Union and it has collapsed. The United Nations was formed after devastation caused by the two world wars and it prohibits use of force to resolve disputes among states. It was proposed initially by the UN Security council that all member countries should make their army available to the council for it to use it to stop wars but that never happened. As a result, when the council needs peacekeeping force, willing states volunteer their personale. Putin tried to take advantage of this exception by declaring that Russian forces were a peacekeeping force, USA suggested that it should invade Mexico with a fake peacekeeping force too. But this is not peacekeeping. Russia rather claims Ukraine is the aggressor here, but even after the invasion of Crimea, Ukraine did not invade or really even threaten Russia. The war against Ukraine is illegal under International law but the principle that "a war is illegal " can only be true as long as the international community is willing to intervene in the conflict and enforce it. Geneva conventions govern how civilians, prisoners of war are to be treated and it prohibits torturing and targeting civilian. But these rules only talk about situations during war and do not talk about legality of a war. And lastly, talking about the International Criminal Court (ICC), an independent judicial body, it is empowered to prosecute war crimes, crimes against humanity, etc. There are 123 member countries over which ICC has authority to investigate crimes committed by them or by any state on them, ICC has no power over countries who are not members to it. Neither Russia nor Ukraine is a member of ICC and ICC has no power to prosecute Russia for war crimes or crimes of aggression. But in 2014 when Russia annexed Ukraine's Crimea, Ukraine submitted a declaration giving authority to ICC for crimes committed any time on its property. So, Ukraine can ask the ICC to open a full investigation into Russia's actions.
