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The transformation of the idea of national sovereignty in international law after 2022: From the Westphalian model to the Responsibility to Protect

Abstract. The aim of the study was to identify key transformations in the concept of national sovereignty in contemporary international law under the influence of geopolitical crises after 2022. The methodology combined historical and legal analysis, a comparative approach, and content analysis of international documents, which made it possible to identify patterns in the formation of a new interpretation of sovereignty. The results showed that the traditional view of the absoluteness of state sovereignty has lost its practical force, giving way to an understanding of it as a relative category closely linked to the state's responsibility to its population and the international community. A comparative analysis showed that the Westphalian model, which emphasises the inviolability of borders, has proved ineffective in protecting the civilian population, while the concept of Responsibility to Protect has become a priority. This is confirmed by the cases of Ukraine, where Russia's aggression has brought international criminal law mechanisms to the fore, as well as the situations in Gaza and Kashmir, which have focused discussions on humanitarian interventions and the limits of state immunity. It was found that after 2022, the concept of Responsibility to Protect received new confirmation in the practice of international institutions, in particular through the consideration of war crimes, genocide and mass human rights violations. The analysis showed that although the Westphalian model remains the basis of the international legal order, it is no longer capable of providing adequate protection for the civilian population in global crises. The results obtained indicate the formation of a mixed model in which the classical principles of sovereignty coexist with the norms of humanitarian law aimed at preventing crimes against humanity. The practical significance of the study lies in the possibility of using its conclusions to improve international legal mechanisms for responding to crises, developing strategies for protecting human rights in armed conflicts, and adapting foreign policy doctrines to new global realities

Keywords: security; global crises; independence; principle of sovereign equality; documentation of crimes

Introduction

The relevance of the study is determined by the dysfunction of the international security system, which has intensified since 2022. Full-scale interstate conflicts, such as the Russian Federation's (RF) aggression against Ukraine, which began in 2022, have revealed the incompatibility of classical notions of national sovereignty and the principle of non-interference with contemporary challenges, particularly in the context of protecting states from external aggression. The activities of key international institutions, in particular the United Nations (UN) Security Council, have been hampered by the use of the veto, which has limited the possibility of collective action to maintain peace. This has led to a situation in which massive human rights violations and war crimes remain without

an effective international legal response. Thus, there is a scientific and practical need to rethink the relationship between sovereignty as a right of the state and its responsibility to protect the population. Adapting international law to new geopolitical conditions is one of the main tasks of modern legal science, which determines the relevance of this work. The issue of national sovereignty has been considered the foundation of international law and international relations. The Peace of Westphalia in 1648 established a system based on the principles of state equality, non-interference and territorial integrity, which became the foundations of the modern international legal order. I.K. Shumsky (2021) emphasised that it was from the text of treaties that the concept of state sovereignty began to

Received: 30.08.2025, Revised: 23.01.2026, Accepted: 25.02.2026, Published: 02.03.2026

Suggested Citation:

Dziublenko, I. (2025). The transformation of the idea of national sovereignty in international law after 2022: From the Westphalian model to the Responsibility to Protect. *Foreign Affairs*, 36(1), 53–62. doi: 10.59214/ua.fa/1.2026.53.

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take shape, which remains relevant as of 2025. At the same time, globalisation processes, the intensification of transnational challenges and large-scale conflicts of the 21st century have called into question the absoluteness of this principle. In the modern world, national sovereignty is no longer perceived as a stable category, as new circumstances arise that require a review of its content and functions.

The concept of Responsibility to Protect (R2P) requires separate analysis, as it has shifted the concept of sovereignty from the exclusive right of the state to the duty to protect its own population. K.V. Manuilova (2023) emphasised that this concept has become an integral part of the evolution of international law and is a logical continuation of the idea of protecting human rights from the most serious international crimes. In this approach, sovereignty is no longer absolute; it is conditioned by the state's responsibility to the international community. This principle developed gradually in response to mass tragedies and the inability of traditional legal mechanisms to prevent crimes against humanity. Despite the universality of the provisions, the implementation of R2P has encountered a number of problems. One of the key issues is the application of the third provision of the doctrine, which allows the international community to resort to coercive measures if a state fails to fulfil its obligations. Research by C.K. Ruth (2021) has shown that in the case of the Syrian crisis, it was precisely the split in the Security Council that paralysed this mechanism and made it impossible to effectively protect the civilian population. This example revealed not only institutional weakness, but also the political conditioning of the functioning of international structures, where the interests of leading states come to the fore. Similar issues are highlighted in L. Lazovic's (2025) analysis of interventions in Libya and Syria. The author noted that in Libya, R2P was implemented, albeit accompanied by political selectivity and hidden motives, while in Syria, the application of the principle effectively failed due to a lack of consensus among the leading actors. Thus, R2P remains an important international instrument but at the same time vulnerable to double standards. F. Cüre (2025) considered the problem in a broader context, emphasising that in a world of growing multipolarity, the question of the legitimacy of interventions arises. The author emphasised three challenges to sovereignty: selective application and the right of veto, which are abused by large states. He argued that without adapting R2P to new geopolitical realities, the doctrine risks losing its relevance and becoming a declarative instrument. This approach allows to understand that the problem of sovereignty in the 21st century is not only a legal but also a political category, which is determined by the balance of power in the international environment. Some studies examine the practice of applying the principle in protracted conflicts. Analysing UN documents and interviews with Palestinian refugees, Z.N. Yusseff-Vanegas (2023) identified discrepancies between the theoretical foundations of R2P and its practical implementation. It is emphasised that, despite the provision of humanitarian aid, the doctrine is unable to respond effectively to crises, and its application, from the point of view of refugees, is determined by geopolitical interests, which gives rise to scepticism about its effectiveness. Similar results were confirmed by M.B.E. Saaida (2023), who

analysed the Syrian conflict and found that the intervention of external actors only complicated the restoration of full sovereignty, making statehood dependent on the geopolitical interests of others. This indicates that the modern understanding of sovereignty is in a state of constant revision and can no longer be considered inviolable. At the same time, studies emphasise that the crisis of the classical Westphalian model is linked not only to military conflicts but also to the processes of globalisation. B. Saha-na (2025) has demonstrated that economic, political and cultural integration are gradually transforming sovereignty into a multi-level and flexible category. In this sense, nation states are increasingly forced to cede part of their autonomy to international institutions in order to achieve security and stability. This confirms once again that in the modern world, sovereignty is no longer an absolute right, but rather a subject of coordination and functional adaptation. The changes after 2022 were particularly significant, when the escalation of the international security situation revealed a crisis in traditional collective security institutions. Y. Mykhalskyi *et al.* (2025) demonstrated that these events were the catalyst for reforming the global system, within which the role of new approaches to collective defence, diplomatic interaction and rethinking the function of state sovereignty is growing. The researchers emphasised that the role of individual states in this process has been decisive, as they have become active initiators of change in the field of international security. Thus, the new international reality demonstrates that without revising the Westphalian paradigm and adapting it to modern conditions, it is impossible to ensure stability. Thus, contemporary scientific literature highlights both the theoretical foundations of the transformation of sovereignty and the practical challenges in applying R2P. However, previous studies lack a comprehensive analysis of how the concept of R2P changes the understanding of sovereignty after 2022, when multipolarity and conflicts called into question the effectiveness of the Westphalian model. The aim of the study was to characterise the contemporary model of national sovereignty in international law that emerged after 2022. The research hypothesis was that geopolitical shifts after 2022, in particular the transformation of the global security architecture, contribute to the strengthening of the R2P concept, which is gradually transforming the classical understanding of sovereignty from absolute to functional.

Materials and Methods

The research methodology was based on a combination of historical-legal, comparative and content-analytical approaches, which allowed for a comprehensive analysis of the evolution of the idea of sovereignty and the transformation of the R2P concept. In general, the corpus of analysed sources covers the period from the mid-seventeenth century to early 2025, which made it possible to trace both the long-term evolution of the principles and their contemporary interpretation in the context of new geopolitical realities. Through historical-legal analysis, the evolution of the doctrine of sovereignty was examined from its classical Westphalian understanding to its present state. The source base for this stage consisted of fundamental international legal instruments that define the foundations

of the contemporary legal order, in particular the United Nations Charter (1945), the Universal Declaration of Human Rights (1948), and the Convention on the Prevention... (1948). The formation and institutionalisation of the R2P concept were analysed through key doctrinal sources, primarily the Resolution Adopted by the General Assembly (2005). Additional analytical basis was provided by Resolution 1674 (2006), Resolution 1706 (2006), and Resolution 1973 (2011), which reflect the stages of institutionalisation and practical implementation of the concept. The comparative method was central to the study and was applied in two aspects. First, to identify fundamental conceptual differences, a comparison was made between the Westphalian model and the R2P concept. The criteria for this comparison were: understanding of sovereignty, sources of state legitimacy, mechanisms for responding to mass human rights violations, and the main problems inherent in each model. Second, to assess the selectivity and political conditioning of the practical application of R2P, three contemporary cases were analysed: the aggressive war in Ukraine (since 2022), the conflict in Gaza (2023-2024) and the crisis in Kashmir (since 2019). These cases were selected because they illustrate qualitatively different responses by the international community to essentially similar challenges (external aggression, mass civilian casualties, systematic crimes against humanity), which allows to identify the influence of geopolitical factors on the implementation of the doctrine. The criteria for comparison were: the nature of the violations, the response of the international community, and the degree of compliance with the R2P doctrine. To study the official legal classification of events and the international response within the analysed sources and cases, content analysis of the relevant official documents was used. The Resolution Adopted by the General Assembly (2022), official statements by international organisations, in particular EU delivers over €4 billion... (2025), as well as documents of the International Criminal Court, such as Situation in Ukraine... (2023), were studied. The materials of the UN International Court of Justice, in particular the case *Allegations of Genocide...* (2025), became an important source for analysing contemporary judicial practice in the field of international humanitarian and criminal law. This method was aimed at identifying the official legal classification of events, the mechanisms of international response involved, the frequency of use of key terms, and the arguments of the parties regarding the (non)application of R2P.

Results

The evolution of the Westphalian model of sovereignty and its transformation under the influence of international human rights law. The traditional architecture of international law, which took shape after the conclusion of the Peace of Westphalia in 1648 (*The Peace of Westphalia...*, 2023), was based on the doctrine of absolute national sovereignty. This Westphalian model, which became the basis of classical international law, affirmed the state as the sole and supreme actor on the international stage, endowed with full and exclusive authority over its territory and population. The key elements of this paradigm were the principles of sovereign equality of states and non-interference in internal affairs. Relations

between states were considered external, while relations between the state and its own citizens were considered exclusively internal, protected by the principle of state sovereignty from any external influence. This concept has been formally enshrined in contemporary international law, in particular in the United Nations Charter (1945), Article 2(1) of which proclaims the principle of sovereign equality of all members, and Article 2(7) prohibits the UN from interfering in matters that are essentially within the domestic jurisdiction of any state. From the 17th century to the mid-20th century, this doctrine served as the basis for the international order, where the stability of the system was considered a higher value, even if it was achieved at the cost of ignoring massive human rights violations within sovereign borders. However, the experience of the first half of the 20th century, in particular the crimes committed by totalitarian regimes against their own populations, which reached their peak during World War II and the Holocaust, demonstrated the moral and practical failure of an absolutist approach to sovereignty (*What is the Holocaust*, n.d.). It was found that the state could become the main threat to its own people, and the principle of non-interference could become a tool for covering up international crimes. This shift in the consciousness of the international community led to the emergence and rapid development of a new field – international human rights law. The adoption of the Universal Declaration of Human Rights (1948) and subsequent international covenants and conventions, in particular the Convention on the Prevention... (1948), marked a revolutionary change in international law. The way a state treats its citizens ceased to be exclusively its internal affair and became a matter of legitimate international concern. Sovereignty began to be seen not only as the right of a state to independence, but also as its obligation to respect and protect fundamental human rights. This process, known as the “humanisation” of international law, laid the doctrinal foundations for the further weakening of the absolute Westphalian model (*The Peace of Westphalia...*, 2023). However, the practical implementation of these new principles was confronted with the reality of Cold War geopolitics. The collective security mechanism enshrined in the United Nations Charter (1945) was effectively paralysed by the veto power of the permanent members of the Security Council, as confirmed in *The Veto* (2015), which made it impossible to take any effective action in response to massive human rights violations if they occurred in the sphere of interest of one of the superpowers. The end of the Cold War and the new wave of democratisation aimed to create an effective protection system, but the events of the 1990s demonstrated its impracticability. The genocide in Rwanda and the massacre in Srebrenica showed that the international community remained unable to prevent mass crimes against humanity, even in the absence of a veto in the Security Council (Hoare, 2021; Onay, 2025). These failures sparked intense debate about so-called “humanitarian intervention” – the use of force to protect the population of another state from gross human rights violations without Security Council authorisation. The culmination of these debates was the North Atlantic Treaty Organisation (NATO) operation in Kosovo in 1999, which, although morally justified in NATO’s view, was

formally illegal because it did not have a mandate from the UN Security Council (NATO's role in Kosovo, 2025). It was in response to this contradiction between legitimacy and legality, as well as the need to find a consensual approach to preventing mass atrocities, that the concept of R2P emerged. First formulated in 2001 in a report by the International Commission on Intervention and State Sovereignty, this doctrine proposed a fundamental reassessment of the very concept of sovereignty (About the Responsibility to Protect, n.d.). Instead of the traditional "sovereignty as control", the commission proposed the concept of "sovereignty as responsibility". According to this approach, the primary responsibility for protecting its own population from crimes – genocide, war crimes, ethnic cleansing, and crimes against humanity – lies with the state itself. However, if the state is unable or unwilling to fulfil this responsibility, or is itself the perpetrator of these crimes, this responsibility passes to the international community as a whole. This revolutionary idea

was formally enshrined in the Resolution Adopted by the General Assembly (2005), thereby incorporating the R2P doctrine into international law at the highest level of political commitment. The concept formulated at the summit is based on three interrelated components. The first component: each state has the primary responsibility to protect its population from four mass crimes (genocide, war crimes, ethnic cleansing and crimes against humanity). The second component: the international community has a responsibility to encourage and assist states in fulfilling this responsibility, using diplomatic, humanitarian and other peaceful means. Third component: if a state is unable to protect its population, the international community has a responsibility to take collective action in a timely and decisive manner through the UN Security Council in accordance with Chapter VII of the United Nations Charter (1945), including the use of force as a last resort. A comparative analysis of the Westphalian model and the R2P concept is presented in Table 1.

Table 1. Comparison of the Westphalian model and the R2P concept

Criterion	Westphalian model	R2P concept
Understanding sovereignty	Absolute state control, non-interference	Sovereignty as the responsibility of the state towards its own population
Legitimacy	Determined by territorial integrity and effective control	Determined by the ability to protect the population from mass crimes
Response to mass crimes	Limited by the principle of non-interference even in cases of genocide	The international community has the right to act if the state fails to fulfil its obligations
Key issues	May serve as a cover for aggression or internal repression	Selective application, politicisation in the UN Security Council

Source: developed by the author based on F. Teson (2005), M. Hussain & S. Mehmood (2021), R. Paris (2022), Ö. Eskiduman (2022), J. Moses (2024)

Thus, the R2P doctrine has become the most important doctrinal challenge to the Westphalian model of sovereignty. It does not abolish sovereignty, but fundamentally transforms it, making it conditional. The state's right to non-interference is no longer absolute. It is directly dependent on the state's fulfilment of its basic duty to protect its own people from mass crimes. Although this concept remains the subject of political debate, particularly with regard to the criteria for applying the third component, it has become an integral part of contemporary international law and human rights discourse. It has created a new normative framework that allows the international community to respond to internal crises that threaten to escalate into mass crimes and has shifted the focus from the rights of states to the protection of people. It is this doctrinal evolution, which has been taking place since 1648, that has laid the groundwork for rethinking the role of the international community in response to the aggression and war crimes that occurred after 2022.

The concept of R2P and its normative formulation in international law. The concept of R2P was developed as a result of many years of discussion in international legal doctrine and practice. Its significance became apparent when the international community began to seek new mechanisms for responding to mass crimes against civilians that were beyond the scope of traditional collective security instruments. Unlike the doctrine of humanitarian intervention, which was interpreted as the possibility of unilateral intervention by states or coalitions in the

internal affairs of other countries, R2P does not deny state sovereignty. It complements its content and combines the right of a state to independence with the international obligation to protect its own population from crimes. It is this distinction from previous discussions that has made R2P one of the major innovative developments in international law in the twenty-first century. The normative consolidation of R2P began to take shape in UN practice immediately after member states politically recognised its existence (About the Responsibility to Protect, n.d.). As early as 2006, the Security Council adopted Resolution 1674 (2006), which confirmed that the protection of civilians during armed conflicts is an obligation of the international community. This decision was important because, for the first time since the official adoption of the R2P concept, its main provisions were reflected in a legally binding act adopted by the body responsible for maintaining international peace and security. Subsequent documents, in particular Resolution 1706 (2006) on the situation in Darfur, became examples of how R2P could serve as the basis for peacekeeping operation mandates, giving them an expanded function of protecting civilians. A key event occurred in 2011, when the Security Council adopted Resolution 1973 (2011) on Libya. It allowed the use of all necessary measures, including military ones, to protect the civilian population from the threat of mass crimes. This was the first case of the authorised use of force in the R2P concept. What started as a humanitarian mandate turned into an operation that ended with the overthrow of

Muammar Gaddafi's regime (Basiru *et al.*, 2016). For countries, this confirmed the risk of the concept being misused for the political interests of major powers. As a result, confidence in R2P declined and its legitimacy as a universal principle was threatened. The events in Syria, which began in 2011, were another test of the concept. Despite numerous reports of mass crimes against the civilian population, collective action remained blocked due to Russia's veto power in the Security Council (Fact or not..., 2018). This once again showed that the effectiveness of R2P depends on the architecture of international security and the political interests of the permanent members of the Council. As a result, as noted by Y.R. Kassim (2014), a discussion arose about the "crisis of R2P application", which refers to a situation where there is a gap between the declarative recognition of the concept and its actual implementation. Despite practical difficulties, R2P has gradually been integrated into the activities of international and regional institutions. The African Union has included the right to intervene in cases of mass crimes in its founding documents, effectively creating a regional legal basis for the application of the doctrine (Wyse, 2018). The European Union (EU) has also begun to refer to R2P in its own strategic security documents, particularly in policies on the protection of civilians in crises (European civil protection..., n.d.). Thus, the concept has ceased to be exclusively a universal structure of the United Nations and has gradually become an element of regional security policy.

An important consequence of the normative formalisation was the clear distinction between R2P and the doctrine of humanitarian intervention. While the latter provided for the possibility of using force even without the sanction of the Security Council, R2P is tied to the provisions of the United Nations Charter (1945). It provides for the use of coercive measures exclusively on the basis of Council decisions. This established a fundamental balance between the need to protect human dignity and the recognition of state sovereignty, although in practice maintaining this balance proves difficult. After 2022, the significance of R2P took on a new context in connection with the Russian Federation's aggression against Ukraine. The scale of the conflict and numerous cases of war crimes and crimes against humanity have raised questions for the international community about the possibility of applying this concept not only in internal conflicts, but also in interstate wars (Oguejiofor *et al.*, 2024). It was the Ukrainian case that showed that R2P has potential in this area as well. International organisations began to actively use indirect mechanisms for its implementation. These include documenting war crimes, supporting the work of the International Criminal Court, and creating special investigative bodies and tribunals (Situation in Ukraine..., 2023). These actions demonstrate that R2P is no longer limited to military interventions and is gradually encompassing a wider range of preventive, judicial and diplomatic instruments. This experience has also highlighted the importance of the preventive dimension of the concept. While at the beginning of its development the main emphasis was on collective action in response to mass crimes that had already been committed, current practice emphasises the need to build the internal institutional capacities of states. The Ukrainian example has confirmed that democratic

states with effective rule of law mechanisms and international support are able to more effectively fulfil their responsibility to protect. In this sense, R2P is increasingly seen not as an instrument of coercive intervention, but as a comprehensive approach combining diplomacy, economic sanctions, humanitarian aid and international justice. In view of this, it can be stated that the normative formulation of the R2P concept is one of the key achievements of international law at the beginning of the 21st century. Despite inconsistencies in practice and dependence on the political will of major powers, R2P has established itself as an important element of contemporary international legal discussions. Events after 2022 have further reinforced its relevance and demonstrated that state sovereignty can no longer be interpreted as an absolute category (Situation in Ukraine..., 2023). It is gradually transforming into an obligation for states to guarantee the protection of their own populations and to cooperate with the international community in the event of threats of mass crimes.

Rethinking R2P after 2022: Practical application in conflict situations. The full-scale invasion of Ukraine by the Russian Federation on 24 February 2022 became not only the largest armed conflict in Europe since World War II, but also a fundamental challenge to the entire architecture of international security and, in particular, to the concept of R2P (Situation in Ukraine..., 2023). The situation in which a permanent member of the UN Security Council commits an act of aggression accompanied by mass atrocities that fall under the definition of war crimes and crimes against humanity has exposed the structural vulnerability of the third component of R2P, which provides for collective action through the Security Council. The veto power exercised by the Russian Federation to block any decisive action has effectively rendered the very body that, according to the doctrine, should be the main guarantor of its implementation, powerless. However, this paralysis has not led to the complete collapse of the concept. On the contrary, it became a catalyst for its profound transformation, shifting the focus from direct military intervention, which had become impossible, to the strengthening and innovative application of other accountability mechanisms belonging to the second component of R2P, as well as to the unprecedented activation of international justice instruments. The first and most obvious consequence of the Security Council's deadlock was the activation of the UN General Assembly as an alternative platform for expressing the will of the international community. The adoption of Resolution Adopted by the General Assembly (2022), which condemned the aggression and demanded the immediate withdrawal of Russian troops and was supported by 141 states, demonstrated a global consensus on the illegitimacy of the Russian Federation's actions. Although UN General Assembly resolutions are not legally binding, unlike Security Council resolutions adopted under Chapter VII of the United Nations Charter (1945), they carry enormous political and moral weight. This step can be interpreted as the international community fulfilling its responsibility to protect through diplomatic and political means, which is part of the second component of R2P. Moreover, it was a practical implementation of the "Uniting for Peace" procedure, which allows the UN General Assembly to act in cases where

the Security Council is paralysed. This demonstrated that even when the main security body is blocked, international law provides alternative ways for a collective response to gross violations of the United Nations Charter (1945). The second key element of the transformation was the unprecedented scale of military, financial and humanitarian assistance provided to Ukraine by a coalition of states (EU delivers over €4 billion..., 2025). This assistance can be seen not only as a manifestation of geopolitical support, but also as a new form of implementation of the second component of R2P. While during the 2000s and 2010s this component was interpreted mainly as assistance to states in building their own capacity to prevent crimes (for example, through reform of the security sector or the judicial system), in the case of Ukraine it took on a new meaning – assistance to the state in implementing its primary responsibility to protect its population from external aggression accompanied by mass crimes. The provision of

weapons, military training, financial support for the functioning of the state, and humanitarian aid to millions of displaced persons have become practical tools that have enabled Ukraine to resist and protect its citizens. Thus, the international community did not replace the sovereign state (as the third component would imply), but strengthened it so that it could fulfil its sovereign responsibilities on its own. This is an important shift in emphasis that makes R2P a more flexible concept, applicable not only to internal conflicts and failed states, but also to situations of interstate aggression. However, to better understand the challenges and limitations of the transformation of R2P after 2022, particularly the problem of its selective application, it is useful to compare the international community's response to the Ukrainian crisis with other recent situations of mass human rights violations, such as the conflict in Gaza (2023-2024) and the ongoing crisis in Kashmir (since 2019). Key aspects are presented in Table 2.

Table 2. Selectivity in the application of R2P: Ukraine, Gaza and Kashmir

Case	Nature of violations	Reaction of the international community	Compliance with R2P
Ukraine (since 2022)	Aggressive war, mass war crimes	Sanctions, military and financial aid, documentation of crimes, investigation by the International Criminal Court	R2P is implemented through the second component, while the third is blocked by the Russian Federation's veto
Gaza (2023-2024)	Mass civilian casualties, destruction of cities	Lack of effective application of R2P, political passivity of the UN	R2P has proven ineffective due to political barriers
Kashmir (since 2019)	Systematic crimes against humanity, repression of the population	The UN did not apply R2P due to the interests of India and its partners	R2P is completely blocked by political and geostrategic factors

Source: developed by the author based on M. Hussain & S. Mehmood (2021), Ö. Eskiduman (2022), J. Moses (2024)

The data presented in Table 2 demonstrate the main problem with the R2P doctrine – its selective application, which depends on the geopolitical interests of major powers. While in the case of Ukraine the implementation of the second component of R2P was made possible by the political will of Western partners, in the situations in Gaza and Kashmir international mechanisms were blocked by political barriers and the interests of other global players. This confirms the conclusion that R2P, despite its universal humanitarian nature, remains an instrument whose effectiveness is determined primarily by the political situation rather than the objective level of threat to the civilian population. Third, and most important from the point of view of the long-term development of international law, was the strengthening of international justice mechanisms as an instrument for implementing the Responsibility to Protect. Realising the impossibility of military intervention, the international community focused its efforts on ensuring individual criminal responsibility for crimes committed. The investigation by the International Criminal Court, which led to the issuance of arrest warrants for the President of the Russian Federation and the Commissioner for Children's Rights for the war crime of illegal deportation of children (Situation in Ukraine..., 2023), became a historic precedent. It demonstrated that even the highest officials of the aggressor state do not have immunity from international justice. In addition, the consideration of Ukraine's claim against Russia in the UN International Court of Justice (ICJ) (Allegations of Genocide..., 2025) under the Genocide Convention and its order for provisional

measures (Convention on the Prevention..., 1948) requiring Russia to cease military operations confirmed that existing international legal instruments have the potential to hold states accountable. Another important innovation was the creation of numerous investigative mechanisms, such as the Independent International Commission of Inquiry on Ukraine, established by the UN Human Rights Council, as well as the activation of universal jurisdiction in the national courts of many European states. This network of parallel investigations creates an unprecedented body of evidence and increases the likelihood that perpetrators will be held accountable. Thus, while the forceful component of R2P has been blocked, its legal and judicial components have, on the contrary, been strengthened, transforming R2P from a predominantly political doctrine into a practical instrument of international justice.

At the same time, the war in Ukraine has revealed the danger of manipulation and abuse of R2P rhetoric. The Russian Federation attempted to justify its aggression by referring to the alleged need to "protect" the Russian-speaking population from "genocide" by the Ukrainian authorities (Ukraine v. Russia: Hague..., 2022). This attempt to use humanitarian rhetoric to cover up an act of aggression was decisively rejected by the overwhelming majority of states and international institutions. This experience, although negative, had an important normative consequence: it contributed to the crystallisation and consolidation in international discourse of the understanding that R2P cannot be used as a pretext for the unilateral use of force and that its application must strictly comply

with the definitions of the four mass crimes confirmed by independent international bodies. Thus, the attempt to delegitimise the concept through its abuse has, paradoxically, led to a strengthening of its normative core and a clearer understanding of the criteria for its legitimate application. Thus, the events after 2022 did not invalidate R2P, but became a catalyst for its profound transformation. The paralysis of the Security Council made it impossible to apply the third component of the doctrine, but it provoked an unprecedented activation and expansion of the instruments belonging to its first and second components. Through political pressure, the provision of assistance and the activation of justice mechanisms, the international community is effectively helping Ukraine to fulfil its primary responsibility to protect its population. This shows that the idea of “sovereignty as responsibility” remains relevant, but its implementation in the new geopolitical reality requires more flexible and multifaceted approaches, where the emphasis shifts from direct intervention to strengthening the capacity of the victim state and ensuring the inevitability of punishment for the most serious international crimes. Thus, the results confirm the research hypothesis: the geopolitical shifts after 2022 stimulated the actualisation of the R2P doctrine, giving it priority in response to inter-state aggression and mass human rights violations.

Discussion

The results showed that events after 2022, in particular the Russian Federation’s armed aggression against Ukraine, served as a catalyst for rethinking the concept of national sovereignty in international law. The identified transformation from the absolutist Westphalian principle to the concept of “sovereignty as responsibility” confirmed that geopolitical shifts stimulated the actualisation of the R2P doctrine. These results correlated with the theses of E.C. Azubuike (2023), who determined that in conditions of large-scale human rights violations, absolute non-interference could no longer serve as a defence for the state. The study showed that Russia’s invasion exposed the limitations of the traditional paradigm: references to sovereignty were no longer perceived as a legitimate justification for the aggressor’s actions. This confirmed E.C. Azubuike’s (2023) conclusion that R2P is becoming a growing norm of international law that can change the very understanding of sovereignty. According to O.-C. Mihalache (2022), humanitarian interventions led to a loss of sovereign control, as a result of which the state temporarily lost its legitimacy. The results of this work not only confirmed the existence of such a risk, but also revealed its modification: in the case of Ukraine, the international community chose not to delegitimise the government, but on the contrary, to support its ability to perform its duties. This made it possible to avoid the “pre-Westphalian state” mentioned by O.-C. Mihalache (2022) and at the same time confirmed that R2P can be applied without destroying legitimate statehood. The work of M. Doğan (2023) showed that the Westphalian model has never been universal and has often been violated. The results obtained supported this: the invasion of Ukraine demonstrated yet another violation of fundamental principles, revealing the declarative nature of Westphalian logic. The study proved that

it was precisely because of this violation that the international system began to actively seek alternatives, in particular R2P. H. Bauder & R. Mueller (2023) criticised the Westphalian system as Eurocentric and colonial. The results of this work confirmed this assessment, showing that the events after 2022 require a more universal approach than the classical model. The concept of “indigenous sovereignty” described by H. Bauder & R. Mueller, although not directly applied to Ukraine, was consistent with the idea that sovereignty should take into account not only control over territory, but also the ability to ensure the rights of the population.

The publication by F. Mégret (2021) raised the issue of “inherent functions of the state.” The study showed that protecting the population from mass crimes is precisely such a function. Failure to fulfil this function, as evidenced by the case of Russia, led to the delegitimisation of the aggressor state and legitimised the actions of the international community. This coincides with F. Mégret’s assumptions that international law is gradually defining a set of functions that cannot be alienated. The results of the study also confirmed R. Barber’s (2022) arguments that in the case of Ukraine, the implementation of R2P required comprehensive measures, ranging from sanctions to international trials. The study showed that these instruments became key, as military intervention remained blocked. G. Bosse’s (2022) analysis explained the EU’s unity in imposing sanctions and protecting refugees by the normative force of R2P, which was confirmed by the results. At the same time, as noted by A.N.V. Adamu (2023) and P.O. Oguejiofor *et al.* (2024), the absence of direct military intervention could be interpreted as a weakening of R2P. However, the results of this work pointed to another aspect: the second component of R2P (support for Ukraine) was implemented on an unprecedented scale, and therefore, it was more of an adaptation of the principle than a crisis. This was an important clarification to the conclusions of A.N.V. Adamu and P.O. Oguejiofor *et al.* Similarly, M. Roscini (2024) emphasised the strength of the principle of non-intervention, albeit with numerous exceptions. The study found that the Ukrainian case was yet another confirmation that non-intervention cannot remain absolute when it comes to mass crimes. The analysis by A. Patel & R. Tiwari (2024) on Russian aggression was consistent with the results of the study: the justifications proposed by the Russian Federation were found to be incompatible with international law, confirming his thesis about the groundlessness of the aggressor’s arguments. A.J. Bellamy (2023) questioned whether the international community is capable of effectively implementing R2P. The results of the study confirmed that, despite problems with the use of military mechanisms, economic, diplomatic and humanitarian measures have proven effective. Against this backdrop, the analysis by M. Mennecke & E.E. Stensrud (2021) on the failure of R2P in Myanmar created a contrast: in the case of Ukraine, although the international community did not use the third component, it showed greater unity and activity, which indicated an evolution in the practice of applying the norm. Additionally, it is worth noting that events after 2022 highlighted another dimension that was less visible in previous theoretical discussions: geopolitical factors determined not only the

possibility of applying R2P, but also the nature of its implementation. As the study showed, regional organisations, in particular the EU, played a key role in circumventing the paralysed Security Council by mobilising sanctions and humanitarian instruments. This expands on the previous concepts of A.J. Bellamy (2023) and E.C. Azubuike (2023), proving that R2P can be deployed in a decentralised manner, through multi-level coalitions, even in the absence of consensus among the major powers. Thus, the results of the study confirmed that after 2022, the idea of sovereignty underwent a transformation. The Westphalian model, with its emphasis on non-interference, proved insufficient to adequately respond to new challenges, such as aggressive wars and mass human rights violations. The concept of R2P has received new practical confirmation and has become relevant as an instrument of international politics and law. The decisive factor in the legitimacy of a state is its ability to perform its fundamental function – to ensure the security and rights of its population. If this function is not fulfilled or is violated, there is room for collective responsibility on the part of the international community. Thus, the events after 2022 have highlighted not only the crisis of the traditional understanding of sovereignty, but also the transition to a model in which state sovereignty is correlated with universal humanitarian norms. This indicates a new stage in the development of international law, within which the balance between state prerogatives and global responsibility is taking on a fundamentally different meaning.

Conclusions

The study showed that the idea of national sovereignty underwent a transformation after 2022. It was established that the classic Westphalian model, which defined the international legal system from the mid-17th to the mid-20th century, is no longer capable of providing an effective response to contemporary global crises. Its emphasis on non-interference and absolute state control proved insufficient to protect civilians from mass crimes and aggressive actions by other states. The analysis determined that the concept of R2P has become the main challenge and, at the same time, a supplement to the traditional doctrine. It has changed the perception of state legitimacy: as of 2025, it is determined not only by territorial sovereignty, but also by the ability to guarantee the rights and security of its citizens. Thus, sovereignty began to be viewed as a relative category, closely linked to responsibility to the domestic population and the international community. This confirmed the research hypothesis that the geopolitical shifts after 2022, in particular the transformation of the global

security architecture, contributed to the strengthening of the Responsibility to Protect concept, which is gradually transforming the classical understanding of sovereignty from absolute to functional. The practical results of the analysis confirmed that R2P was integrated into the international legal system through a three-component model, but after 2022, the emphasis gradually shifted. The third component, related to collective forceful action, remained blocked due to the veto power in the UN Security Council. At the same time, the second component took on new meaning: assistance to a state in fulfilling its own responsibilities began to be provided through military, financial and humanitarian support, as demonstrated by the example of Ukraine. At the same time, the importance of international justice instruments and the documentation of crimes has grown, indicating an expansion of the practical forms of R2P implementation. The main result of the study was confirmation of the selectivity of the doctrine's application. A comparison of the international community's response to events in Ukraine, Gaza and Kashmir revealed that the implementation of R2P depends on the geopolitical interests of the major powers. This made it possible to conclude that, despite its universal nature, the doctrine leaves considerable room for political manipulation. It has been scientifically confirmed that sovereignty is no longer absolute and has acquired a functional meaning. It has been practically outlined that the application of R2P in the future will require the strengthening of institutional prevention mechanisms, the improvement of international justice procedures and the formation of agreed criteria to avoid political selectivity. The results can serve as a basis for the formation of foreign policy strategies of small and medium-sized states, as well as for the reform of international security institutions in order to increase their effectiveness in preventing mass crimes. Prospects for further research lie in expanding the analysis of the R2P concept in an interdisciplinary dimension, in particular, in studying its socio-cultural perception, humanitarian consequences, and practical implementation in the context of the transformation of the international order after 2022.

Acknowledgements

None.

Funding

None.

Conflict of Interest

None.

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