

## STATE DIPLOMATIC AND CONSULAR RELATIONS

*Russian Invasion of Ukraine Draws Widespread—but Not Universal—Condemnation*

doi:10.1017/ajil.2022.27

As the Russian invasion of Ukraine unfolded, many countries condemned Russia's actions as unlawful violations of Ukraine's sovereignty and of the UN Charter's prohibition on the use of force. After Russia used its veto to block UN Security Council action on the crisis, countries invoked the Uniting for Peace resolution process to turn to the UN General Assembly. The General Assembly passed a resolution by overwhelming vote condemning Russia's aggression against Ukraine and later suspended Russia's membership in the UN Human Rights Council (HRC). The Security Council's paralysis, however, has prompted pointed questions, including from Ukrainian President Volodymyr Zelensky, about the United Nations' long-term efficacy.

Russian President Vladimir Putin's announcement on February 21 that Russia would recognize the independence of the Donetsk and Luhansk regions of Ukraine prompted the start of a cascade of condemnations of Russia for violating international law.<sup>1</sup> UN Secretary-General António Guterres denounced the Donetsk and Luhansk announcement as "a violation of the territorial integrity and sovereignty of Ukraine and inconsistent with the principles of the Charter of the United Nations."<sup>2</sup> At an emergency UN Security Council meeting, convened at Ukraine's request on February 21, the Ukrainian representative decried Russia's "illegal and illegitimate decision . . . to recognize the occupied parts of the Donetsk and Luhansk regions of Ukraine as the so-called Donetsk and Luhansk People's Republics," and argued that "the entire membership of the United Nations is under attack . . . by the country that occupied the membership of the Security Council in 1991 bypassing the Charter of the United Nations; the country that occupied the parts of the territory of Georgia in 2008; and the country that occupied parts of Ukraine in 2014."<sup>3</sup> In response, the Russian ambassador, who chaired the meeting because Russia held the rotating presidency of the Council, called Kyiv "bellicose," and accused Ukraine of shelling civilians in the Donbas region.<sup>4</sup>

On the evening of February 23, the Security Council convened another emergency session.<sup>5</sup> In his opening statement, Secretary-General Guterres called for peace, urging: "[I]f indeed an operation is being prepared, I have only one thing to say from the bottom of my heart: President Putin, stop your troops from attacking Ukraine. Give peace a chance. Too many people have already died."<sup>6</sup> Although the meeting was styled as an "eleventh-hour

<sup>1</sup> Kristen E. Eichensehr, *Contemporary Practices of the United States*, 117 AJIL 595, 603–04 (2022).

<sup>2</sup> UN Press Release, Secretary-General Considers Russian Federation's Decision on Status of Donetsk, Luhansk to Violate Ukraine's Sovereignty, Territorial Integrity, UN Press Release SG/SM/21149 (Feb. 21, 2022), at <https://www.un.org/press/en/2022/sgsm21149.doc.htm>.

<sup>3</sup> UN SCOR, 77th Sess., 8970th mtg., at 13, UN Doc. S/PV.8970 (Feb. 21, 2022). Ukraine and Germany were invited to participate in the meeting despite not holding seats on the Council. *Id.* at 2.

<sup>4</sup> *Id.* at 11–12.

<sup>5</sup> UN SCOR, 77th Sess., 8974th mtg., UN Doc. S/PV.8974 (Feb. 23, 2022).

<sup>6</sup> *Id.* at 2.

effort to avoid full-scale conflict,”<sup>7</sup> news broke during the meeting that Putin had announced a “special military operation” in Ukraine.<sup>8</sup> Ukraine’s ambassador told the Council, “As I was on my way here about an hour ago, my intention was to ask the Russian Ambassador to confirm, on the record, that the Russian troops would not start firing on Ukrainians today or go ahead with the offensive. That became useless 48 minutes ago because . . . his President declared war on Ukraine.”<sup>9</sup>

Many Council members sharply condemned Russia’s actions.<sup>10</sup> U.S. Ambassador to the UN Linda Thomas-Greenfield stated, “Russia literally violated Ukraine’s sovereignty and territorial integrity on live television before the world. . . . Russia’s attack on Ukraine is tantamount to an attack on the United Nations and every Member State in the Chamber tonight.”<sup>11</sup> She further argued that “Putin delivered a message of war, in total disdain for the responsibility of the Council,” and urged the Council to act in response to the “grave emergency.”<sup>12</sup> Others of the permanent five (P-5) members of the Security Council offered similar rebukes. The UK ambassador denounced “Russia’s actions . . . [as] an assault on the Charter.”<sup>13</sup> The French representative argued,

Russia has opted for war. France condemns in the strongest terms the start of those operations. Those decisions, announced precisely during this Security Council meeting, show the contempt Russia has for international law and the United Nations. Russia must be held accountable before the Security Council.<sup>14</sup>

Other Council members joined in the condemnations. The Albanian representative noted, “This is a confrontation between Russia and international law and the Charter of the United Nations” and called it “a dark hour not only for Ukraine, but for the entire international community, as we witness . . . a pure act of aggression.”<sup>15</sup> The Norwegian representative called Russia’s actions “unjustified, unprovoked and irresponsible,”<sup>16</sup> and the Mexican representative said, “we cannot accept the invasion of one country by another, as it is contrary to international law.”<sup>17</sup> The Brazilian representative called “[t]he threat or use of force against the territorial integrity, sovereignty and political independence of a State Member of the United Nations . . . unacceptable,” and urged the Security Council to “act according to its main purpose as holder of the primary responsibility under the Charter of the United Nations for the maintenance of international peace and security.”<sup>18</sup> The representative from Gabon “reject[ed] this attack on the fundamental principles of the Charter of the

<sup>7</sup> UN Press Release, Security Council, Russian Federation Announces “Special Military Operation” in Ukraine as Security Council Meets in Eleventh-Hour Effort to Avoid Full-Scale Conflict, UN Press Release SC/14803 (Feb. 23, 2022), at <https://www.un.org/press/en/2022/sc14803.doc.htm> (capitalization omitted).

<sup>8</sup> UN SCOR, *supra* note 5, at 12–15.

<sup>9</sup> *Id.* at 13.

<sup>10</sup> For the full text and record of all of the countries that spoke at the meeting, see UN SCOR, *supra* note 5.

<sup>11</sup> *Id.* at 4.

<sup>12</sup> *Id.* at 14.

<sup>13</sup> *Id.* at 5.

<sup>14</sup> *Id.* at 15.

<sup>15</sup> *Id.* at 3.

<sup>16</sup> *Id.* at 7.

<sup>17</sup> *Id.* at 11.

<sup>18</sup> *Id.* at 8.

United Nations,” and urged the “international community” to “focus[] its attention, with the same commitment and fervour, on all situations in all regions of the world where the security and dignity of peoples are under threat.”<sup>19</sup>

Notably, several states did not join in the condemnations, instead couching their remarks in language focused on peace and de-escalation. The Chinese representative noted China’s “consistent” position on “safeguarding the sovereignty and territorial integrity of all States,” and expressed “hope that all parties concerned will remain coolheaded and rational and commit themselves to enhancing dialogue and consultation to resolve the relevant issues properly through negotiations and address each other’s legitimate security concerns, in line with the principles of the Charter of the United Nations.”<sup>20</sup> Similarly, the representative of the United Arab Emirates (UAE) “stress[ed] the importance of adhering to the principles of international law and the Charter of the United Nations, particularly in settling international disputes through peaceful means and respecting the sovereignty, independence, unity and territorial integrity of States,” and “reiterate[d] the importance of de-escalation, constructive dialogue and continued efforts to reach peaceful solutions that are consistent with international law and the Charter of the United Nations.”<sup>21</sup>

The Russian representative defended Russia’s actions, stating:

[T]he occupation of Ukraine is not part of our plans. The purpose of the special operation is to protect people who have been subjected to abuse and genocide by the Kyiv regime for eight years. To that end, we will work towards the demilitarization and denazification of Ukraine and bring to justice the perpetrators of numerous bloody crimes against civilians, including citizens of the Russian Federation.

That decision was made in accordance with Article 51 of the Charter . . . of the United Nations, the approval of the Federation Council of the Russian Federation and pursuant to the Treaty of Friendship and Mutual Assistance signed with the Donetsk and Luhansk People’s Republics.<sup>22</sup>

Russia also filed an Article 51 letter with the Security Council, claiming that Russia acted in self-defense and attaching Putin’s speech announcing the “special military operation” in Ukraine.<sup>23</sup> Among other claims in the speech, Putin pointed to Russia’s need to counter NATO’s expansion, arguing “the militarization of the territories adjacent to our borders, if we allow this, will remain for decades to come, perhaps forever, and will pose an ever-growing, totally unacceptable threat to Russia.”<sup>24</sup> Calling Ukraine “our own historical territories,” Putin argued that the “policy of containment of Russia . . . is ultimately a matter of life and death, the question of our historical future as a people.”<sup>25</sup> Putin claimed that the so-called

<sup>19</sup> *Id.* at 10.

<sup>20</sup> *Id.* at 7–8.

<sup>21</sup> *Id.* at 7.

<sup>22</sup> *Id.* at 12.

<sup>23</sup> Permanent Representative of the Russian Federation, Letter Dated 24 February 2022 from the Permanent Representative of the Russian Federation to the United Nations Addressed to the Secretary-General, UN Doc. S/2022/154 (Feb. 24, 2022).

<sup>24</sup> Annex to the Letter Dated 24 February 2022 from the Permanent Representative of the Russian Federation to the United Nations Addressed to the Secretary-General, at 5, UN Doc. S/2022/154 (Feb. 24, 2022).

<sup>25</sup> *Id.*

Donetsk and Luhansk People's Republics "appealed to Russia for help," and that "in accordance with Article 51" of the UN Charter, he "decided to conduct a special military operation with the approval of the Federation Council of Russia and pursuant to the treaties on friendship and mutual assistance with the Donetsk People's Republic and the Lu[h]ansk People's Republic, as ratified by the [Russian] Federal Assembly on 22 February."<sup>26</sup>

As the opening stages of the invasion unfolded on the night of February 23 on the U.S. East Coast and the morning of February 24 in Kyiv, governments across the world condemned Russia's violations of international law. U.S. President Joseph R. Biden, Jr. said:

The prayers of the entire world are with the people of Ukraine tonight as they suffer an unprovoked and unjustified attack by Russian military forces. President Putin has chosen a premeditated war that will bring a catastrophic loss of life and human suffering. Russia alone is responsible for the death and destruction this attack will bring, and the United States and its Allies and partners will respond in a united and decisive way. The world will hold Russia accountable.<sup>27</sup>

In a televised address on February 24, UK Prime Minister Boris Johnson declared that Putin "has attacked a friendly country without any provocation and without any credible excuse."<sup>28</sup> The French Minister for Europe and Foreign Affairs called Russia's invasion "a brutal violation of international law" and noted that "France condemns in the strongest terms the military invasion of Ukraine launched by Russia overnight," as well as "the use of Belarusian territory authorized by the Lukashenko regime to carry out this aggression against a sovereign country."<sup>29</sup> German Chancellor Olaf Scholz similarly called the Russian invasion "a blatant violation of international law," and promised to coordinate with the G-7, NATO, and EU.<sup>30</sup> The invasion prompted a personal visit by Pope Francis to Russia's ambassador in Rome to express concerns about the war—a "departure from diplomatic protocol," whereby ambassadors are typically summoned to the Vatican, that is "unprecedented in living memory."<sup>31</sup>

<sup>26</sup> *Id.* at 6.

<sup>27</sup> White House Press Release, Statement by President Biden on Russia's Unprovoked and Unjustified Attack on Ukraine (Feb. 23, 2022), at <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/23/statement-by-president-biden-on-russias-unprovoked-and-unjustified-attack-on-ukraine> [<https://perma.cc/QT5E-8LQZ>].

<sup>28</sup> UK Gov. Off. Press Release, Prime Minister's Address to the Nation on the Russian Invasion of Ukraine: 24 February 2022 (Feb. 24, 2022), at <https://www.gov.uk/government/speeches/prime-ministers-address-to-the-nation-on-the-russian-invasion-of-ukraine-24-february-2022>.

<sup>29</sup> French Ministry of Europe and Foreign Affairs Press Release, Statement by M. Jean-Yves Le Drian, Minister for Europe and Foreign Affairs Ukraine (Feb. 24, 2022), at <https://www.diplomatie.gouv.fr/en/country-files/ukraine/news/article/statement-by-m-jean-yves-le-drian-minister-for-europe-and-foreign-affairs>.

<sup>30</sup> Bundeskanzler Olaf Scholz (@Bundeskanzler), TWITTER (Feb. 24, 2022, 1:17 AM), at <https://twitter.com/Bundeskanzler/status/1496730907704799233>; Bundeskanzler Olaf Scholz (@Bundeskanzler), TWITTER (Feb. 24, 2022, 1:17 AM), at [https://twitter.com/Bundeskanzler/status/1496730909021777923?s=20&ct=6mZn9vguX9xhn0\\_4RIH\\_pA](https://twitter.com/Bundeskanzler/status/1496730909021777923?s=20&ct=6mZn9vguX9xhn0_4RIH_pA).

<sup>31</sup> Philip Pulella, *Departing from Protocol, Pope Goes to Russian Embassy Over Ukraine*, REUTERS (Feb. 25, 2022), at <https://www.reuters.com/world/pope-went-russian-embassy-express-concern-over-war-moscow-envoy-2022-02-25>. For compilations of state reactions, see Scott Anderson, et al., *The World Reacts to Russia's Invasion of Ukraine*, LAWFARE (Feb. 24, 2022), at <https://www.lawfareblog.com/world-reacts-russias-invasion-ukraine>; Alonso Gurmendi, *Tracking State Reactions to Russia's Invasion of Ukraine: A Resource for Research*, OPINIO JURIS (Mar. 4, 2022), available at <http://opiniojuris.org/wp-content/uploads/State-Reactions-to-Russian-Invasion-of-Ukraine.pdf> (reporting that 72.6% of states called Russia's invasion "aggression").

A number of international bodies also issued statements condemning the invasion. On February 24, the leaders of the G7 released a statement denouncing Russia's "military aggression . . . against the territorial integrity, sovereignty and independence of Ukraine, directed partly from Belarusian soil," and noting that "[t]his unprovoked and completely unjustified attack . . . was preceded by fabricated claims and unfounded allegations" and "constitutes a serious violation of international law and a grave breach of the United Nations Charter."<sup>32</sup> After an emergency meeting on February 25, NATO released a statement declaring:

Russia bears full responsibility for this conflict. It has rejected the path of diplomacy and dialogue repeatedly offered to it by NATO and Allies. It has fundamentally violated international law, including the UN Charter. Russia's actions are also a flagrant rejection of the principles enshrined in the NATO-Russia Founding Act: it is Russia that has walked away from its commitments under the Act.<sup>33</sup>

The Organization of American States also published a declaration signed by twenty-three of its thirty-five member states that "[s]trongly condemn[ed] the unlawful, unjustified, and unprovoked invasion of Ukraine by the Russian Federation and call[ed] for the immediate withdrawal of the military presence and the cessation of any further military actions in that country."<sup>34</sup>

As in the UN Security Council, some countries maintained a more neutral position. In a press conference on February 24, China's Foreign Ministry spokesperson said, "[t]he legitimate security concerns of all sides should be respected and resolved. We hope all sides will keep the door to peace open and continue to work for deescalation through dialogue, consultation and negotiation and prevent further escalation."<sup>35</sup> Afghanistan, India, and Nigeria, among others, also released more neutral statements without singling out either side of the conflict.<sup>36</sup>

A few countries appeared to side with Russia. Iran's Minister of Foreign Affairs Hossein Amirabdollahian stated on Twitter, "The #Ukraine crisis is rooted in NATO's provocations. We don't believe that resorting to war is a solution. Imperative to establish ceasefire & to find a political and democratic resolution."<sup>37</sup> Venezuela's foreign affairs ministry similarly blamed NATO for the crisis.<sup>38</sup>

<sup>32</sup> G7 Press Release, G7 Leaders' Statement on the Invasion of Ukraine by Armed Forces of the Russian Federation (Feb. 24, 2022), at <https://www.consilium.europa.eu/en/press/press-releases/2022/02/24/g7-leaders-statement-on-the-invasion-of-ukraine-by-armed-forces-of-the-russian-federation>.

<sup>33</sup> North Atlantic Treaty Organization Press Release, Statement by NATO Heads of State and Government on Russia's Attack on Ukraine (Feb. 25, 2022), at [https://www.nato.int/cps/en/natohq/official\\_texts\\_192489.htm](https://www.nato.int/cps/en/natohq/official_texts_192489.htm).

<sup>34</sup> U.S. Mission to the Organization of American States Press Release, OAS Member States Condemn Russian Attack on Ukraine (Feb. 25, 2022), at <https://usoas.usmission.gov/oas-member-states-condemn-russian-attack-on-ukraine> [<https://perma.cc/HMA2-EVNA>]; see also Org. of Am. States, *Member States*, at [https://www.oas.org/en/member\\_states/default.asp](https://www.oas.org/en/member_states/default.asp).

<sup>35</sup> Embassy of the People's Republic of China in the United States of America Press Release, Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference on February 24, 2022 (Feb. 24, 2022), at [http://www.china-embassy.org/eng//fyrth/202202/t20220224\\_10645282.htm](http://www.china-embassy.org/eng//fyrth/202202/t20220224_10645282.htm).

<sup>36</sup> See Anderson, et al., *supra* note 31.

<sup>37</sup> H. Amirabdollahian @Amirabdollahian, TWITTER (Feb. 24, 2022, 5:19 AM), at <https://twitter.com/Amirabdollahian/status/1496791844210065410>.

<sup>38</sup> See Anderson, et al., *supra* note 31 (quoting Venezuelan government statement).

Russia's status as one of the veto-wielding, P-5 members of the UN Security Council has prevented the Council from acting to address the crisis. Eighty-two countries submitted a draft Security Council resolution that, among other things, would have condemned Russian aggression against Ukraine, called for an immediate cessation of hostilities and Russian withdrawal from Ukraine, and condemned Russia's recognition of the independence of regions of Ukraine.<sup>39</sup> When put to a vote on February 25, eleven countries voted in favor; India, China, and the UAE abstained; and as expected, Russia exercised its veto.<sup>40</sup> Denunciations of Russia from participating countries were once again sharp and nearly unanimous. For example, the Kenyan ambassador argued:

If the United Nations Charter could speak for itself, it would vote for the draft resolution in order to affirm its central role in safeguarding our collective peace. It would remind all members of the Security Council and the United Nations that the Charter contains the tools for the pacific settlement of their disputes . . . . By failing to adopt the draft resolution, we deeply regret that the Security Council has failed to stop the infringement of the sovereignty of a member of the United Nations.<sup>41</sup>

Even India, which abstained, issued what appeared to be veiled criticism of Russia. India's representative emphasized that "[t]he contemporary global order was built upon the Charter of the United Nations, international law and respect for the sovereignty and territorial integrity of States," and called it "regrettable that the path of diplomacy was given up."<sup>42</sup> China, however, was less critical of Russia. China's representative argued:

[R]egional security cannot be secured through the strengthening or expansion of military blocs. Against the backdrop of five successive rounds of NATO expansion, Russia's legitimate security aspirations should receive attention and be addressed properly. Ukraine should become a bridge between the East and the West, not an outpost for confrontation between major powers. We strongly call on all parties concerned to exercise maximum restraint, ease tensions and avoid civilian casualties.<sup>43</sup>

In an effort to work around Russia's veto in the Security Council, countries turned to an emergency session of the UN General Assembly, convened pursuant to the Uniting for Peace resolution. The resolution was adopted in 1950 in response to Russia's use of its veto to prevent Security Council action with respect to the Korean war.<sup>44</sup> It provides that:

[I]f the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective

<sup>39</sup> SC Res. 155 (Feb. 25, 2022) (draft res.).

<sup>40</sup> UN SCOR, 77th Sess., 8979th mtg., at 6, UN Doc. S/PV.8979 (Feb. 25, 2022).

<sup>41</sup> *Id.* at 11.

<sup>42</sup> *Id.* at 7.

<sup>43</sup> *Id.* at 12.

<sup>44</sup> Christian Tomuschat, Introductory Note, *Uniting for Peace: General Assembly Resolution 377(V)*, UN AUDIOVISUAL LIBRARY OF INTERNATIONAL LAW (2008), at <https://legal.un.org/avl/ha/ufp/ufp.html>.

measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations.<sup>45</sup>

In light of Russia's veto of the Ukraine resolution on February 25 and pursuant to the process specified in the Uniting for Peace Resolution, the UN Security Council on February 27 adopted a resolution calling an emergency special session of the General Assembly about the Ukraine crisis.<sup>46</sup> In the Security Council, eleven countries voted in favor of the resolution, three countries (China, India, and the UAE) abstained, and Russia voted against.<sup>47</sup> Russia could not veto the resolution because "referral to the General Assembly is considered to constitute a procedural determination and hence [is] not subject to such blocking power."<sup>48</sup>

From February 28 to March 2, the General Assembly met in an emergency special session with more than one hundred states addressing the assembly.<sup>49</sup> On March 2, the General Assembly adopted a resolution condemning Russia's actions by a vote of 141 in favor and five votes against,<sup>50</sup> with thirty-five abstentions.<sup>51</sup> The resolution, titled "Aggression against Ukraine," provides, in relevant part, that the General Assembly:

1. *Reaffirms its commitment* to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders, extending to its territorial waters;
2. *Deplores in the strongest terms* the aggression by the Russian Federation against Ukraine in violation of Article 2(4) of the Charter;

<sup>45</sup> GA Res. 377(V), para. 1 (1950).

<sup>46</sup> SC Res. 2623 (Feb. 27, 2022).

<sup>47</sup> UN SCOR, 77th Sess., 8980th mtg., at 2, UN Doc. S/PV.8980 (Feb. 27, 2022).

<sup>48</sup> Tomuschat, *supra* note 44.

<sup>49</sup> *General Assembly Holds Emergency Special Session on Ukraine*, UN NEWS (Feb. 28, 2022), at <https://news.un.org/en/story/2022/02/1112912>; UN General Assembly, Eleventh Emergency Special Session, at <https://www.un.org/en/ga/sessions/emergency11th.shtml>.

<sup>50</sup> Russia, Belarus, North Korea, Syria, and Eritrea voted against the resolution. *General Assembly Resolution Demands End to Russian Offensive in Ukraine*, UN NEWS (Mar. 2, 2022), at <https://news.un.org/en/story/2022/03/1113152>; Aggression Against Ukraine: Resolution, UN Digital Library (Mar. 2, 2022), at <https://digitallibrary.un.org/record/3959039>.

<sup>51</sup> Algeria, Angola, Armenia, Bangladesh, Bolivia, Burundi, Central African Republic, China, Congo, Cuba, El Salvador, Equatorial Guinea, India, Iran, Iraq, Kazakhstan, Kyrgyzstan, Laos, Madagascar, Mali, Mongolia, Mozambique, Namibia, Nicaragua, Pakistan, Senegal, South Africa, South Sudan, Sri Lanka, Sudan, Tajikistan, Tanzania, Uganda, Vietnam, and Zimbabwe abstained. Aggression Against Ukraine: Resolution, *supra* note 50. A number of these countries and others have worked hard to avoid condemning and angering Russia. See Ian Prasad Philbrick, *The "Messy Middle"*, N.Y. TIMES (Apr. 18, 2022), at <https://www.nytimes.com/2022/04/18/briefing/russian-invasion-response-world-sanctions.html>. African countries, in particular, divided over the resolution. See, e.g., Abraham White & Leo Holtz, *Figure of the Week: African Countries' Votes on the UN Resolution Condemning Russia's Invasion of Ukraine*, BROOKINGS (Mar. 9, 2022), at <https://www.brookings.edu/blog/africa-in-focus/2022/03/09/figure-of-the-week-african-countries-votes-on-the-un-resolution-condemning-russias-invasion-of-ukraine> ("28 out of the 54 African countries (just over 51 percent) represented in the U.N. voted in favor of the resolution . . . , a sharp contrast to the 81.29 percent of non-African countries that voted in favor of the resolution.").

3. *Demands* that the Russian Federation immediately cease its use of force against Ukraine and to refrain from any further unlawful threat or use of force against any Member State;
4. *Also demands* that the Russian Federation immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders;
5. *Deplores* the 21 February 2022 decision by the Russian Federation related to the status of certain areas of the Donetsk and Luhansk regions of Ukraine as a violation of the territorial integrity and sovereignty of Ukraine and inconsistent with the principles of the Charter;
6. *Demands* that the Russian Federation immediately and unconditionally reverse the decision related to the status of certain areas of the Donetsk and Luhansk regions of Ukraine;
7. *Calls upon* the Russian Federation to abide by the principles set forth in the Charter and the Declaration on Friendly Relations;
8. *Calls upon* the parties to abide by the Minsk agreements and to work constructively in relevant international frameworks, including in the Normandy format and Trilateral Contact Group, towards their full implementation;
9. *Demands* all parties to allow safe and unfettered passage to destinations outside of Ukraine and to facilitate the rapid, safe and unhindered access to humanitarian assistance for those in need in Ukraine, to protect civilians, including humanitarian personnel and persons in vulnerable situations, including women, older persons, persons with disabilities, indigenous peoples, migrants and children, and to respect human rights;
10. *Deplores* the involvement of Belarus in this unlawful use of force against Ukraine, and calls upon it to abide by its international obligations;
11. *Condemns* all violations of international humanitarian law and violations and abuses of human rights, and calls upon all parties to respect strictly the relevant provisions of international humanitarian law, including the Geneva Conventions of 1949 and Additional Protocol I thereto of 1977, as applicable, and to respect international human rights law, and in this regard further demands that all parties ensure respect for and the protection of all medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities;
12. *Demands* that all parties fully comply with their obligations under international humanitarian law to spare the civilian population, and civilian objects, refraining from attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population, and respecting and protecting humanitarian personnel and consignments used for humanitarian relief operations . . . <sup>52</sup>

Days later, the General Assembly also voted to suspend Russia from the HRC.<sup>53</sup> The 2006 General Assembly resolution that established the HRC provides that an HRC member that “commits gross and systematic violations of human rights” may be suspended from the

<sup>52</sup> GA Res. A/ES-11/L.1, Aggression Against Ukraine (Mar. 2, 2022) (footnotes omitted).

<sup>53</sup> Richard Roth, Kate Sullivan, Samantha Beech & Laura Ly, *UN Suspends Russia from Human Rights Council*, CNN (Apr. 7, 2022), at <https://www.cnn.com/2022/04/07/politics/un-russia-human-rights/index.html>.



Council by “a two-thirds majority of the [General Assembly] members present and voting.”<sup>54</sup> The United States led the push to suspend Russia’s membership,<sup>55</sup> with Ambassador Thomas-Greenfield arguing, “Russia should not have a position of authority in a body . . . whose very purpose . . . is to promote respect for human rights. Not only is it the height of hypocrisy—it is dangerous.”<sup>56</sup> In introducing the suspension resolution in the General Assembly, the Ukrainian representative highlighted recently discovered evidence of “atrocities uncovered in the wake of [Russia’s] withdrawal from Bucha and other Ukrainian cities and villages,” and urged countries not to abstain.<sup>57</sup> The resolution, which cited “reports of violations and abuses of human rights and violations of international humanitarian law by the Russian Federation, including gross and systematic violations and abuses of human rights,”<sup>58</sup> was adopted on April 7 with ninety-four votes in favor, twenty-four votes against, and fifty-eight abstentions.<sup>59</sup> China, which abstained, expressed concern that the vote sets a “new dangerous precedent.”<sup>60</sup> Human Rights Watch’s UN Director Louis Charbonneau commended the vote, calling it “a crystal-clear message to Russia’s leadership that a government whose military is routinely committing horrific rights violations has no business on the UN Human Rights Council.”<sup>61</sup> After the vote, Russia announced it was quitting the Council, arguing that “the Council was monopolized by a group of States who use it for their short-term aims.”<sup>62</sup>

Although Russia’s veto continues to stymie Security Council actions, the Council has continued to meet to discuss various aspects of the evolving conflict, including the humanitarian crisis, claims of the use of biological weapons, and accountability for war crimes.<sup>63</sup> On April 5, Ukrainian President Volodymyr Zelensky addressed the Security Council and raised pointed questions about the future of the United Nations. Zelensky asked, “Where, then, is the security that the Security Council needs to guarantee? It is not there. . . . It is obvious that this key global institution, which must ensure that all aggressors be brought back to peace, simply cannot work effectively.”<sup>64</sup> He argued that Russia,

is turning the veto in the Security Council into a license to kill. . . . If this continues, countries will have to rely on the power of their own arms alone to ensure their security, and not on international law, not on international institutions. The United Nations can simply be closed.

<sup>54</sup> GA Res. 60/251, Human Rights Council (Apr. 3, 2006).

<sup>55</sup> Michelle Nichols, *US Pushes to Suspend Russia from U.N. Human Rights Body*, REUTERS (Apr. 5, 2022), at <https://www.reuters.com/world/urgent-us-pushes-suspend-russia-human-rights-council-2022-04-04>.

<sup>56</sup> Roth, Sullivan, Beech & Ly, *supra* note 53.

<sup>57</sup> UN Press Release, General Assembly Adopts Text to Suspend Russian Federation from Human Rights Council, Continuing Emergency Special Session on Humanitarian Crisis in Ukraine, UN Press Release GA/12414 (Apr. 7, 2022), at <https://www.un.org/press/en/2022/ga12414.doc.htm>.

<sup>58</sup> GA Res. ES-11/3, at 1 (Apr. 8, 2022).

<sup>59</sup> UN Press Release, *supra* note 57.

<sup>60</sup> *UN General Assembly Votes to Suspend Russia from the Human Rights Council*, UN NEWS (Apr. 7, 2022), at <https://news.un.org/en/story/2022/04/1115782>.

<sup>61</sup> Roth, Sullivan, Beech & Ly, *supra* note 53.

<sup>62</sup> *UN General Assembly Votes to Suspend Russia from the Human Rights Council*, *supra* note 60.

<sup>63</sup> *Security Council Meetings in 2022*, DAG HAMMARSKJÖLD LIBRARY (2022), at <https://research.un.org/en/docs/sc/quick/meetings/2022>.

<sup>64</sup> UN SCOR, 77th Sess., 9011th mtg., at 8, UN Doc. S/PV.9011 (Apr. 5, 2022).

Are you ready to close the United Nations? . . . If your answer is no, then you need to act immediately. . . .

The United Nations system must be reformed immediately, so that the veto is not a licence to kill.<sup>65</sup>

In the wake of Zelensky's challenge, the General Assembly on April 26 adopted a resolution requiring that whenever a P-5 member exercises its veto, the General Assembly must meet and hold debate on the situation that prompted the veto within ten days.<sup>66</sup> The resolution garnered more than eighty co-sponsors, including the United States and the United Kingdom, and the General Assembly adopted it by consensus.<sup>67</sup>

#### INTERNATIONAL ECONOMIC LAW

*United States and Allies Target Russia and Belarus with Sanctions and Other Economic Measures*  
doi:10.1017/ajil.2022.28

The United States and allied countries have responded to Russia's invasion of Ukraine with a host of sanctions and other economic measures.<sup>1</sup> According to officials, U.S. President Joseph R. Biden Jr. and his administration prepared "sanctions with massive consequences" in the event of an invasion, with plans to "start at the top of the escalation ladder and stay there."<sup>2</sup> After the invasion of Ukraine commenced, the United States and allied countries imposed sanctions they had planned and previewed, including sanctions against Russian banks and oligarchs. Among other measures, the United States also imposed export controls against Russia and restricted Russia's ability to pay outstanding debts with dollars held in U.S. banks. Many private companies have also withdrawn from or limited their operations in Russia in response to the invasion, increasing the economic fallout for Russia. Although the economic measures appear to be damaging the Russian economy, their ability to change Russia's behavior in Ukraine remains unclear.

<sup>65</sup> *Id.* at 9.

<sup>66</sup> GA Res. 76/262, Standing Mandate for a General Assembly Debate When a Veto Is Cast in the Security Council (Apr. 28, 2022).

<sup>67</sup> *U.N. Takes Step to Put Veto Users Under Global Spotlight*, NPR (Apr. 27, 2022), at <https://www.npr.org/2022/04/27/1094971703/u-n-takes-step-to-put-veto-users-under-global-spotlight>; *UN General Assembly Mandates Meeting in Wake of Any Security Council Veto*, UN NEWS (Apr. 26, 2022), at <https://news.un.org/en/story/2022/04/1116982>.

<sup>1</sup> For trackers of sanctions imposed in response to Russia's invasion, see, for example, Chad P. Brown, *Russia's War on Ukraine: A Sanctions Timeline*, PETERSON INST. INT'L ECON., at <https://www.piie.com/blogs/realtime-economic-issues-watch/russias-war-ukraine-sanctions-timeline>; Minami Funakoshi, Hugh Lawson & Kannaki Deka, *Tracking Sanctions Against Russia*, REUTERS, at <https://graphics.reuters.com/UKRAINE-CRISIS/SANCTIONS/byvrjenzmvel>.

<sup>2</sup> White House Press Release, Background Press Call by Senior Administration Officials on Russia Ukraine Economic Deterrence Measures (Jan. 25, 2022), at <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/25/background-press-call-by-senior-administration-officials-on-russia-ukraine-economic-deterrence-measures> [https://perma.cc/K79F-NG7C].