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“Dharma is to protect the Needy”

The ‘Little Green Men’ Conundrum**-NAME: Gunish Aggarwal****Student, Queens Mary University of London**

Abstract

The ‘little green men’ have gained paramount importance. The attack by Russia over Ukraine has been criticised by many international jurists and lawyers. It has been explained that the subject of Law of Armed Conflict (International Humanitarian Law) aspects, species of International Law has not been able to respond adequately to the phenomenon of little green men. The paper will also examine the Global Security Law aspects as well, that is, also the species of International Law as well. This paper critically assesses an inter-relationship between International Humanitarian Law, that is, *jus in bello* and Global Security Law, that is, *jus ad bellum* and *jus post bellum* in relation to the injustice done by little green men. This paper also explains in brief the Human Rights aspects as well. Furthermore, there is also a brief examination of the Criminal Trial before International Criminal Court (ICC). The paper also argues the fact that Ukraine gave consent to Russia for annexation of Crimea and state consent is important in Public International Law. This paper finally points out all significant violations with the reference to the important topics discussed further in this paper that include, R2P (Responsibility to Protect), r2p (Right to Protect), POC (Protection of Civilians) ‘Article 2(4) of the U.N. Charter that explains member states but refrain from use of force against territorial-integrity and political-independence of state’ proportionality, Human Rights and Humanitarian Law, Intervention, DDoS-attacks, Criminal Trial before ICC, NATO and Russian Aggression, Distinction and Proportionality. This paper concludes with the fact that Russia has violated the Laws of War and the provisions of U.N. Charter.

Introduction

This paper examines that the Law of Armed-Conflict was not able to respond to the phenomenon of ‘little green men’ who participated in Ukraine in 2014. In my paper I am going to point out, all the significant-violations in this armed-conflict posed by Russia to Ukraine, in-accordance with *jus ad bellum* that is considered in parts of war , *jus in bello* to understand whether war is conducted justly, *jus post bellum* that explains termination of phase of war that I will explain briefly, R2P (Responsibility-to-Protect), r2p (Right-to-Protect), POC (Protection-of-Civilians) ‘Article-2(4) that explains member states but refrain from use of force against territorial-integrity and political-independence of state’¹ proportionality, Human-Rights and Humanitarian-Law, intervention, DDoS-attacks, Criminal-Trial before ICC, NATO and Russian-Aggression.

Overlapping between Human-Rights and Humanitarian-Law

“The principles of absolute state-sovereignty, consent and non-interference are challenged by the principles fundamental, universal and inalienable Human-Rights, *jus-cogens* norms and obligations owed to the international-community as a whole”². I agree with Katselli’s statement because in Law of Armed-Conflict, the core-principles of International-Law have been time and again challenged. It is pertinent to note the difference between Human-Rights and International-Human-Rights-Law is that while the former confers rights on the individuals directly, the latter confers rights indirectly, that is by the means of treaties.³ The interaction between the IHL and HRL is of wider

¹ See Article-2 (4) of U.N. Charter; < <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> > accessed on January 10, 2020.

² See Elena Katselli: *The Rule of Law and the Role of Human-Rights in contemporary International-Law*; Examining Critical Perspectives on Human-Rights; Edited By: Rob Dickinson, Elena Katselli, Colin Murray and Ole W. Pedersen; Cambridge University Press; 2012; page 140.

³ See Lawrence Hill-Cawthorne: *Rights under International-Humanitarian-Law*; European Journal of International-Law; Volume 28, Issue 4, November 2017; < https://watermark.silverchair.com/chx073.pdf?token=AECAHi208BE49Ooan9kKhW_Ercy7Dm3ZL9Cf3qfKAc485ysgAAAnAwggJsBgkqhkiG9w0BBwagggJdMIICWQIBADCCAlIGCSqGSIb3DQEHIATAeBgIghkgBZQMEAS4wEQQMRxRh_GunMvvpvJj5JAgEQgIICi6ERYuj9F5KKShJpqqKBQnHlgj6iT_UYWOCj1g8XnqBTSIR_0RqxwiGCvwcBAsZTXrM64ys5UTZQuUpF2QXwaYloKC1JEcJoD3ovgtVspnvMx8lcjTAKvV27u4QC8PVbVkfYKvzUYCVFPzjnyTkvyRqxoY_M7KU0d1wXSPhdv-g--163MO7uvkx716ye_LyHV10rxhHyPNdQtEnXSQfVDklrTNUGSFwUOf1-yPRZHEO0ISBZ6fI8nMsDibRTKHUGhrIjufAOR1IfwSJOYVOPfSHMeh0ihijbXmVVJ5Bt4TBeabVBsuW7z- >

importance because HRL acts as a gateway for IHL, HRL interprets and implements IHL and HRL acts as a mechanism to fill the gaps where there are no relevant IHL provisions.⁴ IHRL imposes obligations on states whereas IHL imposes obligations on all parties to armed-conflict.⁵ UN-Rights office had reported that around 13,000 people were killed, a quarter of them were civilians and 30,000 were wounded in war in Eastern-Ukraine.⁶ Hundreds of thousand people were displaced.⁷ Thus, killing civilians is violation of armed-conflict unless civilians are not involved in war. President-Putin argued, that the occupation was carried out in order to protect the rights of Russian-speaking minorities on the peninsula, but annexed Crimea.⁸

R2P and r2p

According to Lee, in the Law of Armed-Conflict, states resort to force on the basis of two-principles, that is R2P, where local-group comprises of non-combatants or civilians and r2p, where group facing death-crisis consists of foreign-nationals.⁹ R2P takes place with United-Nations Security-Council approval, whereas r2p is intervention

[2V57efm3LN308SgG3bZHqhDDRWAAdZRWL60FGuj8_JaP7UtWiTCkbsq9NQ0SPIRhYJFLnXyYdDElyazDlxDiBrQJ7IXhxwJXe06pGalpULqsyI40hlFctfuC_mpDPX_if1zkkLfGVJ7quHoZENJ1IaJxwU5-9A_0X-iaaZeK3QjdrOh-TaTxUrybEl-6hUZrDiEmhRoRoYBs7EOMoC-5Lx6TdffJmU630_CPtDjXrtSBnL7j2n1ojqe4ywoUCWgtBPTThYZo7Xxt5RFIZAou0j1ur3q5LZCduB0duJ_5c_rahIaCwXDT8XOrv2oYMyVdmc6iffP3PbbH-chzFoHdK_Oo0-4KSbXJYxNNKagnKe_UjG0y0KgduaotDM1WxO7jF05XhrgXp2y12DG2A9Ant92mhzDQ_GcznTsRA](https://heinonline-org.libproxy.ncl.ac.uk/HOL/PrintRequest?public=true&handle=hein.journals/cajoincla2&div=36&start_page=180&collection=journals&set_as_cursor=3&men_tab=srchresults&print=section&format=PDFsearchable&submit=Print%2FDownload) > accessed on January 11, 2020.

⁴ Daniel Bethlehem QC: *The Relationship between International Humanitarian Law and International Human Rights Law in Situations of Armed Conflict*; Cambridge Journal of International and Comparative Law; Volume 2013; < https://heinonline-org.libproxy.ncl.ac.uk/HOL/PrintRequest?public=true&handle=hein.journals/cajoincla2&div=36&start_page=180&collection=journals&set_as_cursor=3&men_tab=srchresults&print=section&format=PDFsearchable&submit=Print%2FDownload > accessed on January 25, 2020.

⁵ See Nicholas Tsagourias and Alasdair Morrison: *International Humanitarian Law*, Cases, Materials and Commentary; Cambridge University Press; 2018; page 83.

⁶ See Report of Death Toll Up To 13,000 In Ukraine Conflict, Says UN Rights Office; < <https://www.rferl.org/a/death-toll-up-to-13-000-in-ukraine-conflict-says-un-rights-office/29791647.html> > accessed on January 30, 2020.

⁷ See Shane R. Reeves and David Wallace: *The Combatant Status of Little Green Men and other Participants in the Ukraine Conflict*; 91 INT'L Stud. 361, Volume 91 (2015).

⁸ *ibid.*

⁹ See Thomas H. Lee: *The Law of War and the Responsibility to Protect Civilians: A Reinterpretation*; Harvard Journal of International Law; Volume 55, Number 2, Summer 2014; < <https://heinonline-org.libproxy.ncl.ac.uk/HOL/PrintRequest?collection=journals&handle=hein.journals/hilj55&id=263&print=section&div=11&ext=.pdf&format=PDFsearchable&submit=Print%2FDownload> > accessed on January 9, 2020.

in self-defence against imminent-attacks on state's officials, soldiers, properties.¹⁰ In this case the 'little green men' speaking Russian-language, illegally entered Crimea, seizing airports and installations throughout peninsula.¹¹

First, "R2P leads to lawfulness use of force under International-Law"¹². Second, "R2P can change the sovereignty of states, responding to mass-atrocities, that is, mainly refers to the idea of obligation of means/conduct, to protect victims and address situations as required by the states under International-law".¹³ Thus the sovereignty of Crimea was changed as it was annexed and became part of Russian-federation.¹⁴

It is pertinent to mention that African-Union by the virtue of Article-4(h) has institutionalised R2P.¹⁵ On the other hand, the International-Commission on Intervention and State-Sovereignty (ICISS) Report, 2011 explicitly states the veto-power states not to use their voting-right at the time of humanitarian-crisis.¹⁶ But still it is exploited by veto-nations. "R2P penetrates in different-fields of International-Law especially in *jus ad bellum* and *jus in bello*"¹⁷. *Jus ad bellum* is law of recourse to force and *jus in bello* is law governing conduct of hostilities.¹⁸ Both the principles are

¹⁰ *Ibid.*

¹¹ See Shane R. Reeves and David Wallace: *The Combatant Status of Little Green Men and other Participants in the Ukraine Conflict*; 91 INT'L Stud. 361, Volume 91 (2015).

¹² See Richard A. Barnes and Vassilis P. Tzevelekos: *Beyond Responsibility to Protect: CECI N'EST PAS UNE PIPE*; Beyond Responsibility to Protect; Generating-Change in International-Law; Edited By- Richard A. Barnes and Vassilis P. Tzevelekos; intersentia; 2016.

¹³ *Ibid.*

¹⁴ See Report of the Russian-Ukrainian conflict over Crimea; < <https://www.ifimes.org/en/9035> > accessed on January 30, 2020.

¹⁵ See Constitutive Act of The African Union; < https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf > accessed on January 11, 2020.

¹⁶ See International Commission on Intervention and State-Sovereignty (ICISS) Report, 2011; < <http://responsibilitytoprotect.org/ICISS%20Report.pdf> > accessed on January 11, 2020.

¹⁷ See Nabil Hajjami: *The Institutionalism of The Responsibility to Protect*; Beyond Responsibility to Protect; Generating-Change in International-Law; Edited By- Richard A. Barnes and Vassilis P. Tzevelekos; intersentia; 2016.

¹⁸ See Carsten Stahn: '*Jus ad bellum*', '*jus in bello*' . . . '*jus post bellum*'? –Rethinking the Conception of the Law of Armed Force; European-Journal of International-Law; Volume 17, Issue 5, November 1, 2006;

< https://watermark.silverchair.com/chl037.pdf?token=AQECAHi208BE49Ooan9kKhW_Ercy7Dm3ZL9Cf3qfKAc485ysgAAAm8wggJrBgkqhkiG9w0BBwagggJcMIICWAIBADCCAIEGCSqGSIb3DQEHATAeBglgghkgBZQMEAS4wEQQMS-0D-nxGhgNN3YTpAgEQgIICisiLk-zb9dfaJHi3xRJLyVtl8bGB33JkUGfWLTGDTA5FfSVq7kYmHIsu5SkSGwr93u-ng5EapPpKyvSwRAjiF2uFlsrdDm8LE-pPaDchuMsVwbeBTfPZPrylhewwdZhPO4Z8hSTVE1tshSW3mv8sjDHVIDjOfRsxNCFB9Z6PIV1svAdzzg-WPz6DFcViunhos1nF85Fz7WuG5k3J9xeOXOpu_awObGvt5lu80S0AadVWPPdWgp0-Tnpnbvbf8cjyW7gfrQPrtlw_nncSN1vzkML42eA9L7d6QX9juklH6gxCYKq2VzH0B_PM5t9ecELuQ >

traditional-dichotomy between war and peace.¹⁹ Both the principles provide framework for the conduct of armed-conflict. Law of occupation is a branch of *Jus in Bello*.²⁰ Apart from Geneva-Conventions also Hague-Conventions is a legal-framework that addresses the conflict.²¹ It is important to learn that occupation is carried out in Crimea as Russia had occupied the state. On the other hand, *Jus Post Bellum* are basically future-oriented principles.²²

“R2P derives itself both from the nature of state-sovereignty and from pre-existing, continuing legal-obligations of state”²³. That is why it is used as an instrument in practice in International Humanitarian Law. Because it reinforces the State-Sovereignty, that is why, it enjoys immense pleasure from states.

R2P is an important concept of Self-Determination.²⁴ This is because it helps a country to determine its own statehood and choice to form government. In Advisory-

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eLv14180y8jGKNvCU8wXBcIt2jEIUZRPKJOMK76PcVsXAHvvnArM9JwsQGla-
s0Dma5mpuBrLQdj2kJ6A2rtluE6X LOLOwbntKsvtmzFDYIfWQAlocQw0qXpFKKHNTltn9l4iL86
EyZ3MWt1Kxk-Tbqf6 fzIx2JKDeqpDu9GqslGQN3wY-x2AsvuliMkxQdmQK37hST4 -
KVnMeA;9mkECt6WUtT2thOGve9p0-
FYTMsmxUBWSgMl10Mvg5Fgpd2CdUh3upNTQBztIS9uz3a5e46Wbw -
lZHmtQPYqK_cq_wuoIrbM6BNic2w](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0467.pdf) > accessed on January 11, 2020.

¹⁹ *Ibid*.

²⁰ *Ibid*.

²¹ See Rules Of International Humanitarian Law And Other Rules Relating To The Conduct Of Hostilities, Collection Of Treaties And other Instruments; < https://www.icrc.org/en/doc/assets/files/other/icrc_002_0467.pdf > accessed on January 11, 2020.

²² See Peter Hilpold: *Jus Post-Bellum and the Responsibility to Rebuild-Identifying the Contours of an Ever More Important Aspect of R2P*; Journal of International-Humanitarian Legal-Studies; Volume 6, Issue 2, 2015; < <https://heinonline-org.libproxy.ncl.ac.uk/HOL/PrintRequest?collection=journals&handle=hein.journals/jihuleg6&div=16&print=section&format=PDFsearchable&submit=Print%2FDownload&id=290> > accessed on January 26, 2020.

²³ See Antal Berkes: *De-Facto Regimes And The Responsibility to Protect*; Beyond Responsibility to Protect; Generating-Change in International-Law; Edited By- Richard A. Barnes and Vassilis P. Tzevelekos; intersentia; 2016.

²⁴ See Hitoshi Nasu: *Commentary: Who Cares? The Primary Bearer of the Responsibility to Protect*; Beyond Responsibility to Protect; Generating-Change in International-Law; Edited By- Richard A. Barnes and Vassilis P. Tzevelekos; intersentia; 2016.

Opinion of Kosovo,²⁵ it was held that just unilateral-declaration of independence does not constitute self-determination.²⁶

The 'Geneva-Conventions of 1949'²⁷ is related to R2P. R2P explains responsibility of sovereign-state to protect civilians within its borders, the rest of the world has a responsibility ensure that every state honours responsibility to protect and if a state fails in the responsibility then other states may use all necessary means to protect the lives of civilians at risk.²⁸ 'Common-Article' to the four Geneva-Convention lays down obligation to respect convention in all circumstances.²⁹ 'Common-Article-1' creates framework whereby state not parties to armed-conflict must use every means for disposal to ensure the belligerents comply with Geneva-Conventions and Additional-Protocol-1.³⁰ It is important to learn the principle of '*Pacta-Sunt-Servanda*' where state-parties perform treaty-obligations in good-faith.³¹ Though Russian-forces annexed Crimea, ceased-airports and key-installations in the peninsula. Putin received accent from Russian-Parliament for regular use of troops to seize control of the peninsula.³² Russia is guilty of violating Common-Article. Now how will Ukraine-government will protect civilians as the major part of its territory is under forcible-control of Russian-government.

²⁵ See *Accordance with International Law of The Unilateral declaration of Independence in Respect of Kosovo*; Advisory Opinion of 22 July 2010; < <https://www.icj-cij.org/files/case-related/141/141-20100722-ADV-01-00-EN.pdf> > accessed on January 11, 2020.

²⁶ *Ibid.*

²⁷ See The Geneva Conventions of 12 August 1949; < <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf> > accessed on January 11, 2020.

²⁸ Thomas H. Lee; See footnote no-9.

²⁹ See Knut Dormann and Jose Serralvo: *Common Article 1 to the Geneva-Conventions and the obligation to prevent international-humanitarian-law-violations*; International Review of Red Cross Volume 96, Issue 895-896; 2014; < https://www-cambridge-org.libproxy.ncl.ac.uk/core/services/aop-cambridge-core/content/view/29AD0B0FA423D6E0ED6347A35BAC74E8/S181638311400037Xa.pdf/common_article_1_to_the_geneva_conventions_and_the_obligation_to_prevent_international_humanitarian_law_violations.pdf > accessed on January 11, 2020.

³⁰ *Ibid.*

³¹ See Article 26 of Vienna Convention On The Law of treaties; < <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf> > accessed on January 11, 2020.

³² See Report on From 'Not Us' To 'Why Hide It?': How Russia Denied Its Crimea Invasion, Then Admitted It; < <https://www.rferl.org/a/from-not-us-to-why-hide-it-how-russia-denied-its-crimea-invasion-then-admitted-it/29791806.html> > accessed on January 30, 2020.

R2P and POC have many features in common. They involve prevention, reaction and rebuilding-aspects, continuum of responsibilities that includes primary-responsibility of state to protect their population and responsibility of international-community to protect the civilians.³³ The difference is while R2P includes in-accordance to ICISS-Report, POC includes aspects mainly concerned with peacekeeping-operations originally considered as neutral-operations and impartial-operations.³⁴ Though ‘Common-Article-1’ to four Geneva-Conventions and ‘Additional-Protocol-1, 1977’ to those conventions oblige states to ensure collective-responsibility in the case of Human-Rights violations.³⁵ In accordance to Additional-Protocol-1, Article-48 provides civilian-population must be protected at all times and thus POC is important in respect to R2P. Civilians shall lose the benefit if they become part of military-objectives. Civilians did not lose benefit in Ukraine-conflict.

“R2P is understood as responsibility of state towards its own population to protect-civilians from serious Human-Rights violations such as genocide, war-crimes and crime against humanity”³⁶. Spirk says that R2P is not only state-responsibility but also of the individuals themselves.³⁷ But, Spirk view can only be acknowledged or implemented if the individuals get a chance to undertake responsibility. Also, if a state is annexed by another state like that of Crimea by Russia, then how can individuals exercise their right to protect themselves.

Integration of both R2P and r2p leads to the crux that the Security-Council pre-approval is not necessary for self-defence justification.³⁸ The r2p is basically used by powerful-states. For-example, Israeli-operation in Entebbe, U.S-intervention that is by

³³ See Raphael VAN Steenberghe: *The Responsibility to Protect in Armed-Conflict; A Step Forward for the Protection of Civilians?* Beyond Responsibility to Protect; Generating-Change in International-Law; Edited By- Richard A. Barnes and Vassilis P. Tzevelekos; intersentia; 2016.

³⁴ *Ibid.*

³⁵ See Protocols Additional to The Geneva Conventions of 12 August 1949; < https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf > accessed on January 11, 2020.

³⁶ See Elena Katselli: *Commentary: R2P As A Transforming And Transformative Concept In The Context of Responsibility As Liability*; Beyond Responsibility to Protect; Generating-Change in International-Law; Edited By- Richard A. Barnes and Vassilis P. Tzevelekos; intersentia; 2016; page 415.

³⁷ *Ibid*; at page 424, 425.

³⁸ Thomas H. Lee: *The Law of War and the Responsibility to Protect Civilians: A Reinterpretation*; Harvard Journal of International Law; Volume 55, Number 2, Summer 2014 See Footnote No. -9.

President Lyndon-Johnson in Dominican-Republic in 1965, President Jimmy-Carter to rescue-U.S. hostages in Tehran in 1980 and invasion in Panama in 1989 to protect American-Nationals and property.³⁹ America has called Russian-Intervention in Ukraine a breach of International-Law, but what about in Grenada in 1983.⁴⁰

Intervention

“Intervention is a defined as dictatorial-interference by a state in the affairs of another-state for the purpose of maintaining/altering the actual condition of thing”⁴¹. The dictatorial-intervention is witnessed in Russian occupation over Crimea. Welsh writes Humanitarian-Intervention is based on first, frequency, that is how many times force is used, second, why is military-action needed and last, scope armed-intervention is made to address an emergency.⁴² I agree with Welsh statement. But Russia has manipulated the principles of law of war, instead of helping other nation annexed its territory. On the other hand, the U.S. troops who fled over Northern-Iraq saying to protect their own nationals against Saddam-Hussein, in reality were Iraq-minorities.⁴³ Both have been time and again guilty of violation of Law of Armed-Conflict principles.

Cyber-Operations and the use of force

It is important to note that “the 2014 DDoS-attacks that targeted Ukraine’s mobile-communication networks during the confrontation with the Russian-Federation over Crimea also did not fall under the scope of Article-2(4) in-spite it had been demonstrated that they were attributable to Russia, as they caused neither material-damage nor significant-disruption of essential-services”⁴⁴.

³⁹ See Thomas H. Lee: *The Law of War and the Responsibility to Protect Civilians: A Reinterpretation*; Harvard Journal of International Law; Volume 55, Number 2, Summer 2014. See Footnote-9.

⁴⁰ *Ibid.*

⁴¹ See S.K. Kapoor: *International-Law & Human-Rights*; Central Law Agency; Twentieth-Edition; 2016, page 189.

⁴² See Jennifer M. Welsh: *Humanitarian-Intervention*; The Oxford Handbook on International-Security; Edited By; Alexandra Gheciu and William C. Wohlforth; Oxford University Press; 2018; page 460.

⁴³ See Thomas H. Lee: *The Law of War and the Responsibility to Protect Civilians: A Reinterpretation*; Harvard Journal of International Law; Volume 55, Number 2, Summer 2014. See Footnote-9.

⁴⁴ See Marco Roscini: *Cyber Operations as a Use of Force*; Research Handbook On International-Law and Cyberspace; Edited By- Nicholas Tsagourias and Russell Buchan; Edward Elgar Publishing; 2015; page 249, 250.

NATO and Russian-Aggression

It is pertinent to mention that NATO simply reverted to emphasize its core military-purpose in the face of Russian-Aggression.⁴⁵ Though Military-Exercises of Russia in Georgia in 2008 and Russia-Belarus Zapad 2009 and 2013 military-exercises, NATO took strict-action.⁴⁶ NATO had performed the act of collective-securitisation (CS) that includes, “theoretical-basis where CS has been seen as a content to describe the process of securitisation rather than to explain it, methodological-basis where NATO as an actor is mutually-dependent upon its members for views to exercise-decision and normative-basis where compromise-solutions and debates over issues can be made possible”⁴⁷. Despite previous actions on Russia, it has again violated armed-conflict principles in Ukraine.

Public International Law Aspects

In aggregate Russian-intervention and Russian-annexation of Ukraine is a comprehensive-substance of legal-framework implications. Crimea had authorised-Putin to deploy Russian-Troops in Crimea.⁴⁸ Thus Russia got consent which is important part in International Law, Crimea has become part of Russia that is self-determination has taken place. Military-Intervention is justified on the basis of the following grounds, that is consent given by Crimea for Russian-intervention and there was intervention by invitation.⁴⁹ Intervention by invitation is usually not witnessed at the time of civil-war. But it is pertinent to note that the ‘little green men’ who had occupied Crimea, carrying Russian-Weapons and wearing Russian-Uniform,

⁴⁵ See James Sperling & Mark Webber: *NATO and the Ukraine crisis: Collective-Securitisation*; European Journal of International-Security, Volume 2, Issue 1, February, 2017 < https://www-cambridge-org.libproxy.ncl.ac.uk/core/services/aop-cambridge-core/content/view/E5EEFF2446628BE886EB5106771E32F5/S2057563716000171a.pdf/nato_and_the_ukraine_crisis_collective_securitisation.pdf > accessed on January 11, 2020.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ See Thomas D. Grant: *Aggression Against Ukraine: Territory, Responsibility, and International Law*; American Journal of International-Law; Volume 110, Issue 3, 2016; < https://www-cambridge-org.libproxy.ncl.ac.uk/core/services/aop-cambridge-core/content/view/2A292932668F34838438D3520DAA2A9A/S0002930000016997a.pdf/aggression_a_gainst_ukraine_territory_responsibility_and_international_law_by_thomas_d_grant_new_york_palgrave_macmillan_2015_pp_xxx_283_index_10550_68.pdf > accessed on January 25, 2020.

⁴⁹ *Ibid.*

blockaded Ukrainian military-installations in order to facilitate their seizure of airports, government-buildings, ports, broadcasters.⁵⁰ This is unlawful and Russian possession of all key government-locations and infrastructure supported it.⁵¹

Criminal-Trial Before ICC

Under International Criminal Law (ICL), the trial of Alexander-Alexandrov and Yevgeny-Yerofeyev; took place in 2015 and 2016.⁵² “The Alexandrov and Yerofeyev case in Ukraine is the first criminal-trial on the charges of aggression”⁵³. Both were sentenced to fourteen-years of imprisonment.⁵⁴ They were convicted for unlawful-dealing with weapons and munitions, terrorism and unlawfully crossing the border of Ukraine.⁵⁵ The defendants did not plead-guilty during the course of trial.⁵⁶ When the judgement was presided, there was no appeal and President of Ukraine pardoned both the convicts.⁵⁷ Similarly, “Russia also pardoned Ukraine-National and former military-pilot who had been sentenced to 25-years imprisonment in Russia”⁵⁸. Thus, IHL in relation to ICL aims to establish new legal-order. Also, it is an ultimate-choice of states and they consent upon their needs and this is illustrated the trial of Alexander-

⁵⁰ See Shane R. Reeves and David Wallace: The Combatant Status of Little Green Men and other Participants in the Ukraine Conflict; 91 INT’L Stud. 361, Volume 91 (2015).

⁵¹ *Ibid.*

⁵² See Sergey Sayapin: *A Curious Aggression Trial in Ukraine; Some Reflections on the Alexandrov and Yerofeyev Case*; Journal of International-Criminal-Justice, Volume 16, Issue 5, December 2018; < [⁵³ *Ibid.*](https://watermark.silverchair.com/mqy050.pdf?token=AQECAHi208BE49Ooan9kKhW_Ercy7Dm3ZL_9Cf3qfKAc485ysgAAAnAwggJsBgkqhkiG9w0BBwagggJdMIICWQIBADCCAIIGCSqGSIb3DQEJHATAeBgIghkgBZQMEAS4wEQQM89esCofwTCD_RLCxAgEQgIIC13xIcv6w4NnTrWQHUI8IZuf eZ8vKx_a2G5HI7P9tQITm43lacVKwsAPF8Vc0Ja-CvaoXxKoAmHUzzZo_jHuw5XK132onPue7RX7qgVJ4sLgf25SbzeYuExHakRC66X3tp1Rb1P_-6YJHie5FSvCI6nYH6cy8eAnIyme3w6nWVgBSe5lmjPASqOpIhN8Qroh0va57pQRStGYjKP9yeNqlg EZ2nXYAVxTjcD2IKoFyvxBvJ4rfA4daOl6PZ6qG_UGoCjMorYuQ-eCOukFxlGL299djrblIT8eK1mA71A6VcUKPSz2-6Kbx43_LnOt04921jOGMaJfnA0sLEHXZVuLH0njU-3g1mdPyTHXVTiYhtHMgbejKxf8jQ3NWSOVghcUdEnKNet9CeOVgiNV-w3qeYyMY_dAHPcpP29FTXHadkC2o73poVMnjJ4ltFEayksqc7ZiT0cQMvIer4mbrh9mP2Xzvw dkaDTEuJKMZIPe8XHhBEAorhqMwHmr99usHXdcE5Hp3G1H2caLbIYvimXqWRIU0yD5jqPDoxsmZ N5dPJGr2fxAkShzt2J4y0Y7eIt8WWjDbRZGt6miqnnmMapKLTKsNFzrhGUCbqxJ56IEHPqzUScjz0 0TTwMreCnu1Gi-q2e6tHakLr31t83T2WK9XuP3FyKx9Daudl35A87mXVoTcZZV-4lH3mnfV2rwMrH7R9qTQvcLQoh94ol2y9F2PeQ48 > accessed on January 25, 2020.</p>
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⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

Alexandrov and Yevgeny-Yerofeyev. Humanitarianism in concern to Human-Rights welfare is a dynamic force upon International-Law.⁵⁹ This is illustrated by criminal-aggression trial of Ukraine. Humanitarian-Law is primarily reforming, humanizing-effect and has revolutionary-effect of creating new area of law.⁶⁰

Distinction

The principle of distinction contains three inter-related objects. These are prohibition placed on targeting-civilians or attacking-civilians, civilian-objects and the prohibition of indiscriminate-attacks.⁶¹ Article 48 of Additional-Protocol-I explain that “parties to the conflict shall at all times distinguish between the civilian-population and combatants and between civilian-objects and military-objectives”.⁶² In the Advisory Opinion of the ‘Legality of the Threat or Use of Nuclear Weapons’⁶³, the court explained that the principle of distinction is the cardinal/important principle. Thus, in the case of Russia over Ukraine, civilians did not take up arms or directly-participate in the hostilities. Thus, civilians have their right sustained to be protected as they did not involve themselves in hostilities. Distinction is the “foundation on which the codification of laws and customs of war rests to ensure respect for the protection of civilian-population and civilian-objects.”⁶⁴ Though Russian-soldiers were wearing-unmarked Russian-uniforms and speaking Russian, not impersonating the Ukrainian-Military nor blend into civilian-population.⁶⁵ Thus, there is no violation of principle of

⁵⁹ See Jens Iverson: *Revolution or Reform: Has Humanitarianism Established a New Legal Order? Should It?*; Leiden Journal of International Law; Volume 27, Issue 1, March 2014; < https://www-cambridge-org.libproxy.ncl.ac.uk/core/services/aop-cambridge-core/content/view/09FE87EFC98860487324BC8D3432D187/S0922156513000733a.pdf/revolution_or_reform_has_humanitarianism_established_a_new_legal_order_should_it.pdf > accessed on January 25, 2020.

⁶⁰ *Ibid.*

⁶¹ Laura Hofmann: *Strengthening the Principle of Distinction?*; JOURNAL OF INTERNATIONAL HUMANITARIAN LEGAL STUDIES; Volume 6 Issue 2, 2015 < <https://heinonline-org.libproxy.ncl.ac.uk/HOL/PrintRequest?collection=journals&handle=hein.journals/jihuleg6&div=19&print=section&format=PDFsearchable&submit=Print%2FDownload&id=383> > accessed on January 30, 2020.

⁶² See footnote no-35.

⁶³ See ADVISORY OPINION OF 8 JULY 1996; < <https://www.icj-cij.org/files/case-related/93/093-19960708-ADV-01-00-EN.pdf> > accessed on January 30, 2020.

⁶⁴ See Shane R. Reeves and David Wallace: *The Combatant Status of Little Green Men and other Participants in the Ukraine Conflict*; 91 INT’L Stud. 361, Volume 91 (2015).

⁶⁵ *Ibid.*

distinction and Russian-Soldiers maintain the privileges associated with their status as combatants in the Ukrainian-Russian conflict.⁶⁶

Proportionality

The targeting of Malaysian Airlines Flight MH-17 killing 298 people on board.⁶⁷ Also, on January 22, 2015 many passengers were killed when shell hit bus.⁶⁸ It's an example of proportionality because it is an Unlawful target under Article-51(5)(b) of Additional-Protocol-1.⁶⁹

CONCLUSION

Thus, Law of Armed-Conflict could not respond to the Ukraine-violence adequately. The concept of 'little green men' has explained above-statement in context to human-rights, R2P and r2p, NATO and Russian-Aggression, Intervention, Criminal-Trial before ICC, Distinction and Proportionality. In fact, there has been the violation of Global Security Law provisions. This paper explains the interwoven arguments, that is, the interrelationship between the Law of Armed Conflict and Global Security Law that are both the species of Public International Law. It is the three legal maxims, that is, jus ad bellum and jus post bellum in Global Security Law and jus in bello in International Humanitarian Law or the Law of Armed Conflict.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ See footnote-35.

BIBLIOGRAPHY**PRIMARY SOURCES****INTERNATIONAL-DOCUMENTS:**

United-Nations-Charter.

The Geneva Conventions of 12 August 1949.

Protocols Additional to The Geneva Conventions of 12 August 1949.

Rules of International Humanitarian Law and Other Rules Relating to The Conduct of Hostilities, Collection of Treaties And other Instruments.

Article 26 of Vienna Convention on the Law of treaties.

REGIONAL DOCUMENTS:

Constitutive Act of The African Union.

REPORTS:

International Commission on Intervention and State-Sovereignty (ICISS) Report, 2011.

The Law Of Armed-Conflict, Basic Knowledge.

Report of Death Toll Up To 13,000 In Ukraine Conflict, Says UN Rights Office.

CASE-LAWS:

Accordance with International Law of The Unilateral declaration of Independence in Respect of Kosovo; Advisory Opinion of 22 July 2010.

Legality of the Threat or Use of Nuclear Weapons.

SECONDARY SOURCES**BOOKS:**

Beyond Responsibility to Protect; Generating-Change in International-Law; Edited By- Richard A. Barnes and Vassilis P. Tzevelekos; intersentia; 2016.

Richard A. Barnes and Vassilis P. Tzevelekos: Beyond Responsibility to Protect: CECI N'EST PAS UNE PIPE.

Nabil Hajjami: The Institutionalism of The Responsibility to Protect.

Hitoshi Nasu: Commentary: Who Cares? The Primary Bearer of the Responsibility to Protect.

Raphael VAN Steenberghe: The Responsibility to Protect in Armed-Conflict; A Step Forward for the Protection of Civilians?

Elena Katselli: Commentary: R2P As A Transforming And Transformative Concept In The Context of Responsibility As Liability.

Research Handbook on International-Law and Cyberspace; Edited By- Nicholas Tsagourias and Russell Buchan; Edward Elgar Publishing; 2015.

Marco Roscini: Cyber Operations as a Use of Force.

Examining Critical Perspectives on Human-Rights; Edited By: Rob Dickinson, Elena Katselli, Colin Murray and Ole W. Pedersen; Cambridge University Press; 2012.

Elena Katselli: The Rule of Law and the Role of Human-Rights in contemporary International-Law.

S.K. Kapoor: International-Law & Human-Rights; Central Law Agency; Twentieth-Edition; 2016.

The Oxford Handbook on International-Security; Edited By; Alexandra Gheciu and William C. Wohlforth; Oxford University Press; 2018.

Jennifer M. Welsh: Humanitarian-Intervention.

Nicholas Tsagourias and Alasdair Morrison: International Humanitarian Law, Cases, Materials and Commentary; Cambridge University Press; 2018.

JOURNAL ARTICLES:

HARVARD JOURNAL OF INTERNATIONAL-LAW

Thomas H. Lee: The Law of War and the Responsibility to Protect Civilians: A Reinterpretation; Harvard Journal of International Law; Volume 55, Number 2, Summer 2014.

EUROPEAN JOURNAL OF INTERNATIONAL-LAW

Carsten Stahn: 'Jus ad bellum', 'jus in bello' . . . 'jus post bellum'? –Rethinking the Conception of the Law of Armed Force; European Journal of International-Law; Volume 17, Issue 5, November 1, 2006.

Lawrence Hill-Cawthorne: Rights under International-Humanitarian-Law; European Journal of International-Law; Volume 28, Issue 4, November 2017.

EUROPEAN JOURNAL OF INTERNATIONAL-SECURITY

James Sperling & Mark Webber: NATO and the Ukraine crisis: Collective-Securitisation; European Journal of International-Security, Volume 2, Issue 1, February, 2017.

INTERNATIONAL REVIEW OF RED CROSS

Knut Dormann and Jose Serralvo: Common Article 1 to the Geneva-Conventions and the obligation to prevent international-humanitarian-law-violations; International Review of Red Cross Volume 96, Issue 895-896; 2014.

AMERICAN JOURNAL OF INTERNATIONAL-LAW

Thomas D. Grant: Aggression Against Ukraine: Territory, Responsibility, and International Law; American Journal of International-Law; Volume 110, Issue 3, 2016.

CAMBRIDGE JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW

Daniel Bethlehem QC: The Relationship between International Humanitarian Law and International Human Rights Law in Situations of Armed Conflict; Cambridge Journal of International and Comparative Law; Volume 2013.

JOURNAL OF INTERNATIONAL-CRIMINAL-JUSTICE

Sergey Sayapin: A Curious Aggression Trial in Ukraine; Some Reflections on the Alexandrov and Yerofeyev Case; Journal of International-Criminal-Justice, Volume 16, Issue 5, December 2018.

LEIDEN JOURNAL OF INTERNATIONAL-LAW

Jens Iverson: Revolution or Reform: Has Humanitarianism Established a New Legal Order? Should It? Leiden Journal of International-Law; Volume 27, Issue 1, March 2014.

JOURNAL OF INTERNATIONAL-HUMANITARIAN LEGAL-STUDIES

Peter Hilpold: Jus Post-Bellum and the Responsibility to Rebuild-Identifying the Contours of an Ever More Important Aspect of R2P; Journal of International-Humanitarian Legal-Studies; Volume 6, Issue 2, 2015.

Laura Hofmann: Strengthening the Principle of Distinction? JOURNAL OF INTERNATIONAL HUMANITARIAN LEGAL STUDIES; Volume 6 Issue 2, 2015.

91 INT'L Stud. 361

Shane R. Reeves and David Wallace: The Combatant Status of Little Green Men and other Participants in the Ukraine Conflict; 91 INT'L Stud. 361, Volume 91 (2015).