

A PERSPECTIVE ON THE UKRAINE CONFLICT

Asoke Mukerji

THE ongoing conflict in Ukraine confronts India with both systemic and specific foreign policy challenges. A lasting resolution of these challenges requires negotiated outcomes, both within and outside Ukraine. In systemic terms, the conflict poses a challenge to the principle of equitable and effective international cooperation. India needs a predictable external environment to pursue its national interests in a calibrated manner in a multipolar world. In specific terms, the conflict has highlighted challenges to the sovereignty of nation-states posed by unilateral punitive measures. India has responded by asserting its independence and “strategic autonomy.” Both the systemic and specific challenges posed by the Ukraine conflict adversely impact India’s declared aim to become a developed country by 2047. India’s calls for an “end to the era of war” and the primacy of “dialogue and diplomacy” in response to

the Ukraine conflict should be seen within this framework.

POST-COLD WAR INDIA, RUSSIA, AND UKRAINE

India’s contemporary relations with post-Soviet Russia and Ukraine were initiated by the unanimous decision made by the participating leaders of the “Commonwealth of Independent States” meeting in Almaty on December 21st, 1991, regarding their international status. The decision recognized Russia as the “continuing state” to replace the Soviet Union as a founding member of the UN and the UN Security Council (UNSC) while upholding Ukraine’s and Belarus’s original membership of the UN. Accordingly, diplomatic relations between India and Russia continued their seamless operations from January 1992 onwards. India initiated the opening of its new diplomatic relationship with independent Ukraine, opening its embassy in Kyiv in May 1992. Independent Ukraine opened its embassy

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The author as India's Permanent Representative during the commemoration of the International Day of Non-Violence

Photo: UN Photo/Cia Pak

in India in February 1993, the first Ukrainian embassy in Asia.

The framework of strategic interaction between India and Russia, and India and Ukraine, was formalized during the initial bilateral meetings between the political leaders of the three countries. India’s Prime Minister P.V. Narasimha Rao and Russia’s President Boris Yeltsin met at the first UNSC Summit in New York on January 31st, 1992. India was then an elected member of the UNSC. Russia took the place of the Soviet Union as one of the five permanent members (P5) of the UNSC. Ukrainian President at the time, Leonid Kravchuk,

visited India in March 1992, and India’s President Shankar Dayal Sharma made a reciprocal visit to Ukraine in 1993.

India launched a major set of economic reforms in July 1991. Russia launched its own reforms in 1992. As the continuing state that inherited the rights and obligations of the Soviet Union, Russia became India’s pre-eminent partner among the former Soviet republics. In strategic terms, the 1971 Indo-Soviet Treaty (with its mutual security cooperation clause) was replaced by a new India-Russia Treaty of Friendship and Cooperation in January 1993. In October 2000, during President

Vladimir Putin's first official visit to India, both countries signed their Declaration on Strategic Partnership, laying the foundations for the incremental evolution of their "special and privileged strategic partnership" through an "annual summit mechanism," which is widely acknowledged to be the brain-child of President Putin.

Both Indian and Russian analysts have underlined that their bilateral relationship is one of partnership rather than an alliance. Despite unexpected disruptions, including the COVID-19 pandemic, 22 annual summits have been held between India and Russia, showcasing the resilience and mutual benefits of the strategic partnership between the two countries.

India and Ukraine signed an Agreement on Friendship and Cooperation in March 1992. The spirit of this agreement was undermined by Ukraine's sale of 300 T-80UD main battle tanks to Pakistan in 1996 when India-Pakistan relations were tense. In 1998, Ukraine sold the aircraft carrier Varyag (now known as Liaoning) to China, enabling China to acquire its first aircraft carrier and construct more of these force-multiplying platforms subsequently. Along with Ukrainian sales of gas turbine engines to China, this contributed significantly to the emergence of China's current blue-water naval profile, impacting adversely India's security interests in the

Indo-Pacific domain. Between 1992 and 2022, India and Ukraine held only five summit meetings.

The difference between the emerging Russian and Ukrainian strategic relationships with India during the 1990s was illustrated by their response to India's nuclear weapons tests in May 1998. Ukraine "condemned" the step taken by India, while Russia "deeply regretted" the action. Despite its membership in the G7 since 1997, Russia did not apply the unilateral economic sanctions imposed by the major Western powers on India due to its nuclear tests.

A POLITICAL SETTLEMENT WITHIN UKRAINE

This post-Soviet "pre-history" plays a role in India's response to the Ukraine crisis. The removal of Ukraine's democratically elected President, Viktor Yanukovich, following violent street protests in February 2014, caused unease in India. In its official response, India called for "an end to the violence and for a constructive dialogue to find political and diplomatic solutions that protect the legitimate interests of all sections of Ukraine's society and all the countries in the region."

As a pluralistic democracy, India prioritized the resolution of internal conflicts within Ukraine through elections and political dialogue to ensure continued stability. The election of

President Petro Poroshenko as the fifth President of Ukraine in May 2014 was welcomed by India, which anticipated an "inclusive dialogue among various sections of Ukraine's population for a peaceful resolution of the crisis."

The support for reaching a political settlement of Ukraine's internal problems was rooted in India's own experience in responding to internal differences within Pakistan in 1971. The rejection of the results of the democratic parliamentary elections held in Pakistan in 1970—which would have brought to power in Islamabad the Awami League party of East Pakistan led by Sheikh Mujibur Rahman—resulted in the declaration of martial law in Pakistan. In the absence of a political settlement, the massive humanitarian and political fallout in what was formerly East Pakistan in 1971—which led to 10 million East Pakistani refugees streaming into India, and an armed attack on India by Pakistan in December 1971—provoked the 13-day India-Pakistan war. The war ended with the separation of East Pakistan and the emergence of independent Bangladesh.

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The immediate impact on India of the growing internal conflict in Ukraine in 2014 was felt by the approximately 20,000 Indian students enrolled in Ukraine's higher educational medical and engineering institutions. Addressing their issues, including steps to evacuate them back to India, became the predominant theme of India's diplomatic interaction with Ukraine after 2014 and, subsequently, in 2022.

THE ROLE OF THE OSCE

India's cautious optimism regarding a political settlement within Ukraine through inclusive dialogue was buttressed by Ukraine's choice to use the Organization for Security and Cooperation in Europe

(OSCE) as a regional platform to facilitate such a political settlement. Since 1992, the OSCE has acted as a regional arrangement under Chapter VIII of the UN Charter, using diplomacy and dialogue to maintain regional peace and security. The OSCE espoused the principle of "indivisible security," under which the security of one state in Europe was "inextricably linked with the security of every other state." In March 2014, the OSCE deployed a Special

Monitoring Mission (SMM) in Ukraine, which had the unanimous consent of other OSCE member states, including Russia and the major NATO powers. The SMM had a mandate to monitor and report the ground situation using unarmed observers.

The SMM deployment was followed up by a Ministerial meeting in Geneva in April 2014 hosted by Switzerland's Foreign Minister and OSCE chair-in-office Didier Burkhalter, with the participation of the United States, Russia, and the EU to discuss a peaceful settlement of the Ukrainian conflict. Didier Burkhalter visited India in November 2013 for the ASEM Ministerial meeting, when the situation in Europe, including Ukraine, and possible responses to it were informally discussed.

In July 2014, the OSCE's efforts resulted in the creation of a dialogue mechanism under the "Normandy Format" between France, Germany, Ukraine, and Russia at the head-of-state level. Ground-level steps to de-escalate were entrusted to an OSCE-chaired Trilateral Contact Group based in Kiev, which included, besides the OSCE chair-in-office, representatives of Ukraine and Russia. These developments were integral to the assessment by Switzerland as chair-in-office to the OSCE Ministerial Meeting in December 2014, which stated that "OSCE participating states are united in recognizing that there is

no military solution to the crisis in and around Ukraine."

THE MINSK AGREEMENTS

The biggest obstacle to making progress through the OSCE mechanism had been the disagreement between Ukraine and Russia on the political participation of the eastern Ukrainian regions of Donetsk and Luhansk in the dialogue. By February 2015, prospects for a negotiated political settlement to the Ukraine crisis gained traction, following the adoption of the "Minsk Agreements" by Ukraine, Russia, France, and Germany. The Minsk Agreements specifically committed to a "comprehensive political settlement" of the conflict in eastern Ukraine, which upheld Ukraine's sovereignty and territorial integrity while obliging the Ukraine government to deviate power to the eastern regions of Ukraine. They committed to a peaceful solution through dialogue and holding local elections under Ukraine's "law on local self-government" of the issues that provoked the conflict, including the "right to linguistic self-determination."

The Minsk Agreements were built on specific obligations of the signatories for implementation. These obligations were accepted by France, Germany (who also acted on behalf of the EU), Russia, and Ukraine. Ironically, in late 2022, both former French President Francois Hollande and former German Chancellor

Angela Merkel confirmed publicly that they had stood as guarantors for the Minsk Agreements in order to give Ukraine time to become militarily "stronger."

At the initiative of Russia, the Minsk Agreements were tabled in the UNSC, which unanimously adopted resolution 2202 on February 17th, 2015, endorsing the two documents. This made France, the United Kingdom, and the United States—the three NATO permanent members of the UNSC—also party to the consensus UNSC decision, which under Article 25 of the UN Charter was binding on all UN member states.

India's public response to UNSC resolution 2202 was positive. A statement issued after the meeting of the foreign ministers of Brazil, Russia, India, China, and South Africa (BRICS) held in New York on September 29th, 2015, "called on all parties to comply with all provisions of the Minsk Agreements adopted in February 2015." On April 18th, 2016, at a meeting of the Foreign Ministers of Russia, India, and China in Moscow, the three countries reiterated

their position that "there is no military solution to the conflict and the only way to reconciliation is through inclusive

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political dialogue." They reiterated that "all parties to the conflict are called to comply with all the provisions" of the Minsk Agreements.

Significant policy changes within Ukraine made compliance with "all the provisions" of the Minsk Agreements problematic. These changes involved a new Ukrainian law on religion from December 2018, separating the Russian Orthodox Church (which counted 52 percent of the population of Ukraine as its adherents) from the Moscow Patriarchate in order to create a "national" Orthodox Church of Ukraine. The adoption of a new Ukrainian law

in July 2019 on the mandatory use of Ukrainian as the state language was seen by Ukraine's Russian-speaking minority population as an attempt to erase the use of the Russian language in Ukraine. A major strategic policy shift occurred with the introduction of an "interoperability" security framework between Ukraine and NATO in 2016.

THE ROLE OF NATO

The creation of a Ukraine-NATO architecture added a new dimension that influenced India's assessment of the Ukraine conflict. The Ukrainian

government negotiated a "Comprehensive Assistance Package" for Ukraine, which was adopted at the NATO Summit in Warsaw in 2016. In 2017, during the Trump Administration, the Ukrainian parliament legislated joining NATO as a strategic and foreign policy objective, amending the Constitution to reflect this in 2019. The Ukraine National Security Strategy launched by President Zelensky in September 2020 made the country's partnership oriented toward membership in NATO, developed on the basis of 16 NATO capacity-

building programs and trust funds. At least 80,000 Ukrainian troops trained by NATO between 2016-2022 were in position on February 24th, 2022, when Russian armed forces entered Ukraine.

In June 2020, Ukraine became NATO's sixth Enhanced Opportunity Partner, acquiring preferential access to NATO's

interoperability toolbox (the other five partners are Australia, Finland, Georgia, Jordan, and Sweden). To lock in NATO's embrace of Ukraine, the U.S. and Ukraine signed an updated Charter on Strategic Partnership on November 10th, 2021, based on the U.S.-Ukraine Strategic Defense Framework of August 31st, 2021, which agreed to apply "NATO principles and standards" to Ukraine's security sector. Despite being a party to the Minsk Agreements endorsed by the UNSC in February 2015, NATO powers de facto bypassed the UNSC resolution 2202. In the process, NATO undercut the OSCE's role in Ukraine, which Russia had accepted.

India's concern about the impact of NATO's influence within a non-NATO state drew upon NATO's presence in Afghanistan, as well as incremental moves by the United States to develop an "interoperability" framework with India. As a non-UN entity, NATO entered Afghanistan in August 2013 by taking over the command of the International Security Assistance Force (ISAF) created by the UNSC resolution 1386 in December

2001. The U.S. decision to withdraw NATO troops from Afghanistan by 2021 was interlinked with the process of political settlement to create an "inclusive government" in Afghanistan by mid-2021. This had been endorsed by the unanimous adoption of UNSC resolution 2513 on March 10th, 2020.

This political settlement failed to materialize, as the United States led NATO out of Afghanistan in mid-August 2021, handing the country over to a UNSC-designated terrorist entity, the Taliban. As an elected member, India was chairing the UNSC during August 2021. At the UNSC meeting on August 16th, 2021, India called for an "inclusive dispensation which represents all sections of Afghan society." This was deprioritized by France, the United Kingdom, and the United States, who drafted the text of UNSC resolution 2593 on Afghanistan adopted on August 30th, 2021. The text did not refer at all to the UNSC's unanimous resolution 2513 of March 2020, which endorsed a political settlement in Afghanistan.

NATO's decision to withdraw from Afghanistan erased India's strategic footprint in that country, which it

had built up since the Bonn Conference of 2001, including the sudden closure of four of its five diplomatic representations and the stopping of its \$3 billion development assistance program. India's strategic setback was aggravated by the

United States, which announced \$450 million in assistance for Pakistan's F-16 inventory on September 7th, 2021. On September 20th, 2021, Pakistan joined a 15-nation NATO training exercise in Ukraine that focused on NATO interoperability. Pakistan continues to be designated as one of the 18 "major non-NATO allies" under U.S. domestic law.

U.S. Secretary of State Anthony Blinken publicly acknowledged a calibration between NATO's departure from Afghanistan in 2021 and its support for the Ukraine conflict when he said on December 22nd, 2022 that "if we were still in Afghanistan, it would have, I think, made much more complicated the support that we've been able to give and that others have been able to give Ukraine."

The experience of NATO's withdrawal from Afghanistan was equally relevant for India as it looked at NATO policy on China, with India sharing a

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disputed land border of about 4,000 kilometers. Despite both NATO and the United States acknowledging in their formal strategy documents in 2022 that China represents the major threat to their current strategic dominance, the United States-China Summit in San Francisco in November 2023 and a follow-up visit of the then U.S. National Security Adviser Jake Sullivan to China in end-August 2024, confirmed the intention of the United States and NATO to “maintain open lines of communication” with China. To India, it was clear that a U.S.-led NATO that sought interoperability on the Asian landmass would be ambivalent regarding China’s armed confrontation with India along the land border while prioritizing military support for Pakistan, a designated “ally” of NATO.

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THE FAILURE OF DIPLOMACY IN UKRAINE

Between the Geneva Summit of June 2021 and January 2022, the United States and Russia engaged in diplomatic exchanges on the way ahead in Ukraine “to pursue diplomacy related to the Minsk Agreement.”

This phase ended on January 26th, 2022, with the rejection of the Russian draft negotiating proposals by the United States and NATO, leading to the outbreak of the conflict on February 24th, 2022.

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THE “UKRAINE SANCTIONS” AND INDIA

Since March 2022, NATO powers attempted to pressure India and other UN member states to apply their unilateral non-UN sanctions on Russia due to the Ukraine conflict. NATO has publicly stated that its unilateral “severe sanctions on Russia” are designed to “starve the Kremlin’s war machine of resources.”

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February 24th, 2022. At its meeting on February 25th, 2022, the United States proposed a draft UNSC resolution on the Ukraine conflict that Russia vetoed. Along with China and the UAE, India abstained from the vote. Explaining its position, India affirmed that “dialogue is the only answer to settling differences and disputes,” regretting that “the path of diplomacy was given up.”

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India’s alleged circumvention of Western unilateral sanctions on imports of Russian crude oil has aroused widespread criticism from Western and Ukrainian policymakers. International trade data, however, show that increased volumes of Russian crude oil purchased and refined by Indian refining companies since February 24th, 2022, have been imported by the EU in significant quantities and shown as imports from India.

In systemic terms, the interoperability of the global financial network has been undermined by the unilateral Western financial sanctions on Russia. This has been compounded by the support of Western private sector entities managing the SWIFT financial messaging system. The disruptive impact of this on India’s economic relations with Russia has resulted in proposals to use national currencies for economic interaction with Russia.

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The larger geo-economic impact of Western-led unilateral sanctions on Russia has been to hasten Russia’s “pivot” to Asia. This is to the advantage of Asian states like India, which look

for long-term supply chains for Russia’s abundant reserves of raw materials and natural resources to meet their objective of becoming significant manufacturing economies. The Russian “pivot” to Asia has also energized connectivity routes linking Eurasia and India, both overland along the International North-South Transport Corridor, as well as along the Eastern Maritime Corridor linking the Indian port city of Chennai with Vladivostok through the Indo-Pacific. An India-Eurasian Economic Union Free Trade Agreement has been under negotiation since 2023.

TOWARDS “DIPLOMACY AND DIALOGUE”

The Ukraine conflict has illustrated for India and a majority of countries outside NATO in the “Global South” the dangers of a dysfunctional UN system. The veto power under Article 27.3 of the Charter to the self-selected P5 of the UNSC ensures that

upholding the principles of Article 2 of the UN Charter remains hostage to P5 interests. India is on record for opposing the veto provision of the UN Charter at the first session of the UN General Assembly (UNGA) on January 18th, 1946.

Espousing the primacy of the peaceful settlement of disputes, a principle that dominates the overriding commitment of the UN Charter “to save succeeding generations from the scourge of war,” India used its Presidency of the G20 in 2023 to explore ways to bring about a negotiated resolution of the Ukraine conflict. The G20’s informal non-treaty character enabled India to negotiate an outcome on the Ukraine conflict adopted by consensus in the New Delhi G20 Declaration in September 2023. The key to this lay in stressing that all states must act for a peaceful solution through diplomacy and dialogue within the provisions of the UN Charter “in its entirety.”

Since June 2024, India’s Prime Minister Narendra Modi has invested in seeking common ground to

use diplomacy and dialogue to bring an end to the Ukraine conflict. This has included his bilateral meeting with Ukraine’s President Volodymyr Zelensky on June 14th, 2024, on the margins of the G7 meeting in Italy; his talks with Russian President Vladimir Putin in Moscow on July 9th, 2024, which looked at “relevant proposals of mediation and good offices” for the peaceful settlement of the conflict; his visit to Kyiv on August 23rd, 2024 to developing “innovative solutions that will have broad acceptability”; his informal bilateral meeting with President Zelensky on the margins of the UNGA’s Summit of the Future on September 23rd, 2024; and his bilateral meeting with President Putin on the margins of the BRICS Summit in Kazan on October, 22nd, 2024.

India’s search for a negotiated settlement made it dissociate itself from the “prescriptive” outcome document of the “Summit on Peace in Ukraine” hosted by Switzerland on June 15th and 16th, 2024. Instead, India called for “a lasting and peaceful resolution to the conflict”

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using dialogue and diplomacy through “practical engagement between the two parties to the conflict.”

REVIEWING THE UN CHARTER

The Ukraine conflict is enmeshed in the interlinkages of contemporary multilateralism and impacts on the “central objective of multilateralism” as contained in Agenda 2030 on Sustainable Development. Responding to this challenge through the peaceful settlement of disputes requires a new initiative that brings together all the member-states of the UNGA, the vast majority of whom are developing countries of the “Global South.” India has laid the groundwork for such an initiative by hosting three virtual Voice of the Global South Summits on January 12th and 13th, and November 17th, 2023, as well as on August 17th, 2024, in which 125 states participated.

This initiative must focus on harmonizing the biggest anomaly within the UN Charter, which is how decisions in the UN are taken. There is a glaring contradiction in the UN Charter

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In 1945, the negotiators of the UN Charter had foreseen the requirement for a review by UN member states of the effectiveness of the Charter’s provisions in a changing world. The mandate “for reviewing” the provisions of the UN Charter through a UN General Conference to be convened for this purpose is written into Article 109 of the treaty. A decision on convening a UN General Conference requires a two-thirds majority (i.e.

the support of 129 out of 193 states) in the UNGA and nine out of the 15 states in the UNSC, without any veto. Such a UN General Conference, the first such gathering of UN member states, many of whom have emerged from the shackles of colonial rule after the Charter was signed in June 1945, must be India’s top priority as the world marks the 80th anniversary of the UN in 2025. ●