
Essays in Honour of Mr. Adetunji A. Oyeyipo, SAN.
**LEGAL PERSPECTIVES ON THE CAUSES AND THE IMPACTS OF
MODERN WARFARE: ANALYZING THE RUSSIAN-UKRAINE
CONFLICT**

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ABSTRACT

Modern warfare is a complex phenomenon with far-reaching implications and consequences, understanding its causes and effects from a legal perspective is crucial. This article delves into the legal aspects surrounding the Russian-Ukraine conflict, exploring its causes and far-reaching effects on modern warfare. By examining the conflict through a legal lens, this study aims to provide a comprehensive understanding of the complex dynamics at play and the legal implications that arise from such conflicts in the contemporary global landscape. Through an analysis of relevant international laws, treaties, and conventions, the article sheds light on the legal framework governing armed conflicts and examines the extent to which it has been adhered to or violated in the context of the Russian-Ukraine conflict. Additionally, the article explores the broader consequences of this conflict on the norms and principles of international law, and how it may influence future conflicts and the evolving nature of warfare. The findings and insights presented in this article contribute to the ongoing discourse on the legal dimensions of modern warfare, emphasizing the need for a renewed focus on legal perspectives to address the challenges posed by conflicts such as the Russian-Ukraine dispute.

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INTRODUCTION

The Russia-Ukraine conflict, which began in 2014, has emerged as a significant geopolitical struggle with global implications. This complex and multifaceted conflict encompasses military, political, economic, and legal dimensions. Rooted in historical, ethnic, and geopolitical factors, the conflict arose following Ukraine's independence from the Soviet Union. Ukraine's pursuit of its own identity and closer ties with the West was perceived as a threat to Russia's strategic interests. Consequently, Russia initiated a military intervention, starting with the annexation of Crimea, and subsequently supporting separatist groups in Eastern Ukraine.³⁹⁰ The conflict has witnessed a range of warfare tactics, including conventional military operations, asymmetric warfare, and hybrid tactics such as cyberattacks, disinformation campaigns, and the use of proxy forces. These tactics have blurred the boundaries between traditional and non-traditional warfare, posing significant challenges for Ukraine and the international community.

The consequences of the Russia-Ukraine conflict have been extensive, including loss of life, a humanitarian crisis, population displacement, and economic disruptions. It has strained regional stability, diplomatic relations, and raised concerns about the principles of international law and the sanctity of borders. Of particular interest are the legal aspects of the conflict. The conflict's adherence to international legal frameworks, such as the United Nations Charter and international humanitarian law, has raised questions about their effectiveness,

³⁹⁰Bettina Renz, 'Russian military capabilities after 20 years of reform', *Survival: Global Politics and Strategy*, 56(3), 2014, pp. 61-82.

enforcement, and the responsibilities of state and non-state actors involved.³⁹¹This paper provides a concise review to the Russia-Ukraine conflict, highlighting its origins, the employed warfare tactics, and the wide-ranging implications on the region and beyond. By examining the legal dimensions and impact on international law, this paper contributes to a deeper understanding of the challenges posed by modern warfare and the complexities surrounding world with focus on the Russia-Ukraine conflict.

MODERN WARFARE

Antulio J. Echevarria and other strategists have noted that it is important to treat any new warfare concept with caution. New concepts are useful, in Echevarria's view, to draw the attention of policymakers to emerging security challenges. However, there is also a tendency for such concepts to turn into claims about contemporary wars that are not supported by strategic analysis and thus be counterproductive to decision-making and strategic planning in the long term.³⁹²

The world was taken aback by Russia's swift accomplishment of political objectives in Crimea, achieved without firing a single shot. This unexpected success was attributed to the effective utilization of non-military instruments, particularly information warfare. The Russian approach in Crimea stood in stark contrast to past military interventions, such as the Chechen wars and the 2008 war with Georgia, which were criticized for excessive force and poor execution due to lack of coordination, outdated equipment, and flawed strategy.

³⁹¹Sam Jones, 'Ukraine: Russia's new art of war', The Financial Times, 28th August 2014;

³⁹²Antulio J. Echevarria, 'How we should think about "gray zone" wars', Infinity Journal, 5(1), 2015, p. 16. For an excellent analysis of the analytical utility of a range of strategic concepts, including 4th generation warfare, asymmetric warfare, effects-based operations, etcetera, See Karl Erik Haug and Ole Maa, *Conceptualising Modern War*, London: Hurst, 2011.

During the post-Soviet era, Western perceptions often depicted the Russian military as outdated and trapped in Cold War thinking. Therefore, the success of the unconventional campaign in Crimea came as a significant surprise. Some Western observers concluded that Russia had discovered a "new art of war" through its "hybrid warfare" approach in Crimea, compensating for its conventional capabilities and posing a considerable threat to Western states if repeated.³⁹³

The Crimea operation painted the image of a resurgent Russia, challenging previous assumptions and creating a sense of concern among Western states. The effectiveness of non-military instruments, coupled with Russia's ability to adapt and employ unconventional tactics, raised questions about the adequacy of Western defense strategies and highlighted the need for a reassessment of perceptions regarding Russian military capabilities.

CAUSES OF THE WAR

The Russian President, Vladimir Putin wants NATO to promise never to accept Ukraine (or Georgia and Moldova) as members. He wants the alliance to pull back from "frontline" countries such as Poland, Romania and Bulgaria, former members of the defunct Warsaw Pact. He wants Kyiv to accept autonomous status for the Donbas region and relinquish its claim to Crimea (as part of [the so-called Minsk accords](#)). He wants to limit or halt deployments in eastern and southern Europe of new US medium-range missiles. More ambitious still, he wants to redesign Europe's "security architecture", to re-establish Russia's

³⁹³Bettina Renz, 'Russian military capabilities after 20 years of reform', *Survival: Global Politics and Strategy*, 56(3), 2014, pp. 61-82.

influence and extend its geopolitical reach. To most of this, the US says “No”. Hence, in-order to achieve the above aims, Russian went into war with Ukraine.

THE IMPACT OF MODERN WARFARE

The impact of modern warfare extends far beyond its immediate battlegrounds, creating global ramifications that shape the geopolitical landscape and have lasting effects on various aspects of society. The global effects of modern warfare encompass political, economic, social, and humanitarian dimensions³⁹⁴.

Politically: modern warfare can disrupt regional stability, exacerbate existing conflicts, and trigger geopolitical shifts. Armed conflicts often involve multiple state and non-state actors, leading to complex alliances, power struggles, and the reconfiguration of international relationships. The outcomes of modern warfare can influence diplomatic relations, alliances, and the balance of power on a global scale³⁹⁵.

Economically: modern warfare can have profound consequences. It can disrupt trade routes, damage critical infrastructure, and destabilize markets, resulting in economic downturns and financial losses. The costs of military operations, reconstruction efforts, and the diversion of resources towards conflict-related activities can hinder economic development and impede the well-being of affected populations³⁹⁶.

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³⁹⁵See OHCHR, Report on the human rights situation in Ukraine, 16 February to 15 May 2019, para. 20, available at www.ohchr.org/Documents/Countries/UA/ReportUkraine16Feb-15May2019_EN.pdf.

³⁹⁶4 See Additional Protocol I, art. 57 (2)(a)(i); ICRC, Customary International Humanitarian Law, Vol. 1, Rules 15, 16, 17, 18, 20`

Socially: modern warfare causes immense human suffering and displacement. Civilians bear the brunt of armed conflicts, facing death, injury, displacement, and the loss of homes and livelihoods. Warfare can lead to the breakdown of social structures, exacerbate ethnic or sectarian tensions, and foster divisions within communities. The long-term psychological impact on individuals and societies affected by modern warfare can be profound and lasting.

Humanitarian consequences and Violations of international humanitarian law: a significant aspect of the global effects of modern warfare is the violations of international humanitarian law, such as targeting civilians, using prohibited weapons, and denying access to humanitarian aid, result in severe humanitarian crises. Humanitarian organizations often face challenges in delivering assistance and protecting vulnerable populations in conflict zones, further exacerbating the suffering of affected communities.

Furthermore, modern warfare has an impact on international law and norms. Violations of established legal frameworks, such as the **Geneva Conventions** and **human rights conventions**, raise questions about the effectiveness of these frameworks and the need for enhanced enforcement mechanisms. The evolving nature of warfare, including the use of new technologies and unconventional tactics, poses challenges to the application and interpretation of existing legal frameworks³⁹⁷.

³⁹⁷See the military manuals of Benin (ibid., § 666), Croatia (ibid., § 667), France (ibid., § 669), Italy (ibid., § 670) and Togo (ibid., § 672)

LEGAL PERSPECTIVES

The current conflict in Ukraine is termed as an international armed conflict between the Russian Federation and Ukraine. Both parties are bound by treaty and customary **International Humanitarian Law (IHL)** applicable to international armed conflicts, primarily the four Geneva Conventions of 1949, its 1977 Additional Protocol I, the 1907 Hague Convention IV with its annexed Regulations concerning the Laws and Customs of War on Land (Hague Regulations), and other IHL treaties and rules of customary IHL.³⁹⁸

Geneva Conventions and International Humanitarian Law: The Geneva Conventions and their Additional Protocols provide the primary framework for international humanitarian law (IHL). These treaties establish rules to protect civilians, wounded and sick persons, prisoners of war, and ensure humane treatment during armed conflicts. Violations of IHL have been reported in the Russian-Ukraine conflict, including attacks on civilian infrastructure, indiscriminate shelling, and allegations of torture and ill-treatment of prisoners.³⁹⁹

³⁹⁸Both Ukraine and Russian Federation have ratified the Convention on Certain Conventional Weapons (CCW) Protocol II on the Use of Mines, Booby-Traps and Other Devices, 1980; CCW Protocol III on Incendiary Weapons, 1980; CCW Protocol V on Explosive Remnants of War, 2003; CCW Protocol I on Non-Detectable Fragments, 1980; CCW Protocol IV on Blinding Laser Weapons, 1995; the Convention on the Prohibition of Biological Weapons, 1972; and the Convention on the Prohibition of Chemical Weapons, 1993. Ukraine has additionally ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997. Neither Ukraine nor Russian Federation have ratified the Convention on Cluster Munitions, 2008 and the Treaty on the Prohibition of Nuclear Weapons, 2017. However, both must comply with the general treaty and customary rules applicable to the use of any weapon when using them

³⁹⁹<https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>

The Russian Federation and Ukraine are also bound by **International Human Rights** treaties and customary International Human Rights law.⁴⁰⁰ As recognized by the International Court of Justice and by United Nations treaty bodies, international human rights law continues to apply during armed conflict. The human rights obligations of States apply extraterritorially in all circumstances where States exercise jurisdiction or effective control.

Some human rights treaties allow for the suspension of the operation of certain human rights obligations of State parties, within strict parameters. On 1 March, Ukraine notified the United Nations Secretary-General of the derogation from certain of its human rights obligations, in accordance with **Article 4 of the International Covenant on Civil and Political Rights (ICCPR)** and **article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**, for the duration of the martial law introduced on 24 February pursuant to Decree No. 64/2022 “On the Introduction of Martial Law in Ukraine”.⁴⁰¹ The martial law was introduced in the entire territory of Ukraine

⁴⁰⁰Both Ukraine and the Russian Federation have ratified the International Protocol on Civil and Political rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESC), the Convention Against Torture, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. Ukraine has additionally ratified the Convention for the Protection of All Persons from Enforced Disappearance.

⁴⁰¹Notes verbales No. 4132/28-110-17625 and No. 4132/28-110-17626 of 1 March, (available at https://treaties.un.org/Pages/CNs.aspx?cnTab=tab2&clang=_en), whereby Ukraine notified the United Nations Secretary General of its waiver of obligations under arts. 3, 8(3), 9, 12, 13, 17, 19, 20, 21, 22, 24, 25, 26 and 27 of the ICCPR; arts. 4 (paragraph 3), 8, 9, 10, 11, 13, 14,16 of the ECHR; arts. 1- 3 of the Additional Protocol to the ECHR; and art. 2 of Protocol No. 4 to the ECHR. On 16 March, the Ministry of Justice of Ukraine also clarified the derogation measures to the criminal procedure and particularly to the measures of pre-trial restraint (Note verbale No.

for a term of 30 days, and it was subsequently extended twice for 30 days (until 24 April 5 Both Ukraine and Russian Federation have ratified the Convention on Certain Conventional Weapons (CCW) Protocol II on the Use of Mines, Booby-Traps and Other Devices, 1980; CCW Protocol III on Incendiary Weapons, 1980; CCW Protocol V on Explosive Remnants of War, 2003; CCW Protocol I on Non-Detectable Fragments, 1980; CCW Protocol IV on Blinding Laser Weapons, 1995; the Convention on the Prohibition of Biological Weapons, 1972; and the Convention on the Prohibition of Chemical Weapons, 1993. Ukraine has additionally ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997. Neither Ukraine nor Russian Federation have ratified the Convention on Cluster Munitions, 2008 and the Treaty on the Prohibition of Nuclear Weapons, 2017. However, both must comply with the general treaty and customary rules applicable to the use of any weapon when using them. Both Ukraine and the Russian Federation have ratified the International Protocol on Civil and Political rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESC), the Convention Against Torture, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. Ukraine has additionally ratified the Convention for the Protection of All Persons from Enforced Disappearance. The Russian Federation has referred to its armed attack on Ukraine as a “special military operation”, and has

4132/28-194/501/19782 of 16 March, available at <https://treaties.un.org/doc/Publication/CN/2022/CN.78.2022-Eng.pdf>).

not notified the United Nations Secretary-General of any derogations from any human rights treaty.

The **United Nations Charter** prohibits the use of force by one state against another except in cases of self-defense or when authorized by the UN Security Council. Russia's annexation of Crimea in 2014 and subsequent military intervention in Eastern Ukraine were widely criticized as violations of this principle. The international community, including the UN General Assembly, condemned Russia's actions as illegal and a breach of Ukraine's territorial integrity.

CONCLUSION

In this article, we have delved into the origins and implications of the Russian-Ukraine conflict from a legal perspective, shedding light on the complex dynamics of modern warfare. By examining the underlying causes and analyzing the far-reaching effects, we have gained a deeper understanding of the challenges faced by nations in the contemporary world. The conflict between Russia and Ukraine has not only highlighted the fragility of international law and norms, but also underscored the urgent need for a robust legal framework to address such disputes. The blatant disregard for sovereignty, territorial integrity, and the principles of non-intervention has raised serious concerns about the effectiveness of existing legal mechanisms in preventing and resolving conflicts.

The implications of the Russian-Ukraine conflict extend beyond the immediate region, with ripple effects being felt globally. The destabilizing impact on international relations, the rise of hybrid warfare tactics, and the emergence of

new challenges in cyberspace and information warfare require innovative legal approaches to effectively tackle these issues. It is imperative for the international community to recognize the evolving nature of warfare and adapt legal frameworks accordingly.⁴⁰²

RECOMMENDATIONS

Based on the analysis presented in this article, several recommendations emerge for policymakers, legal scholars, and international organizations:

Strengthen International Law: Efforts should be made to reinforce the existing legal frameworks, including the United Nations Charter and international treaties, to ensure their applicability and enforceability in modern warfare scenarios. This may involve updating and clarifying certain provisions, as well as developing new mechanisms to address emerging challenges.

Enhance Diplomatic Efforts: Diplomatic channels should be actively pursued to facilitate dialogue and negotiations between conflicting parties. Engaging in constructive dialogue and seeking peaceful resolutions should be prioritized to prevent the escalation of conflicts and minimize the human and material costs associated with warfare.

Foster International Cooperation: Collaboration among nations is crucial in addressing the complex nature of contemporary conflicts. International organizations, regional alliances, and bilateral partnerships should work together

⁴⁰²DOWTY A. (1969) Conflict in war-potential politics: an approach to historical macro-analysis. Peace Res. Soc. (Internat.) Papers 13, p. 85-103.

to establish coordinated responses, share intelligence, and develop joint strategies to counter hybrid warfare tactics effectively.

Promote Accountability: Perpetrators of violations of international law, including war crimes and human rights abuses, must be held accountable. Strengthening mechanisms for investigating and prosecuting such crimes is essential to deter future misconduct and ensure justice for victims.

Invest in Cyber security and Information Warfare Regulations: Given the increasing prominence of cyber and information warfare, efforts should be made to develop comprehensive legal frameworks to govern these domains. International cooperation, information sharing, and the establishment of norms and guidelines can help mitigate the risks and prevent the abuse of these technologies in conflicts.