

United Nations Responses to the Russian Invasion of Ukraine

Alistair D. Edgar¹

Abstract

Responses by, and across, the United Nations system to Russian President Putin's invasion of Ukraine on 24 February 2022 have varied. In the 'political UN' of its 193 Member States, Russia's veto power left the Security Council unable to act, but the majority of UN Member States voted in early March to condemn the invasion as illegal and contrary to the UN Charter. Approximately 30 states, including China and India, chose to abstain and refused to condemn the invasion; and only five states voted in support of Russia. The Assembly also voted in early April to suspend Russia from the Human Rights Council, by a narrower margin of 93 in favor, 24 against and 58 abstentions. This essay looks at the range of responses –political, institutional, humanitarian, and other– from the various components of the UN system to the Russian invasion of Ukraine. How, and how well, did those components respond? How and why did these responses evolve as the invasion and war continued? What does the invasion and those responses tell us - if anything - about the willingness and the capacity of 'the UN system' to address such a critical issue and its global repercussions?

Keywords: United Nations, Russian invasion, Ukraine, international organization

Resumen

Las respuestas del sistema de Naciones Unidas a la invasión de Ucrania por parte del presidente ruso Putin el 24 de febrero de 2022 han variado considerablemente. En la 'ONU política', de sus 193 Estados miembros el poder de veto de Rusia dejó al Consejo de Seguridad incapaz de actuar, pero la mayoría de los Estados miembros de la ONU votaron a principios de marzo para condenar la invasión como ilegal y contraria a la Carta de Naciones Unidas. Aproximadamente 30 Estados, incluidos China e India, optaron por abstenerse y se negaron a condenar la invasión; y solo cinco votaron a favor de Rusia. La Asamblea General también votó a principios de abril para suspender a Rusia del Consejo de Derechos Humanos, por un margen más estrecho de 93 a favor, 24 en contra y 58 abstenciones. Este ensayo analiza la gama de respuestas –políticas, institucionales, humanitarias y otras– de los diversos componentes del sistema de la ONU a la invasión rusa de Ucrania. ¿Cómo y qué tan bien respondieron? ¿Cómo y por qué evolucionaron estas respuestas a medida que continuaba la invasión y la guerra? ¿Qué nos dicen la invasión y esas respuestas, si es que nos dicen algo, sobre la voluntad y la capacidad del 'sistema de la

1 El Dr. Alistair Edgar es Decano Asociado en la Escuela de Política y Gobernanza Internacional y Profesor Asociado en el Departamento de Ciencias Políticas de la Escuela Balsillie de Asuntos Internacionales de la Universidad Wilfrid Laurier.

ONU' para abordar un tema tan crítico y sus repercusiones globales?

Palabras clave: Naciones Unidas, invasión rusa, Ucrania, organización internacional

Introduction

Russian President Putin's decision to launch an invasion of the sovereign and democratic state of Ukraine on the night of 23-24 February 2022 was a clear and flagrant violation of Article 2 paragraph 4 of the United Nations Charter, which notes that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state". It also constituted an abuse of Russia's special privilege and responsibility for matters of global peace and security as a permanent member of the UN Security Council. Such unprovoked Russian aggression against Ukraine's territorial integrity, of course, was not new. Eight years earlier, in February 2014, Moscow already had illegally invaded and annexed Crimea from Ukraine - initially denying any direct involvement of its military while using unmarked special forces troops. In addition to violating the fundamental purpose of the UN Charter, both the 2014 and the 2022 Russian invasions violated the terms of the 1994 Budapest Memorandum on Security Assurances and the 1997 Russian-Ukrainian Treaty on Friendship, Cooperation, and Partnership.

Having just concluded and publicly declared a new 'no limits' grand alliance of collaboration with President Xi Jinping of China, Putin and his advisors perhaps believed that Ukraine would fall quickly to the invading Russian forces - who would (in Moscow's view) be supported by a network of collaborators and others in Ukraine that Russia had sought to build up in the preceding months and years of preparation. Putin also may have believed that the rest of the world, in particular the Western powers, would soon shift their attention elsewhere as had happened in 2014. That has not been the case, either in terms of Ukraine's response, or the member states of NATO, the European Union, and - at least as seen in voting at the UN General Assembly - a majority of the 193 member states of the United Nations.

The surprising resilience of the Ukrainian government, its military forces and its general population, and the perhaps equally surprising multiple failures of the previously much-vaunted Russian military, have been topics for numerous studies and, of course, daily situation updates. The present commentary does not seek or attempt to analyze that strategic security ground, or to describe the range of NATO and EU political, military, financial, cyber, and other supports delivered to Ukraine and the growing list of sanctions imposed against Russia. The purpose of the analysis below is to identify and examine the range of responses - political, institutional, humanitarian, or other forms - to the Russian invasion that have come from (or that observers may have wished to see from) the different

components of the UN system. How, and how well, did those various components respond? How and why have those responses evolved as the Russian invasion and subsequent war - putting aside here the empty pretense of President Putin's description that his troops were engaging merely in a 'special military operation' - have continued? What does the invasion and those responses to it tell us, if anything, about the capacity and willingness of different components of 'the UN system' to address such a critical issue of international peace and security and its global repercussions?

Which United Nations?

A frequently heard question in the popular media and public debate, sometimes expressed as an accusation, runs as 'Why didn't the United Nations prevent or stop the invasion of a UN member state'? An accompanying question often is, 'why has Russia not been thrown out of the international organization, or at least expelled from the UN Security Council?' In both instances, the often-accompanying accusation - implied or explicit - is that if the UN could not take any of those actions, then the organization itself is irrelevant at best, or else (and here the 'great reset' and the World Economy Forum conspiracy theorists of many kinds step in) at worst is part of a global plan to remake and remodel the world order. It should be noted, for some relatively recent historical comparison, that at least some of the same or similar questions, accusations, and conclusions about the UN's capabilities, value, and purposes abounded two decades earlier in February-March 2003, when US President George W. Bush and his Republican Administration launched America's invasion of Saddam Hussein's Iraq. In that instance, and in this sense differently from Putin's invasion of Ukraine, Washington's Secretary of State Colin Powell had sought but failed to obtain Security Council authorization for its upcoming attack, which UN Secretary-General Kofi Annan subsequently described as being not 'in conformity' with the Charter and therefore illegal (Tyler, 2004).

While the most ill-informed but highly committed conspiracy theorists - who may be found roaming the social media commentaries - are unlikely to be interested in adopting a more careful reframing of the questions/accusations noted above (judging from their social media responses), critics seeking to develop a better-informed attempt to address these still-important issues ought to begin by asking a different initial question: 'Which UN'? Answering that question, or at least being aware that the answer matters, may still lead to conclusions about the 'UN responses to the Russian invasion of Ukraine' that are critical, even highly so. In that case, at least, those answers and criticisms also will be based on and justified by a foundation of better-informed and more objective understanding.

As noted by Inis Claude Jr. (1971 [1956]), and by others such as Weiss and Thakur (2010), the United Nations is composed currently of 193 Member States, who each seek

to advance their ideas and interests in the major political bodies of the international organization - especially, the 15-member Security Council, and the universal-membership General Assembly. This arena of state activity may be referred to as the 'first UN' or the 'political UN'; it is the UN whose actions, or failure(s) to act, in the case of responding to the Russian invasion has been the most visible and often most controversial. The United Nations also consists of an international civil service, headed by the Secretary-General - currently António Guterres - and with UN staff members working at the Secretariat and with the range of UN bodies and agencies based in New York, Geneva, Vienna, Rome, Nairobi, and elsewhere around the world. This is the 'second UN' or the 'permanent UN' (although its senior leadership and other staff do change over time). In addition to these two 'UNs', scholars such as Weiss, Carayannis and Jolly (2009) highlighted the emergence and growth especially during the post-Cold War years of a 'third UN', consisting of civil society and private sector actors. These may include nongovernmental organizations, individual expert consultants, independent commissions, and representatives from the private sector, who play a variety of 'outside insider' roles interacting with the first UN and second UN. In a related vein and more recently, Weiss and Wilkinson (2022) in the journal *Global Governance* have drawn attention to what they term the "missing middle" in studies of global governance: the 'professionals who occupy mid-level positions in public, not-for-profit, and corporate entities' as well as 'those who provide subcontracted services' (Weiss and Wilkinson, 2022, p. 15).

Given limitations of space, but also the 'headline-grabbing' nature of their responses (and failures) in public commentary, for the current analysis I will focus here on discussing the 'first' and 'second' UNs. Before doing so, however, I want at least to acknowledge the considerable engagement of a wide range of civil society actors - the 'third UN' - in relation to the Russian invasion. As well as media reporting, which has been extensive throughout, there have been hundreds (or more) of nongovernmental bodies, ad hoc groupings, and individuals who have sought to gather and report information and sometimes disseminate mis- and dis-information, raise or provide humanitarian relief, lobby governments for action, and otherwise engage directly either within Ukraine or elsewhere (in Russia too, but in that case under tight control and threat of imprisonment for failing to abide by the Putin regime's narrative).

The "First UN" Responds – Power Politics Prevails?

Security Council Politics

Undoubtedly the highest profile body of the 'first' or 'political' UN is the fifteen-member Security Council, and it is here that criticisms of paralysis and failure most commonly are directed - not without some merit, although also not in any way a new criticism and often based on what Claude (1971, p. 143) described as 'accumulated myths' regarding the role

and powers of Council and the international organization.

On the night of 23 February, the Security Council had been meeting in an emergency session, with the Russian delegate - also serving in regular rotation as president of the Council during that month - denying that his country had any intention of invading Ukraine, when news arrived that exactly such an invasion had begun. On 25 February, a draft Council resolution was sponsored by the United States and Albania (the latter an elected member of the Council, one of ten on that body) condemning the Russian invasion as a violation of Article 2 paragraph 4 of the Charter and calling for the immediate cessation of use of force by, and unconditional withdrawal of, Russian forces from Ukraine. Predictably, the draft resolution was vetoed by the Russian delegation, using its negative vote - commonly referred to as the 'veto power' of a permanent (P-5) member of the Council. Altogether eleven of the fifteen Security Council members including three of the P-5 (US, UK, France) supported the draft resolution, while three delegations (P-5 member China, plus India and the United Arab Emirates) abstained. The UK delegate described the Russian delegate's explanation of the use of the veto - that this was a 'special operation' conducted by Russia as a matter of self-defense in response to Ukrainian provocations, and the draft resolution failed to include a list of such provocations - as being 'absurd' (United Nations, 25 February 2022).

In early April, as the Russian invasion and subsequent war and civilian suffering continued, and with the UK's Permanent Mission now holding the rotating monthly presidency of the Security Council (the UAE having served in that role in March), Ukrainian President Volodymyr Zelenskyy was invited to speak - virtually - to a Council meeting. President Zelenskyy echoed others' criticisms of the Council, asking bluntly, 'So where is the security that the Security Council must guarantee? There is no security. Although there is a Security Council, it is as if nothing happened.' He added, 'It is obvious that the key institution of the world, which must ensure the coercion of any aggressors to peace, simply cannot work effectively' (President of Ukraine, 5 April 2022).

There was, of course, obvious reason for President Zelenskyy's urgency and expressions of frustration and anger, but his commentary to the Council also served a different purpose. Anyone familiar with the workings of the Security Council - and certainly President Zelenskyy and his advisors would be - would have fully expected the Russian veto of 25 February, and likewise anticipated the continuing Russian rejections of any subsequent draft resolutions at the Council that followed a similar formula. In the seventy-five years history of the UN thus far, both the United States and Russia have used that power regularly as P-5 members to protect their own or their allies' interests, with China also exercising that power more often in the past decade while the UK and France have declined to do so (Dag Hammarskjöld Library, 2022).

Ignored or overlooked by its critics, is the initial historical-political reality that absent the negotiation of this particular expression of special power and privilege (and responsibility), the major Allied Powers of 1944-45 - especially the United States and Soviet Union - most likely would not have agreed to sign the Charter and establish the United Nations (Schlesinger, 2003; Howard, 1993, Claude, 1971). The absence of the United States had been a critical weakness of the League of Nations, after Republicans in the US Congress in 1919 had rejected President Woodrow Wilson's personally delivered request to ratify the Treaty of Versailles (US Senate, undated). The absence of both the USA - where isolationist sentiments were strong again - and Stalin's USSR in 1945 would have left the new organization severely weakened even before it began, or more likely led to the failure of the negotiations entirely. Without the veto, there might well have been no United Nations organization - 'first', 'second', or otherwise.

The existence of the veto also means that a majority vote otherwise taken at the Council cannot 'decide' to have the members of that body declare a UN Charter Chapter VII collective security commitment that could bring the organization into direct military conflict against one of the major global military powers - particularly, the US, Russia, or (since 1971) communist China. Thinking counter-factually for a moment, what could such a vote and collective security resolution have accomplished if taken against the US' invasion of Iraq in 2003? Or earlier, against the USSR's crushing of popular uprisings in occupied Hungary in 1956 and Czechoslovakia in 1968? Would the Security Council and General Assembly members have been ready and willing to engage in direct military action against the United States or the USSR in support of such a resolution? In 2003, there was no indication of such a willingness even while the majority of Council members - with the exception of the UK under Prime Minister Tony Blair - rejected the Bush Administration's attempt to obtain a new resolution authorizing its use of force, or having failed to win such authorization, to justify its subsequent invasion by reference to previous Council resolutions.

Similarly, and returning to contemporary events, a majority-vote Security Council substantive resolution - were that to have been possible - against Russia's invasion(s) of Ukraine (either in 2014 or in 2022) that committed the members of the UN to engage in a collective security action against Russia would require a willingness to engage in war against Russia should it fail to abide by demands to cease hostilities and withdraw its forces. Much more likely, such a resolution would be followed by UN member states failing to enforce such a resolution on the ground. The latter would leave the Council and UN in a similar position to the League of Nations in the 1930s, when neither the UK nor France as the major powers (the US not being part of the League) were willing to use force against Germany, Italy, or Japan. More concretely, we saw that the US and other NATO

members in 2022 have been explicit that they will not engage in direct military operations in support of (non-member) Ukraine against the invading Russian forces, although the Alliance has reinforced its forward military presence within member states' territories as part of its North Atlantic Treaty Article 5 collective defense guarantee. In lieu of such direct engagement, of course, NATO member states in their individual capacities have provided supplies of weapons and other materials to Ukraine, while working collectively - outside of the remit of the Security Council - to impose a wide range of sanctions against Russia and against individual Russians.

The P-5 veto, therefore, recognizes the continuing reality and the limitations (or for its critics, the hypocrisy) of power politics in the UN Security Council. However, given the entirely expected exercise of the veto by Russia, President Zelenskyy's later 5 April speech and his government's continuing engagement with the Council also surely were part of a separate but related effort, emphasizing and reinforcing the legitimacy of Ukraine's position, and the illegitimacy and illegality of Russia's actions. Here, Ukraine has been highly successful in the Security Council and the UN General Assembly (GA), while the Kremlin has failed.

Before leaving this section of discussion, it is worth highlighting briefly one more facet of the Council - that is, its continuing work in addressing other crises and matters of peace and security elsewhere in the world. While so much attention has been paid to the war in Ukraine, we must remember that there are ongoing crises, conflicts and suffering elsewhere, and the Council therefore must address a range of issues beyond Ukraine. Critics of the Council often speak of it as being 'paralyzed' and ineffectual - whether on Ukraine or more generally due to the deepening divisions especially between the 'P-3' of the USA, Russia, and China. However, a look at the record of the Council, just since 23-24 February and the Russian invasion, shows that between then and the end of July the Council successfully passed almost 30 resolutions. These resolutions addressed new or ongoing crises and conflicts in Yemen, Libya, Iraq, Syria, Mali, Somalia, Sudan and South Sudan, Haiti, the Democratic Republic of Congo, Central African Republic, Afghanistan, Cyprus, and Georgia; and other matters such as maritime security and anti-piracy in the Gulf of Guinea, the non-proliferation of weapons of mass destruction, the continuing threat from the Islamic State - Da'esh -, and functional aspects of the International Court of Justice (United Nations Security Council, undated).

The Council has renewed the mandates of existing UN peacekeeping missions which otherwise would lose authorization and funding, extended sanctions regimes, and held almost-daily consultations and briefings on an even wider and longer array of matters. The work of the Council and the United Nations elsewhere in the world clearly has not stopped or become less needed because of its division over Russia's invasion of Ukraine, or

its previous deep divisions over crises in Syria and Iraq. As Jess Gifkins (2021) and Nico Schrijver and Nils Blokker (2020) also recently have illustrated, it is worth reiterating that while the P-5 do have many advantages in the operations of the Council, it is misleading to argue that the existence of the veto prevents the members of the Security Council - whether its P-5 or its ten elected members - from fulfilling other ongoing critical responsibilities.

Beyond the Security Council

On 27 February, following Russia's initial veto, the Security Council did pass a new resolution calling for an Emergency Special Session of the UN General Assembly - with this taking place as a procedural not a substantive resolution, using the General Assembly's so-called 'Uniting for Peace' resolution of 1950, and therefore not subject to a P-5 veto but rather in response to it (Security Council Report, 2022). The Security Council resolution of 27 February therefore was adopted, by the same margin and with the same delegates' voting positions as the failed 25 February draft resolution (11 in favor, 3 abstentions, and 1 against). It was through this mechanism, used for the first time in more than twenty years, that the GA then debated and adopted a resolution on 2 March 2022 'deploring' the Russian Federation's aggression against Ukraine and calling for the immediate withdrawal of all Russian forces from the territory of Ukraine. GA's Resolution ES-11/1 (the notation referring to this being the eleventh emergency special session of the Assembly) ultimately was adopted by a significant majority of those present and voting, with 141 states' delegates 'present and voting' in favor, 5 against, and 35 abstentions among the 193 Member States (12 other states' delegates were absent from the Assembly and therefore did not cast a vote of any kind).

Given the publication in which this chapter is due to appear, it may be of interest to note that in the case of ES-11/1, Mexico voted in favor of the 2 March resolution. It would do so again for a subsequent GA resolution - which in fact Mexico and France co-drafted - on 24 March demanding civilian protection and humanitarian access in Ukraine and identifying Russian aggression as the cause of the conflict. The latter resolution also passed by a large majority in the GA, with 140 votes in favor, 38 abstentions and the same five (Russia, Belarus, North Korea, Syria, and Eritrea) voting against. A competing draft resolution sponsored by South Africa, which did not mention Russia's actions as the cause of the crisis, was soundly rejected with only 50 votes in favor, 67 opposed and 36 abstentions.

Unlike Security Council resolutions, GA resolutions are non-binding on UN Member States, and therefore may be considered by some observers as being 'merely' symbolic gestures that express states' previously determined positions and have few effects in practice. However, calling for voting on these resolutions arguably does pressure states

to make explicit their positions in front of not only other delegates but also their domestic and global audiences, revealing and clarifying where states stand. There also can be 'follow on' measures built upon the momentum of such votes, and this has been the case regarding UN responses to the Russian aggression.

One such new GA resolution came on 7 April to suspend the Russian Federation from its seat on the UN Human Rights Council, following information about atrocities committed by Russian forces against Ukrainian civilians in the town of Bucha, near Kyiv, which those forces briefly had captured and occupied before being forced to retreat. The Geneva-based Human Rights Council - on which there is no veto power similar to that affecting proposed resolutions at the Security Council - in fact already had adopted a resolution on 4 March requiring the 'swift and verifiable' withdrawal of Russian forces and other Russian-supported armed groups from all Ukrainian territory (thus including territories invaded by Russia in 2014), and on 5 March it had called for the establishment of an independent international commission of inquiry into Russian Federation aggression against Ukraine. It had not, therefore, been paralyzed or inactive in responding to the situation. However, after the revelations of Russian atrocities at Bucha, the US Ambassador to the UN in New York introduced the new General Assembly resolution of 7 April to suspend Russia from its Human Rights Council seat in Geneva. This time, the resolution again achieved the necessary two-thirds majority of those present and voting, and was passed with 93 votes in favor, 24 against, and 58 abstentions (abstentions not counting in calculating a voting majority).

On this occasion, Mexico was one of six Latin American states that chose to abstain - Brazil, El Salvador, Belize, Guyana, and Trinidad and Tobago being the others - while Argentina, Chile, Colombia, Peru, and Uruguay voted in favor (Rocha, 2022). As a result of the vote, the Russian Federation thus joined Libya as one of only two countries to have had its seat on the Human Rights Council suspended. A month later, on 12 May, at a special session on the war in Ukraine, the members of the Human Rights Council followed up by approving a new resolution calling for an investigation into the allegations of atrocities committed against civilians by Russian troops in Ukraine.

Before shifting focus onto the work of the 'second UN' there is one more noteworthy 'first UN' issue that should be highlighted in the relationship between the Security Council and the General Assembly. On 26 April 2022, the General Assembly adopted by consensus a new resolution (Resolution 76/262) to establish a 'Standing mandate for a General Assembly debate when a veto is cast in the Security Council' (UN News, 26 April 2022). The resolution, which was proposed by Liechtenstein's UN ambassador Christian Wenaweser and co-sponsored by a total of 83 Member States in the General Assembly, means that whenever a veto is cast by a P-5 member in the Council this will

automatically trigger a special GA meeting, with the veto-casting state(s) given priority in the speakers list of the GA meeting. We have noted previously that GA resolutions are non-binding, and therefore the veto-casting member(s) of the Council can choose not to appear in the subsequent Assembly debate to explain their use of the veto power. In that case, however, they would be ceding that political or 'public relations' space to others. As another ambassador is reported to have observed, the new Assembly resolution and debate means the veto-casting member of the Council would at least 'pay a higher political price' by having to justify its decision (Al Jazeera, 26 April 2022).

In the decade 2000-2009, US vetoes in the Council had dominated in numerical terms - 10 from the US compared with 4 by Russia and 2 by China. A large majority of these US negative votes came as it regularly vetoed draft resolutions on 'the Middle East including the Palestinian question'. Indeed, 12 of the US' total of 14 negative votes cast during the period 2000-today were on that same topic. That said, of the 41 negative votes (vetoes) cast in the Council since 2010, only 4 of those were cast by the US, with the vast majority by Russia (25) and China (12). China's dozen negative votes in that period always were cast in conjunction with a similar vote by the Russian Federation. Russia cast 13 of its 25 negative votes as the only Council member doing so. Neither the UK nor France, the other P-5 members, have cast a negative vote in the Security Council since 1989 (Dag Hammarskjöld Library, 2022).

Ambassador Wenaweser emphasized that the initiative had not been aimed at one specific P-5 state, as its genesis two years earlier was the result of broader concerns by a group of General Assembly members about the (in)effective functioning of the Council and the increasing use of the veto (UN News, 26 April 2022). Nonetheless, the initiative had made little progress in the Assembly during those intervening years, until political momentum was catalyzed by the Russian invasion of Ukraine on 23-24 February and the subsequent Russian use of its veto in the Council on 25 February.

In the case of the US and Iraq in 2003, while there were no international sanctions imposed on the US for its 'elective war', the absence of substantial military, material/materiel, and financial support from any ally except for the UK meant that those heavy burdens fell almost exclusively on Washington. That was in striking contrast to the Security Council-authorized, US-led collective security action taken against Saddam Hussein and Iraq following its 1991 invasion and occupation of Kuwait. The broader international framing of the 2003 invasion - including in Security Council debates - as illegal and illegitimate further isolated US claims of global leadership, and instead served as 'recruiting' tools for the subsequent insurgency as well as the claims of rising extremist groups such as IS/Da'esh and Al-Qaeda offshoots around the world. With US resources and attention being poured into Iraq, its focus on the Afghan campaign also was distracted

at a crucial time, and again served as a recruiting and propaganda tool for Taliban forces as they reconstituted themselves for a prolonged war.

Neither the Council nor the Assembly, as two principal organs of the ‘first United Nations’, has the capability (military, political or otherwise) in practice to prevent or to stop one of the major military powers - mainly, ‘P-3’ USA, Russia, or China - from launching an invasion and war. Whether wishing for such a capacity and then criticizing its absence as some form of ‘failure’ or fearing the same capacity and seeing it as a threat, the UN does not have its own independent military forces. Nor has there ever been an indication that the 193 UN member states ever would agree to provide the international organization with such authority, capacity, or funding - again, setting aside the wild conspiracy theories of those individuals who imagine mysterious fleets of ‘black helicopters’ and a ‘globalist conspiracy’ usually led by the World Economic Forum. In the case of examining the United Nations’ responses to the Russian invasion of Ukraine, and the politics of the ‘first UN’ in that regard, it nonetheless is reasonable to argue that the votes of support or opposition - and even the careful abstentions - amongst UN Security Council and General Assembly members in the examples noted here have demonstrated that Russia is isolated. That isolation imposes real costs on Russia - both inside of the ‘first UN’ as noted above, but also beyond the parameters of the international organization just as it did on the United States after its invasion of Iraq in 2003.

In the contemporary case of Russia’s invasion of Ukraine, Belarus, Syria, and North Korea have been Moscow’s only consistently explicit allies since February - but have almost nothing to offer in practical terms as Russia’s military campaign has faltered if not failed. At least in the debates in both the UN Security Council and General Assembly, China (and others such as India) has sought to walk a careful line, neither speaking in support of Russia’s act of aggression nor openly condemning it, while outside of the Council and Assembly Beijing also seeks to ensure it does not fall foul of the growing range of sanctions imposed against the Russian state (and Belarus) and individual Russians by the US, the EU and NATO allies. Political, diplomatic, and institutional isolation - if not (yet) pariah status as a ‘terrorist state’ - within the UN can reinforce, and be reinforced by, these measures of external isolation.

The ”Second UN” – Humanitarian Assistance and Support

Beyond the politics of the ‘first UN’, and generally less headline-grabbing for public attention, is the work of what is here termed the ‘second UN’ - that is, the institutions and the individuals of the ‘international civil service’ rather than the diplomatic and political representatives of member states. In the case of UN responses to the Russian invasion of Ukraine, this refers to the Secretary-General and his representatives, as well as a wide

range of UN system entities, specialized agencies, and other bodies, either operating on the ground in Ukraine - as many of them are doing - or addressing specific matters resulting from the war. The lengthy list of these agencies and other bodies includes (amongst others) the UN Resident Coordinator Office in Ukraine (UN-RCO Ukraine), the High Commission for Refugees (UNHCR), High Commission for Human Rights (OHCHR), UN Women, Office for Coordination of Humanitarian Affairs (OCHA), UN Children's Fund (UNICEF), Food and Agriculture Organization (FAO), World Food Programme (WFP), International Fund for Agricultural Development (IFAD), International Atomic Energy Agency (IAEA), World Health Organization (WHO), UN Office on Drugs and Crime (UNODC), International Organization for Migration (IOM), International Court of Justice (ICJ), and the International Criminal Court (ICC).

Even simply identifying and describing the work of each of these bodies in Ukraine and neighboring states would take too much time and space here, and in any case can be reviewed with regular updates through these various bodies' websites or through centralized sources (United Nations Ukraine, 2022; United Nations in Western Europe, 2022). Many of these UN bodies also are working in cooperation with local and international civil society partners in Ukraine. For the moment, only a small selection of notable examples of 'second UN' responses is provided below, chosen chiefly as these also have garnered more public and media attention.

The most obvious representative - and indeed, symbol - of the 'second UN' is the Secretary-General (SG). In this case, the office is held by António Guterres, the former prime minister of Portugal (1995-2002) and UN High Commissioner for Human Rights (2005-2015) who was elected as Secretary-General in 2016 (formally entering office on 1 January 2017) and was re-elected to a second and final term as SG in 2021. It was the first Secretary-General, Trygve Lie of Norway, who described the role of SG as 'the most impossible job in the world' as he resigned from the office in 1952 and would be replaced by Sweden's Dag Hammarskjöld. The Secretary-General has very little formally designated authority, with the UN Charter setting out the terms and functions of the Secretariat only in Chapter XV, after all other main UN bodies, and describing the SG simply as 'the chief administrative officer of the Organization' (UN Charter, Article 97). While individual SGs have varied considerably in the degree of their willingness or desire to take on a more expansive understanding of their role, it remains the case that the SG holds limited formal authority. (S)he perhaps wields greater power as a symbol of legitimacy, at least in the view of those who see the United Nations and its Charter as embodying higher goals of global cooperation than just individual states' ambitions and power politics.

One day after the Russian invasion, on 25 February, SG Guterres appointed a

highly experienced UN official, Amin Awad, as Assistant-Secretary General (ASG) to serve as UN Crisis Coordinator for Ukraine, to assist in the coordination of what very rapidly would become the alphabet-soup of entities, agencies and other bodies previously mentioned. On 1 March, the 'second UN' led by ASG Awad launched an emergency appeal to support humanitarian assistance to the Ukrainian population, initially set at \$1.17 billion and subsequently raised to \$2.24 billion, and with a further \$226 million more recently sought to provide extra aid needed to prepare for winter requirements. Through these emergency funds and the related efforts of the 'second UN' working on the ground, over 8 million Ukrainians internally displaced by the war (approximately 9 million Ukrainians also have crossed the border into neighboring states) have received forms of humanitarian assistance, food aid, or direct cash assistance (United Nations in Western Europe, 2022).

These forms of humanitarian assistance provided on a day-to-day basis across all of Ukraine's 24 oblasts (regions/provinces), and other activities such as various UN agencies' work in providing protection for displaced women and children - who are especially vulnerable to forms of human trafficking and other abuses - rarely garner international headlines, but are critical to the welfare of those most directly affected individuals. At the level of international attention, Secretary-General Guterres has been recognized for helping to broker the so-called 'Black Sea Grain Initiative', working with the governments of Turkey, Ukraine, and Russia to negotiate the agreement that was signed on 22 July on renewing the safe export by sea of Ukrainian grain supplies that are vital to the food security of millions of people especially in Africa and Asia. To monitor and support this carefully brokered agreement, the SG also established a UN Joint Coordination Centre in Istanbul with two special UN Task Forces, officially opening the Centre shortly afterwards on 27 July (United Nations, 2022a).

Two other institutions whose responses are highlighted briefly here are the International Court of Justice (ICJ) and the International Criminal Court (ICC). The ICJ is the Charter-designated principal judicial organ of the United Nations and therefore may be considered clearly as part of the 'second UN'. The ICC remains a parallel body, not directly part of that 'second UN', as the Rome Statute was negotiated within the UN system, but the Court was established as an independent judicial body distinct from the UN. Even so, the ICC is added here as a relevant example not least because there was a formal agreement signed to govern the relationship between the ICC and the UN (Dag Hammarskjöld Library (2022a)).

In chronological terms, between the two judicial bodies it was the Chief Prosecutor of the ICC who responded first to the Russian invasion of 23-24 February. Although not a State Party to the Rome Statute, Ukraine already had exercised its prerogative to accept the

ICC's jurisdiction over alleged crimes committed on its territory following Russia's earlier attacks against Ukraine in 2013 and 2014. On 28 February 2022, ICC Prosecutor Karim Khan announced his decision to open an investigation that would 'encompass any new alleged crimes falling within the jurisdiction of my Office that are committed by any party to the conflict on any part of the territory of Ukraine' (International Criminal Court, 2022). As well as visiting Ukraine personally, the ICC Prosecutor established a 42-person team of investigators, forensic experts, and support staff to begin the process of gathering witness testimony, collecting forensic materials and other evidence to support possible criminal indictments.

The ICC investigation, it may also be noted, is taking place in parallel with the previously mentioned Human Rights Council's call for an independent commission of inquiry and the subsequent appointment by the UN of three human rights experts to form the commission and investigate possible human rights abuses and violations of international humanitarian law 'in the context of the aggression against Ukraine by the Russian Federation' (United Nations in Western Europe, 2022a).

While Russia does not recognize the ICC and cannot be expected to cooperate in the investigation, individual Russians nonetheless could face indictment for their actions committed in Ukraine. The possibility now exists for the issuance of ICC indictments (sealed or open) against individual Russian leaders in the future - even if several years hence, as international criminal justice remains a slow and deliberate process, and evidence of atrocities is even more difficult to collect when being sought in a war zone. The potential for indictments against Russian leadership and other individuals for alleged mass atrocity crimes - those crimes falling under the Court's jurisdiction - committed in Ukraine would raise different calculations for those individuals should they travel outside of the Russian Federation and into the territory of a State Party. It may be, in a sense, the most 'concrete' action that can be taken by an institution of the 'second UN' although the Court still would rely on the support and cooperation - the political will - of States Parties to detain accused individuals, which has not always been provided for the Court in other cases thus far.

Speaking on the eve of his planned invasion and presumably seeking to justify to his domestic Russian audience the premeditated act of aggression that he was about to launch, President Putin had argued in a television broadcast that his 'special operation' was intended to protect Russian-speaking peoples in the Ukrainian oblasts of Donetsk and Luhansk from genocide. Following the Russian invasion, Ukraine responded to that Russian accusation by filing an application to the ICJ arguing that Putin's claims were false and baseless, and therefore prejudicial to the rights of Ukraine under the terms of the Genocide Convention of 1948 to which both Ukraine and Russia are State Parties. The Russian Federation first responded to that filing by issuing a letter saying

that it would not participate in the hearing, and afterwards argued that the Court lacked jurisdiction. The Court held its initial hearing nonetheless, and the 15 ICJ judges voted by 13-2 to order 'provisional measures'. This included ordering that Russia must 'immediately suspend' its military operations in Ukraine, and that 'any military or irregular armed units which may be directed or supported' by Russia 'should take no steps in furtherance of' those operations (International Court of Justice, 2022; Torrens, 2022; Hinton, 2022). The two ICJ judges voting in opposition - unsurprisingly - were those from Russia and China.

Russia has persisted in rejecting both the ICJ and ICC. In the case of the ICJ, if one Party is found subsequently to be in contravention of an order issued by the Court, the matter can be taken to the Security Council. There, however, Russia of course can wield its veto power and therefore no concrete action could occur, other than through the recent development of a negative vote triggering a GA debate. In the latter context should that happen, the Russian delegate would have the opportunity to explain (or refuse to appear and explain) why Moscow rejected international law and/or refused to accept the jurisdiction of the ICJ on the matter. The ICJ hearings and the outcome to date obviously did not bring the conflict to an end. Nor was it realistically the expectation of Ukraine or other States Parties supporting Ukraine at the ICJ that this would be the result. What the ICJ hearing - including the identity of the two judges voting against, echoing in that sense the balance of voting in the main bodies of the 'first UN' - did achieve, was to highlight the political and legal isolation of Russia, and the illegitimacy and illegality of Russia's acts of aggression.

Conclusions: What difference does it make?

Neither the 'first (political) UN' nor the 'second (permanent) UN' were able to prevent or to stop Russia's invasion of Ukraine. However, those commentators who expected the UN to do so, misread the practical reality of what either dimension of the world body can achieve especially on matters of international peace and security. It is true that the veto power of the P-5 reflects the military power of the victorious Allies (including the USSR and nationalist China) in 1945; it also reflects the major global military powers of today, and in particular the P-3 of the US, Russia, and communist China. The veto does privilege those three, and they have made use of their privilege. However, it also prevents a majority vote in the Security Council from committing the UN to act against one of those global military powers if that state is determined to use unilateral military force without Council authorization (as the US did in 2003, and Russia in 2022). Such a commitment, if upheld by those voting for it, could be expected to lead to a major power military conflict, meaning potential global conflict.

Outside of the practices, rules, and procedures of the Security Council, however, the review and analysis of the responses from the ‘first’ (and ‘second’) UN has demonstrated that Russia consistently and repeatedly has been politically and institutionally isolated, criticized, and at times suspended or expelled as an actor. Even China and India - despite the former having declared its ‘no limits’ partnership before the Russian invasion, and the latter being a major arms purchaser from Russia - are cautious to maintain some diplomatic, political, and economic distance from Moscow. In the ‘first UN’, Putin’s Russia now stands in a group that includes North Korea, Syria, and Belarus - no longer as a leading (real or aspirational) global political power, but increasingly as a pariah state and potentially as a designated ‘terrorist state’.

Finally, it must be kept in mind that while the ‘first UN’ illustrates the politics (and political limits or limitations) of the member State-based international organization, the ‘second UN’ has been working continuously on the ground providing emergency humanitarian assistance - whether literally, through the many UN entities operating in various capacities in Ukraine, or in terms of addressing global food security through the Joint Centre in Istanbul. As this conclusion is being written, the recently announced IAEA inspectors’ mission to the Zaporizhzhia nuclear power plant - which is occupied by Russian forces and where Ukrainian technical operators are being forced to work under increasingly dangerous conditions - is the newest effort of the ‘second UN’ to avoid a wider humanitarian disaster resulting from the Russian invasion. ❀

References

- Al Jazeera (2022), ‘UN approves measure requiring states to justify veto’, 26 April 2022 [Online]. Available at <https://www.aljazeera.com/news/2022/4/26/un-approves-measure-requiring-states-to-justify-veto>. Accessed 23 August 2022.
- Claude, Jr., I. L. (1971 [1956]) *Swords into Ploughshares: The Problems and Progress of International Organization* 4th edition, New York, Random House.
- Dag Hammarskjöld Library (2022) ‘UN Security Council Meetings & Outcomes Table’ [Online]. Available at <https://research.un.org/en/docs/sc/quick>. Accessed 20 August 2022.
- Dag Hammarskjöld Library (2022a) ‘What is the International criminal Court and what is its relationship with the UN?’ [Online]. Available at <https://ask.un.org/faq/97157>. Accessed 26 August 2022.
- Gifkins, J. (2021) ‘Beyond the Veto: Roles in UN Security Council Decision-Making’, *Global Governance*, vol. 27 no. 1, pp. 1-24.
- Hinton, A. (2022) ‘Putin’s claims that Ukraine is committing genocide are baseless, but not unprecedented’, *The Conversation*, 25 February 2022 [Online]. Available at [https://theconversation.com/putins-claims-that-ukraine-is-committing-genocide-](https://theconversation.com/putins-claims-that-ukraine-is-committing-genocide-182)

are-baseless-but-not-unprecedented-177511. Accessed 27 August 2022.

- Howard, M (1993) 'The Historical development of the UN's Role in International Security', in Roberts, A. and Kingsbury, B. (eds) *United Nations, Divided World: The UN's Role in International Relations* 2nd edition, Oxford, Clarendon Press, pp. 63-80.
- International Court of Justice (2022) 'Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine vs Russian Federation)', Press Release No. 2022/11, 16 March 2022 [Online]. Available at <https://www.icj-cij.org/public/files/case-related/182/182-20220316-PRE-01-00-EN.pdf>. Accessed 27 August 2022.
- International Criminal Court (2022) 'Statement of ICC Prosecutor, Karim A. A. Khan Q.C. on the Situation in Ukraine', 28 February 2022 [Online]. Available at <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-i-have-decided-proceed-opening>. Accessed 26 August 2022.
- President of Ukraine (2022) 'Speech by the President of Ukraine at a meeting of the UN Security Council', 5 April 2022 [Online]. Available at <https://www.president.gov.ua/en/news/vistup-prezidenta-ukrayini-na-zasidanni-radi-bezpeki-oon-74121>. Accessed 21 August 2022.
- Rocha, J. A. (2022) 'Mexico abstains from voting to ban Russia from UN Human Rights Council', Aztec Reports, 9 April 2022 [Online]. Available at <https://aztecreports.com/mexico-abstains-from-voting-to-ban-russia-from-un-human-rights-council/2705/>. Accessed 23 August 2022.
- Schlesinger, S. C. (2003) *Act of Creation: The Founding of the United Nations, A Story of Superpowers, Secret Agents, Wartime Allies and Enemies and Their Quest for a Peaceful World*, Boulder, Westview.
- Schrijver, N. and Blokker, N. eds (2020) *Elected Members of the Security Council: Lame Ducks or Key Players?* Leiden, Brill Nijhoff.
- Torrens, S. M. (2022) 'Ukraine v Russia at the International Court of Justice', Parliament of Australia, 5 August 2022 [Online]. Available at https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/FlagPost/2022/August/Ukraine_v_Russia_at_the_International_Court_of_Justice. Accessed 27 August 2022.
- Tyler, P. E. (2004) 'Annan Says Iraq War was 'Illegal'', *The New York Times*, 16 September 2004 [Online]. Available at <https://www.nytimes.com/2004/09/16/international/annan-says-iraq-war-was-illegal.html>. Accessed 12 August 2022.
- Security Council Report (2022) S/RES/2623, 27 February 2022 [Online]. Available at <https://www.securitycouncilreport.org/un-documents/ukraine/>. Accessed 19 August 2022.
- UN News (2022), 'UN General Assembly mandates meeting in wake of any Security

Council veto, 26 April 2022 [Online]. Available at <https://news.un.org/en/story/2022/04/1116982>. Accessed 25 August 2022.

United Nations (2022) 'Security Council Fails to Adopt Draft Resolution on Ending Ukraine Crisis, as Russian Federation Wields Veto', Meetings Coverage and Press Releases, S/C14808, 25 February 2022 [Online]. Available at <https://press.un.org/en/2022/sc14808.doc.htm>. Accessed 15 August 2022.

United Nations (2022a) 'United Nations Black Sea Grain Initiative Joint Coordination Center' [Online]. Available at <https://www.un.org/en/black-sea-grain-initiative>. Accessed 28 August 2022.

United Nations in Western Europe (2022) 'The UN and the war in Ukraine: key information', UNRIC [Online]. Available at <https://unric.org/en/the-un-and-the-war-in-ukraine-key-information/>. Accessed 27 August 2022.

United Nations in Western Europe (2022a) 'Norwegian judge appointed chair of the Commission of Inquiry on Ukraine', 31 March 2022 [Online]. Available at <https://unric.org/en/norwegian-judge-appointed-chair-of-the-commission-of-inquiry-on-ukraine/>. Accessed 26 August 2022.

United Nations Security Council (undated) 'Resolutions adopted by the Security Council in 2022' [Online]. Available at <https://www.un.org/securitycouncil/content/resolutions-adopted-security-council-2022>. Accessed 24 August 2022.

United Nations Ukraine (2022) 'UN Entities in Ukraine' [online]. Available at <https://ukraine.un.org/en/about/un-entities-in-country>. Accessed 25 August 2022.

United States Senate (undated) 'Woodrow Wilson Submits the Treaty of Versailles' [Online]. Available at <https://www.senate.gov/about/powers-procedures/treaties/wilson-submits-treaty-of-versailles.htm>. Accessed 21 August 2022.

Weiss, T.G., Carayannis, T. and Jolly, R. (2009) 'The 'Third' United Nations', *Global Governance*, vol. 15 no. 1, pp. 123-142.

Weiss, T.G and Thakur, R. (2010) *Global Governance and the UN: An Unfinished Journey*, Bloomington, Indiana University.

Weiss, T.G. and Wilkinson, R. (2022) 'The "Missing Middle": Behind-the-Scenes Global Governance', *Global Governance*, vol. 28 no. 1, pp. 11-34.