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## United Nations Security Council towards war in Ukraine

**SUMMARY** From the outbreak of the war until the end of July 2023, the Security Council held 33 meetings devoted to the events on the territory of Ukraine. None of the meetings ended with a decision to impose direct coercive sanctions against the Russian Federation. Once again, it turned out that the Security Council is incapable of solving a key international problem due to decision-making paralysis. The purpose of this article is to analyze the activity of the Security Council in a situation of threat to international peace and security and the arguments of the member states of the Council. The existing voting procedure from the very beginning of the ongoing conflict has doomed to failure any attempt to respond to aggression and violations of international humanitarian law. The tasks of the Security Council – contrary to the provisions of the *UN Charter* – are therefore limited to publicizing the problem and do not contribute in any way to solving it. This paper used methods characteristic of the social sciences, in particular political science and international relations. Particular importance was attached to the method of legal analysis and the comparative method.

**KEYWORDS** Security Council, Ukraine, war, international crimes

*“We do not want the war in Ukraine  
to be remembered as the beginning of the third world war  
or for it to lead to the fracturing of the global governance system.”*  
Statement by Kenya’s representative to the Security Council

(*Security*, 2022o, p. 7)

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## Introduction

Acting “on the behalf” (see *Charter*, 1945/1947, Article 24) of the Member States, the Security Council should play an important role in the peaceful settlement of international disputes (Chapter VI of the *UN Charter*), making recommendations to the disputing States on the procedure for settling the dispute and urging the parties to the dispute to use peaceful methods deemed necessary. These may be diplomatic methods (negotiations, mediation, commissions of inquiry), as provided for in Article 33 of the *Charter*, as well as conciliation or judicial methods (arbitration, proceedings before a permanent international court).

The Council should also take action in the event of threats to the peace, breaches of the peace and/or acts of aggression (Chapter VII). To this end, it can impose sanctions of a diplomatic, economic or even military nature. Consequently, it can decide on the partial or total interruption of diplomatic, economic, rail, sea, air, postal, telegraphic, radio and other communications (Article 41 of the *UN Charter*). Should these measures prove insufficient and fail to restore peace and security, the Council should, if it deems it necessary, decide to take military action using the air, sea, or land forces of UN members (Article 42).

Such decisions require a majority of 9 of the 15 members of the Council, including the votes of the permanent members. The practice of the work of the Security Council shows how difficult it is to meet this requirement and how often its permanent members remain reluctant, rendering the Council incapable of maintaining international peace and security. This problem is evident not only in situations where the interests of the permanent members are at stake (especially since, according to the *UN Charter*, they do not have to abstain from voting on matters directly affecting them and falling under Chapter VII of the *Charter*),<sup>2</sup> but also when it comes to the interests of their allies.

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<sup>2</sup> According to Article 27 of the *UN Charter*: “in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.” This is the only case provided for in the *Charter* in which a party to a dispute, which is a member of the RC, is required to abstain from voting. It is for this reason that never in the history of the UN and the Council’s activities has there been any action taken against a permanent member of the Security Council under Chapter VII of the *Charter* (imposition of diplomatic, economic, military sanctions), despite the fact that permanent members have on several occasions committed the use of force against other states (for example, the Soviet intervention in Hungary, the Warsaw Pact intervention in Czechoslovakia, the Soviet intervention in Afghanistan, or in later years the US action against Iraq, the Russian intervention against Georgia or the annexation of Crimea).

The shortcomings of the existing procedure and voting rules became apparent in February and the following months of 2022, when the Russian Federation launched its aggression against Ukraine. From the outbreak of the war until the end of July 2023, the Security Council held 33 meetings devoted to the events unfolding on the territory of Ukraine, only four draft resolutions were submitted, of which one was adopted. The purpose of this article – through an analysis of the Security Council’s activity in a situation of threat to international peace and security and the arguments of the Council’s member states justifying their positions – is to show that the existing voting procedure, coupled with the competing interests of the member states, has prevented the use of the instruments indicated in Chapters VI and VII of the *UN Charter*. The actual activity of the Security Council has been limited to declarative reactions, i.e. to publicizing the problem, and in no way contributes to solving it. This text examines legal analysis, so the bibliographic base is based only on primary sources, i.e. documents from Security Council meetings held from February 2022 to July 2023. The research was carried out using methods characteristic of the social sciences, with particular emphasis on the method of legal analysis and the comparative method.

## **The war in Ukraine as a subject of interest to the Security Council**

On February 24, 2022, The Russian Federation launched an aggression against Ukraine, just as Ambassador Vassily Nebenzia was addressing the UN Security Council. Even before announcing that a “special military operation” had been launched, Ambassador Nebenzia pointed to the Ukrainian authorities’ long-standing violations of the Minsk agreements. As he explained, this, along with Ukrainian attacks on residents of the Donetsk and Lugansk People’s Republics (recognized by the Russian Federation on February 21, 2022), prompted Russia to take action. Moments earlier, before the Russian representative announced the start of military action, US Ambassador to UN Linda Thomas-Greenfield stated with conviction that a Russian invasion was inevitable. “At the exact time that we are gathered in the council seeking peace, Putin delivered a message of war [...]. [We ask Russia to] send its troops, tanks and planes back [...] and send its diplomats to the negotiating table.” (*Security*, 2022a, p. 3).

One day later, on February 25, 2022, Russia vetoed a draft resolution submitted by Albania and the United States. In justifying the draft, the U.S. ambassador pointed to Russia’s unprovoked war against Ukraine: “Responsible

Member States do not invade their neighbors [...] just because they have the ability to do so.” She emphasized that the Russian Federation claims territories of the former Russian Empire. She cited Russian threats against Finland and Sweden and pointed to possible political and military consequences. She called for a vote in favor of the resolution, reaffirming the principles of the *UN Charter*. In justifying Russia’s veto, Ambassador Nebenzia argued that the draft would harm the interests of Ukrainians, who are under attack from neo-Nazis who seized power in 2014 and have failed to abide by the Minsk agreements. “Our Western colleagues have made Ukraine a pawn in their geopolitical game [...] today’s draft resolution is nothing other than yet another move in a brutal and inhumane chess game on this Ukrainian chessboard.”<sup>3</sup> (*Security Council Fails*, 2022) Meanwhile, the draft resolution considered the Russian aggression against Ukraine as a violation of Article 2.4 of the *UN Charter* and called on the Russian Federation to immediately cease hostilities and withdraw Russian troops from Ukrainian territory. It also condemned the recognition of the so-called Donetsk and Lugansk People’s Republics. Responding to the Russian Federation’s veto of the draft, the US representative concluded: “Russia can veto this resolution, but it cannot veto our voices. It cannot veto the truth. [...] It cannot veto the Charter of the United Nations. And it will not veto accountability.” (*ibid.*) In response, Ambassador Nebenzia pointed out that the US had no right to moralize, given its repeated use of force against sovereign states.

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<sup>3</sup> Russia’s veto of the resolution opened the way for the application of the mechanism provided for in the UNGA resolution of November 3, 1950. Resolution 377 (V) *United for Peace* provides for the possibility of convening an extraordinary special session of the UNGA at the request of the 7 permanent members of the Council (regardless of their status) in a situation where the Council, due to lack of unanimity of the permanent members, no longer bears the responsibility for the maintenance of international peace and security. In this case, the OC assumes this responsibility, with the right to decide on all necessary measures to restore peace and security. And in fact, on February 27, 2022. The Security Council adopted Resolution 2623 by a vote of 11 in favor, with the Russian Federation opposed and the People’s Republic of China, India and the United Arab Emirates abstaining, and decided to convene an extraordinary special session of the General Assembly. In a statement following the adoption of the resolution, the US Ambassador stressed that the decision of the Security Council was a step towards holding the Russian Federation accountable for its aggression against a sovereign state. According to Ambassador Thomas-Greenfield, extraordinary measures should have been taken to respond to the threat to the international system. A discussion in the General Assembly on Russia’s “war of choice” will allow the adoption of a resolution on Russia’s violation of the *UN Charter* (Ukraine, 2022, Min. 31:52-33:28). Justifying his opposition to Resolution 2623, Vasily Nebenzia, representing Russia, accused the drafters (i.e., primarily the United States) of unwillingness to seek a constructive solution in the Security Council (*ibid.*, min. 01:04:38 et seq.). He referred to the war against Ukraine as a crisis that had not been triggered by a “Russian special operation”, but much earlier, when Western states had for eight years ignored the crimes committed by the nationalist Ukrainian government in Donbass (*ibid.*, 01:06:20 et seq.).

On 28 February, the day after the adoption of resolution 2623 on the request to convene an extraordinary special session of the General Assembly, the Council discussed a letter sent by the Ambassador of Ukraine to the UN. Martin Griffiths, UN Under-Secretary-General for Humanitarian Affairs, and Filippo Grandi, UN High Commissioner for Refugees, attended the meeting in light of the questions raised about violations of the rights of civilians. Both found the situation of the civilian population alarming, citing incidents of civilian injury and death, but most importantly the beginning of an exodus of 520,000 people in the first five days of the conflict (*Security*, 2022b, p. 4). They called on both sides to respect international humanitarian law and to protect humanitarian workers (*ibid.*, p. 3). For obvious reasons, i.e. the desire for neutrality, Griffiths and Grandi did not evaluate the actions of the Russian Federation. Similarly – this time for political reasons – the representatives of Brazil, Gabon, Ghana, India, Kenya, Mexico and the United Arab Emirates did not come out with open criticism, but only expressed concern about the situation and for the civilian population and stressed the need for talks with representatives of both sides of the conflict. Representatives of Albania, France, Ireland, Norway, the United States and the United Kingdom strongly condemned and accused the Russian Federation of violating international law. They claimed that the Russian Federation had violated fundamental principles expressed in the *UN Charter* (Ambassador of France, Norway), provisions of international humanitarian law (Ambassador of France), and human rights (Ambassador of France, United States, Ireland). They spoke of the unprovoked and unjustified invasion of Ukraine by the Russian Federation (Ambassadors of Albania, Ireland, Norway, United States, United Kingdom). They called for the immediate withdrawal of Russian forces from Ukrainian territory (Ambassadors of Ireland, Norway, United Kingdom). They announced work on a draft resolution calling for respect for international humanitarian law and the protection of civilians and humanitarian workers (Ambassadors of France and Mexico). In response to the allegations, the Ambassador of the Russian Federation stressed that the suffering of civilians in Ukraine was caused by the policies of “Ukrainian radicals and nationalists”, and that civilians in areas controlled by Russian forces were not experiencing violations (*ibid.*, p. 13), and that the actions of Russian forces did not affect critical civilian infrastructure. He argued that the purpose of the special operation was not to occupy Ukraine, but only to demilitarize the country (*ibid.*, p. 14). The representative of Ukraine at the Security Council meeting described Russia’s actions as an unprovoked, unjustified war that undermined the idea and ideals of democracy

(*ibid.*, p. 15). He accused the Russian Federation of attacking civilian property, including kindergartens, schools, orphanages, and human settlements, as well as medical facilities and medical personnel.

In the following months, the Security Council took up the discussion on the maintenance of peace and security in Ukraine and leveled accusations at both sides of the conflict. The allegations concerned the commission of the most serious violations of international law, including international humanitarian law, in particular war crimes (see Table 1).

Table 1. Allegations of international crimes by parties of the conflict

	Western countries	Russian Federation	“Objective and impartial” (PRC, India, UAE)
<b>Allegation</b>	Violation by the Russian Federation of the ban on the use of force against territorial integrity, independence and sovereignty of another state:		
	<i>war of choice</i>		<i>Ukrainian crisis; crisis in Ukraine</i>
	<i>pure act of aggression/ aggressive war</i>		
	<i>unjustified and destructive war; unjust and unjustified war</i>		
	<i>brutal, full-scale war</i>		
	<i>illegal invasion; barbaric, full-scale invasion</i>		
	<i>flagrant violation of the UN Charter</i>		
<b>Response/ answer</b>		<i>Special operation in response to the genocide perpetrated by neo-Nazis who have seized power in Ukraine An operation undertaken not to occupy, but to demilitarize Ukraine</i>	

	Western countries	Russian Federation	“Objective and impartial” (PRC, India, UAE)
		Actions taken to weaken the Ukrainian army, which <i>threatens</i> Russia’s <i>security and territorial integrity</i>	
<b>Allegation</b>		<b>Conduct of proxy conflict (<i>proxy war</i>) by Western countries:</b>	
		Ukraine’s military support by <i>Western sponsors</i> , among others, through the transfer of military equipment	
<b>Response/ Response</b>	States supporting Ukraine is a group of more than 140 countries whose aim is to protect the fundamental principles of international law, which are the basis of the international order		
	The purpose of humanitarian aid, like financial and military support, is to oust the aggressor		
	<i>Russia must refrain from shifting responsibility and face the truth</i>		
<b>Allegation</b>	<b>Committing war crimes, crimes against humanity by Russian forces:</b>	<b>Committing war crimes, crimes against humanity by Ukrainian forces:</b>	<b>Violations of international humanitarian law by both sides in the conflict:</b>
	Intentionally attacking civilian assets, protected facilities, medical personnel and civilians	perfidy	
	indiscriminate attacks	use of live shields	
	attack on an operating nuclear power plant	violation of the rights of prisoners of war	
	deportations of civilians		

	Western countries	Russian Federation	“Objective and impartial” (PRC, India, UAE)
	spreading terror against the civilian population		
	Use of sexual violence as a tactic of war		
	Attacks on cultural property (including religious sites), including sites included on the UNESCO World Heritage List		
	<i>FR actions illegal and immoral</i>		
	<i>barbaric attacks</i>		
<b>Response/ Response</b>			Concern about the growing number of civilian casualties
			The need for talks with both sides of the conflict
<b>Allegation</b>	<b>Suspected commission of the crime of genocide:</b>		
	Russian propaganda, hate speech used by Russian media that can lead to genocide		
	<i>false and dangerous rhetoric</i>		
<b>Response/ Response</b>		accusations are evidence of <i>Russophobia</i> , an example of <i>western fake factory, campaign of lies and disinformation</i> ; The purpose of the accusations is to <i>support Ukrainian radicals and nationalists</i>	

Source: own compilation based on documentation of Security Council meetings (listed in detail in the bibliography).

The Security Council meeting of March 4, 2022 was called in response to the Russian attack on the Zaporizhzhia nuclear power plant, which constituted a war crime. The actions of the Russian forces, which resulted in a fire



in buildings adjacent to the plant (not in the building housing the six reactors and not in the cooling section), were described as unacceptable and highly irresponsible (*Security*, 2022c, pp. 2, 8). It was pointed out that such attacks were incompatible with international humanitarian law, violating Article 56 of the *First Additional Protocol to the Four Geneva Conventions on the Protection of Victims of War*. The British Ambassador to the UN, Barbara Woodward, stressed that this was the first time in history that an operating nuclear power plant had been attacked. Representing the United States, Ambassador Linda Thomas-Greenfield stressed that the world had narrowly avoided a nuclear catastrophe and that the attack should be considered a threat to “the safety of civilians across Russia, Ukraine and Europe.” (*ibid.*, p. 5) It demanded that the Russian Federation cease all activities that could jeopardize the safety of the 15 reactors operating in Ukraine. A French representative also spoke of the threat posed by the Russian attack and called for an immediate end to illegal activities and the restoration of Ukrainian control over the nuclear infrastructure. Russia’s actions were also condemned by the Irish ambassador, who stressed the risk of a catastrophe for human life and health, the environment and agriculture across the continent. Norway’s representative, Mona Juul, echoed these sentiments, stressing that “damage and destruction of a nuclear plant would put us all in danger. It can lead to a radioactive nightmare with the most severe long-term effects for generations.” (*ibid.*, p. 8) The Albanian ambassador called on Russian forces to allow access to controlled nuclear power plants and to work closely with the International Atomic Energy Agency, a point also made by representatives of the UK, US, France and Ireland. There were renewed calls for an immediate cessation of hostilities and withdrawal of Russian forces from Ukrainian territory, respect for Ukraine’s borders and the provisions of the *UN Charter*. Ambassador Nebenzia described the accusations against the Russian Federation as a campaign of lies and disinformation, and blamed the attack on Ukrainian saboteurs (*ibid.*, p. 9). He accused his Western colleagues of supporting Ukrainian radicals and nationalists. Representatives of the other countries on the Security Council (Brazil, PRC, Ghana, India, Kenya, Mexico) were more restrained, refraining from pointing fingers and stressing the need for both sides in the conflict to ensure the security of nuclear infrastructure.

At the meetings of the Security Council on March 29, April 11 and 19, and May 12, attention was focused on Russian actions that meet the characteristics of war crimes. Russian attacks on civilian infrastructure, including airports, roads, railroads and stations, and food warehouses, were considered such. It should

be noted, however, that such attacks are not absolutely prohibited under international humanitarian law. If such actions can be justified by the necessity of war, or if such infrastructure is used for military purposes, then it is not protected and there is no question of war crimes. These can be pointed out in the case of attacks on schools, kindergartens or hospitals and medical centers. Special attention was paid to the deteriorating situation of the civilian population, including vulnerable groups: children (including those abandoned and orphaned by the conflict), women, persons with disabilities, internally displaced persons and refugees. The numbers of the latter were estimated at 7 million and 5 million, respectively (*Security*, 2022f, p. 2). There were allegations of other war crimes: deliberate targeting of civilians and humanitarian workers; deportations of civilians, especially children; and indirect increases in human trafficking and international smuggling, with women and children being the primary victims. Cases of sexual violence, including against children, and rape as a means of armed struggle were also highlighted (*Security*, 2022e, pp. 3, 7, 10–11, 14–16; *Security*, 2022g, pp. 5, 9). The member states unanimously expressed the need to hold perpetrators of violations accountable and their willingness to cooperate with the Prosecutor of the International Criminal Court in gathering evidence as a basis for future indictments (*Security*, 2022f, pp. 7, 16, 18–19; *Security*, 2022g, pp. 5, 10). Reference was also made to the consequences of the conflict, such as an increase in global oil and food prices, as well as an increase in the risk of famine in developing countries that do not receive grain products from Ukraine (Yemen, Lebanon, Libya, Morocco, Pakistan, Tunisia, etc.). An end to Russian aggression was seen as the only way to ensure food security (*Security*, 2022d, p. 5; cf. *Security*, 2022f, p. 14 and *Security*, 2022g, pp. 7, 9, 18–19). In response, the Russian Ambassador made allegations of war crimes by Ukrainian forces, including the use of human shields, perfidy (manifested in the use of vehicles bearing UN emblems for military purposes), and violations of the rights of prisoners of war. He called the arguments of the Western Security Council members, Albania or Mexico, factories of deception (*Security*, 2022e, p. 19) and considered the accusations of rape by Russian soldiers as Russophobia.

In the following months, the activity of the Security Council with regard to the war waged against Ukraine was limited to declarative responses to further reports of the commission of international crimes. A special place in the discussions was given to war crimes committed on sexual grounds, both against women and children. The need to prevent such crimes, to hold perpetrators

accountable and to support victims was stressed (see *Security*, 2022h, pp. 3, 8, 10 ff.).

On 21 June, the issue of emerging allegations of the commission of crimes of genocide on the territory of Ukraine was raised for the first time in a Security Council debate. The Special Adviser to the Secretary-General on the Prevention of the Crime of Genocide, Alice Nderitu, was one of the participants. She stated unequivocally that all reports must be verified, but that investigations should be conducted by an independent, competent judicial body (*Security*, 2022i, p. 3). Referring to the genocide allegations, the representative of the United Kingdom, James Kariuki, drew attention to Russian propaganda and Russian media activity. He considered hate speech, manifested in the denial of Ukraine's right to exist and the denial of Ukrainian identity by attributing to the Ukrainian authorities the promotion of Nazism, as a kind of prelude to genocide. Quoting Anne Applebaum, he pointed out that while not every use of genocidal hate speech leads to genocide, all genocides have been preceded by genocidal hate speech (*ibid.*, pp. 12–13). He also attributed the spread of hate speech to Putin himself, Medvedev, Lavrov, and other Russian diplomats. Similarly, Ambassador Trine Heimerback, representing Norway, stressed that the rhetoric used by the Russian government was “not only false, but dangerous” (*ibid.*, p. 13), because freedom of expression does not give the right to spread hatred on national, racial or religious grounds, as this leads to discrimination, hostility or violence. On behalf of the Norwegian authorities, Ambassador Heimerback urged the Security Council to refer to the cases of the International Criminal Court, which – importantly – concern war crimes, not genocide. The term genocide in relation to the actions of the Russian Federation also did not appear in the statements of the representatives of Brazil, France, Gabon, Ghana, India, Ireland, Kenya, Mexico, and the United Arab Emirates.

Seven days later, on June 28, 2022, Ukrainian President Volodymyr Zelenskyy attended the Security Council meeting. In an emotional speech, he demanded that Russia be suspended from the Security Council, which he said required only political will and was a “possible, necessary, and fair” action (*Security*, 2022j, p. 4). He urged the Council to use its powers to suspend Russia from membership until it ceased its terrorist activities<sup>4</sup> and sowing of terror. He called

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<sup>4</sup> This was the charge that Ukraine brought against Russia in January 2017, taking the case to the International Court of Justice. Ukraine cited the December 9, 1999 International Convention for the Suppression of the Financing of Terrorism as the basis for the terrorism charge.

for the creation of a special international tribunal to hold accountable those responsible for international crimes. In response, representatives of France, Ireland, Norway, the United States, and the United Kingdom expressed their full support for investigative efforts to gather evidence to prove the commission of war crimes. They did not refer to crimes against humanity, let alone genocide. In the statements of the representatives of Brazil and India, there were no direct references to international crimes – the suffering of the civilian population was noted, but they only called for an immediate cessation of hostilities (*ibid.*, pp. 8, 14). The use of such terminology was and is not accidental – it avoids taking a clear position and naming the party guilty of violations. The Ghanaian ambassadors, on the other hand, called only for the use of diplomatic methods to resolve international disputes, suggesting the need for the UN Secretary-General's good offices to repair "the broken trust" (*ibid.*, p. 10). Representatives of the People's Republic of China, Gabon, and Mexico also called for mediation and dialogue. The most forceful speeches were delivered by Kristel Lõuk, Ambassador of Estonia, speaking on behalf of the Baltic States, and Mateusz Sakowicz, Ambassador of Poland to the UN. The former expressly referred to the crime of aggression committed by the Russian Federation (full-scale, barbaric military aggression) (*ibid.*, p. 18). Stressing that the violations committed by the Russian armed forces meet the characteristics of war crimes, crimes against humanity and "possibly even genocide" (*ibid.*, p. 19), Kristel Lõuk called for full support for the activities of the Prosecutor of the International Criminal Court. She also criticized the nuclear rhetoric used by Russia to deter countries from supporting Ukraine. Sakowicz described the actions of the Russian Federation as total war and accused Russian forces of spreading terror among civilians. He accused the Russian authorities of disregarding the Security Council and the provisions of the *UN Charter*, calling it cynical that Russia, as a permanent member of the Security Council, should bear the primary responsibility for the maintenance of international peace and security, but as an aggressor, disregards international law. Sakowicz also noted the shared responsibility of Belarus and called for respect for the sovereignty and territorial integrity of Ukraine. Nevertheless, the Council did not attempt to adopt a resolution calling on Russia to withdraw its forces from Ukrainian territory or condemning the actions of the Federation. There was also no discussion of the creation of a special international tribunal, as demanded by V. Zelenskyy.

Discussions in the Security Council in the following months of 2022 did not change the approach to the burning international issue. They pointed

to the Russian Federation's violation of the prohibition of the use of force against the sovereignty and territorial integrity of another state (Albania: "this is a pure act of aggression", "a war of choice," (*Security*, 2022k, p. 4; *Security*, 2022l, p. 7) France: "an unjustified and destructive war", "an aggressive war," (*Security*, 2022k, p. 8; *Security*, 2022l, p. 11) Ireland: "an illegal, unprovoked invasion" (*Security*, 2022l:), Kenya: "brutal war of attrition," (*Security*, 2022k, p. 18) Norway: "Russian aggressors", "illegal invasion," (*ibid.*, p. 12; *Security*, 2022<sup>3</sup>, p. 14), United States: "brutal, all-out war" (*Security*, 2022l, p. 9), United Kingdom: "illegal invasion" (*Security*, 2022k: 14; *Security*, 2022l, p. 13)). The lack of respect for the *UN Charter* was criticized (United States: "Russia has effectively set the Charter of the United Nations on fire" (*Security*, 2022k, p. 6); Mexico: "flagrant violation of the Charter" (*ibid.*, p. 12), United Kingdom) and decisions of the International Court of Justice ordering a cessation of hostilities. Concern was expressed about the growing number of civilian casualties in the conflict (Albania, Gabon, Ghana, India, Ireland, Mexico, Norway, United Arab Emirates, and United States). And while the entire democratic world expected more than declarations of support for Ukraine and condemnation of Russia's actions, some Security Council members were unwilling to even verbally criticize the Russian Federation, which the ambassador of the People's Republic of China described as objective and impartial with regard to the "unresolved Ukrainian crisis." (cf. *ibid.*, p. 9; *Security*, 2022l, p. 11) Against this background, the position expressed by the representatives of Latvia (also on behalf of Estonia and Lithuania: "unprovoked, large-scale attack", "brutal aggressive war"), Poland ("brutal war of attrition"), violation of fundamental principles of international law", "war of choice"), Slovakia ("unjustified and unprovoked aggression against Ukraine, gross violation of international law") and the European Union ("unprovoked, illegal war"), which were invited to participate in the Security Council meeting, sounded particularly harsh (cf. *Security*, 2022k, pp. 23–25, 27; *Security*, 2022l, pp. 25–26). However, this did not change the absurdity of the situation: during the Security Council meeting on August 24, 2022, congratulations were extended to President Zelenskyy on the occasion of Ukraine's Independence Day.

Since the beginning of the conflict, Security Council members have failed to conclude their meetings with the adoption of a resolution condemning the aggression or demanding the withdrawal of Russian forces from Ukrainian territory (see Table 2). From February 2022 to the end of July 2023, four attempts were made to adopt a resolution on the conflict: on February 25 and 27, 2022, on March 24, 2022, and for the last time on September 30, 2022. Only

the initiative to adopt a resolution on the request to convene an extraordinary special session of the General Assembly was successful. In this case, the permanent members of the Council of Europe did not have the right of veto, so despite the objections of the Russian Federation, the resolution was adopted by a vote of 11 in favor,<sup>5</sup> 1 against, and 3 abstentions.<sup>6</sup> The last time the resolution was attempted was on September 30, 2022. At that time, draft resolution S/2022/720, prepared by Albania and the United States, was submitted to the Council, condemning the illegal referendums held on Ukrainian territory and calling on Russian forces to withdraw immediately (*Security*, 2022n, p. 4). The resolution was defeated by the veto of the Russian Federation, with abstentions from Brazil, the People's Republic of China, Gabon, and India.

Table 2. Effects of discussions at the Security Council

	Western countries	Russian Federation	“Objective and impartial” (PRC, India, UAE; from 1.01.2023 Mozambique)
<b>Calls and declarations</b>	call for immediate and unconditional withdrawal of Russian forces from Ukraine		The need for an immediate cessation of hostilities by both sides to the conflict
	obligation to hold those guilty of violations accountable		The need to start talks/negotiations + the good offices of the UN Secretary-General
	call for full cooperation With the ICC prosecutor (regarding the transfer of evidence and searching for people)		The obligation of the parties to apply the provisions of international humanitarian law absolutely
			The need for both sides of the conflict to ensure the security of the nuclear infrastructure

<sup>5</sup> Albania, Brazil, France, Gabon, Ghana, Ireland, Kenya, Mexico, Norway, United Kingdom, United States.

<sup>6</sup> People's Republic of China, India, United Arab Emirates.

	Western countries	Russian Federation	“Objective and impartial” (PRC, India, UAE; from 1.01.2023 Mozambique)
	Declarations of full support of the Ukrainian authorities		
<b>Draft resolutions</b>	February 25, 2022. Draft resolution S/2022/155 (including unconditional withdrawal of Russian forces from Ukraine)		
	February 27, 2022. Resolution S/RES/2623 (2022) (convening an extraordinary session of the UN General Assembly)		
		March 24, 2022. Draft resolution S/2022/231 (protection of civilians and medical and humanitarian personnel)	
	September 30, 2022. Draft resolution S/2022/ (condemnation of independence referendums organized on Ukrainian territory by the Russian Federation)		

Source: own compilation based on documentation of Security Council meetings (listed in detail in the bibliography).

Subsequent meetings of the Security Council<sup>7</sup> convened in connection with the war and the course of the fighting followed a similar scenario.

States wishing to appear objective and impartial (with Mozambique joining the Council as a non-permanent member on January 1, 2023) express their concern about the conflict, in particular about the growing number of civilian casualties and violations of international humanitarian law. They call for the parties

<sup>7</sup> In 2022: October 21, November 16 and 23, and December; in 2023: January 13, February 6 and 24, March 17, May 15, June 23, and July 17 and 21.

to the conflict to comply with humanitarian law and for peace talks to begin. The representatives of the People's Republic of China emphasize their commitment to "peace, dialogue and humanism" and point to their "constructive role in promoting peace talks" and their commitment to alleviating the humanitarian crisis (*Security*, 2023c, p. 17; *Security*, 2022o, p. 8). Representatives of the United Arab Emirates hold the Council responsible for finding solutions to the ongoing conflict. Mozambican officials emphasize that responsibility for the conflict and its consequences lies with Europe, which "is again plunging the world into a gloomy situation of fear and a food crisis," and that a lack of political will on the part of the parties and their allies is preventing a solution (*Security*, 2023a, p. 7; *Security*, 2023e, p. 7).

Representatives of the Russian Federation, on the one hand, focus on justifying the actions of the Russian Federation, citing as the goal of the special operation the need to weaken "the military capacity of the Ukrainian army, which threatens the security and territorial integrity of Russia" (*Security*, 2022r, p. 12). On the other hand, in the Security Council the Russian Federation constantly makes accusations against the Ukrainian authorities. It accuses them of "hysterical and openly mendacious statements were meant to trigger a full-fledged war in Europe" (*ibid.*, p. 11). He points out that the actions are not directed against Ukrainian citizens, but against a "criminal nationalist regime [...] resolved to remove from Ukraine everything that is related to Russia and to glorify Nazi collaborators" (*Security*, 2023a, p. 13). He accuses Western countries of convening Security Council meetings that are a "marketplace of hypocrisy" and points out that interests, particularly the profits of arms companies, are behind Western involvement (*ibid.*; cf. *Security*, 2023c, p. 11).

Other members of the Security Council (including those who have been on the Council as non-permanent members since January 1, 2023: Ecuador, Japan, Malta, and Switzerland) call for the immediate and unconditional withdrawal of Russian forces and condemn the actions of the Russian Federation, focusing in particular on the situation of civilians in the areas affected by the hostilities and the need to hold accountable those responsible for violations of international law, including international humanitarian law. They stress that Russia is abusing its veto power: "The veto is not for impunity. [...] If a permanent member of the Security Council unilaterally attempts to change the status quo of the territories of its neighbours by force or coercion, it should be held accountable [...]" (Japan; *Security*, 2023f, p. 7). They also declare continued "humanitarian, financial and other" support for the Ukrainian authorities "for as long



as it takes.” (*Security*, 2023d, p. 9; *Security*, 2022p, p. 7). Significantly, the states speaking out against the actions of the Russian Federation make it clear that the support provided to Ukraine is not directed against Russia, that the goal is not the destruction of the Russian Federation, but “the end of aggression and transgression of rules established and accepted globally, in favour of a sustainable peace in Europe and the world” (*Security*, 2023f, p. 8).

## Conclusions

The case of violations of international peace and security by the Russian Federation continues to be considered by the UN Security Council at its successive meetings. The course of the ongoing discussions conclusively proves the inability of this body to act effectively. Despite the harsh wording of the representatives of the countries opposing the war, each meeting of the Security Council is held on the “maintenance of peace and security of Ukraine,” which in itself proves the impossibility of taking a tougher stance against the aggression. The Deputy Secretary General, his plenipotentiaries, and the representatives of humanitarian institutions are invited to the meetings, where they present the scale of violations of international humanitarian law. In response, there are slogans of concern about the situation and unconditional support for Ukraine. However, none of the states sitting in the Security Council – despite declarations on the need to implement the goals and principles of the United Nations – points out the need to impose sanctions on the aggressor. It is obvious that in view of Russia’s veto power a resolution on any sanctions has no chance of success, but the failure to try to prepare, present and vote on a draft resolution is a clear signal and a kind of resignation to the zero influence of the main international body on the international situation. Slogans about the need for reform and revision of the *UN Charter* remain empty calls.

For the UN Security Council, but especially for its permanent members, Russia’s aggression against Ukraine was another test of its effectiveness in a new and uncertain international situation. A test it failed. Despite the expressed hope that the Council is the ultimate arbiter of war and peace with the task of “protecting the weak and the innocent”, “whose only arsenal is international law, and ammunition the provisions of the *Charter*” (cf. *Security*, 2022f, p. 5; *Security*, 2023b, p. 11), the Security Council once again fails to live up to its obligations in the face of events that pose a threat to international security. In doing so, it undermines its own prestige, which has been strained for decades, and calls

into question the legitimacy of its continued existence. By limiting itself to exhortations unaccompanied by decisions on pressure/coercive measures, the Council is failing to fulfill its role as an institutional international leader and to demonstrate an effective strategy to address threats to international peace and security. It does not reaffirm its commitment to fulfilling its international obligations and enforcing the purposes and principles expressed in the *UN Charter*. In doing so, the Council undermines the nature and role of international law as a regulator of the behavior of members of the international community and calls into question the effective functioning of the international order defined after 1989. But, as U.S. Secretary of State Antony Blinken put it, is the international order disintegrating before our eyes (cf. *Security*, 2022m, p. 9)? Is it not the case that it disintegrated at the very beginning, back in 1945, when the *UN Charter* guaranteed the special status of the then so-called “great powers” and granted them the right of veto in matters that also concerned them? As a result, the permanent members of the Security Council, acting with impunity behind the shield of the veto, have on more than one occasion violated and will continue to violate fundamental principles of international law.

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## Rada Bezpieczeństwa ONZ wobec wojny w Ukrainie

**STRESZCZENIE** Od chwili wybuchu wojny do końca lipca 2023 r. Rada Bezpieczeństwa odbyła 33 posiedzenia poświęcone wydarzeniom rozgrywającym się na terytorium Ukrainy. Żadne ze spotkań nie zakończyło się podjęciem decyzji o nałożeniu sankcji przymusu bezpośredniego na Federację Rosyjską. Kolejny raz okazało się, że polityczny organ, jakim jest RB, z uwagi na paraliż decyzyjny nie jest w stanie rozwiązać kluczowego problemu międzynarodowego. Celem artykułu jest analiza aktywności Rady Bezpieczeństwa w sytuacji zagrożenia międzynarodowego pokoju i bezpieczeństwa oraz argumentacji państw-członków Rady. Chodzi o udowodnienie, że obowiązująca procedura głosowania od samego początku toczącego się konfliktu skazała na niepowodzenie wszelkie próby reakcji na agresję i naruszenia międzynarodowego prawa humanitarnego. Zadania RB – wbrew przepisom Karty Narodów Zjednoczonych – ograniczają się zatem do nagłaśniania problemu

i w żaden sposób nie przyczyniają się do jego rozwiązania. Rozważania poprowadzono przy użyciu metod charakterystycznych dla nauk społecznych, w szczególności dla nauk o polityce i nauki o stosunkach międzynarodowych. Szczególne znaczenie przypisano metodzie analizy prawnej i metodzie porównawczej.

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