

### The Russia-Ukraine War: The Last Crisis to Break the UN Camel's Back?

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#### **Abstract**

he United Nations (UN) has recently been plagued by several crises—the COVID-19 pandemic, the Taliban's return in Afghanistan, and the Ukraine war—that have tested its ability to deliver on humanity's projects of peace and security, sustainable development, human rights, and humanitarian response. Indeed, its actions and

inactions in the Ukraine war have triggered an existential dilemma. India must use this moment of creative destruction in the world order to push for the reinvention of the intergovernmental organisation into a more democratic, impartial, and technically excellent 'UN 2.0'.

Attribution: Lakshmi M Puri, "The Russia-Ukraine War: The Last Crisis to Break the UN Camel's Back?," *ORF Special Report No. 190*, May 2022, Observer Research Foundation.



#### Introduction

global organisation like the United Nations (UN) reflects the seminal challenges and achievements of its times. In 2020, on the organisation's anniversary, UN Secretary-General António Guterres identified some of the challenges and achievements that currently confront the organisation. Averring that the world had a surplus of multilateral challenges and a deficit of multilateral solutions, he regretted that the UN lacked scale, ambition, and teeth. He noted that institutions with authority, such as the UN Security Council (UNSC), do not have the appetite to bite, indicating a lack of political will and unity of purpose among the member states. Additionally, he urged the member states to strive to preserve the great achievement of having gone so many years without a nuclear conflict or a military confrontation between the major powers.<sup>1</sup>

As it attempted to recover from the systemic hammer blows caused by the COVID-19 pandemic, the lightning takeover of Afghanistan by the Taliban, and the end of the much-vaunted 'War on Terror' in August 2021 left the UN picking up the pieces of human rights and humanitarian crisis. Now, the ongoing Ukraine war—the first real European conflict since the Second World War that has put the major Western powers in the North Atlantic Treaty Organization (NATO) and Russia on the path of direct confrontation—is proving to be a new litmus test for the UN. As an organisation created after the Second World War by the victors and charged with the task "to save succeeding generations from the scourge of war,"2 will this be the crisis that breaks the proverbial camel's back?



The UN is a little more than the sum of its member-states' volition and power dynamics, especially of the ones that matter most—the largest budget contributors and the five permanent members (P5) of the UNSC; the US, the UK, and France are the Western group and are counterbalanced by Russia and China. But Russia's war in Ukraine has deepened the divide even further. Indeed, Russia sees the US and Europe drawing the fight out "to the last Ukrainian," with a view "to suppress Russia" and "create an antipode" of it.<sup>3</sup>

It is no secret that the West and NATO want to make Russia bleed, deplete, and pay for its misadventure. Some see this as the West's quest for a 'End of History 2.0' (as first conceptualised by American political scientist Francis Fukuyama) with Russia and a possible 'Cold War 1.5'—if not 2.0—with China. These new geopolitical and geoeconomic chasms make it ever more difficult for the UN to hold together and drive a viable and effective global governance and crisis response system in its four projects of peace and security, sustainable development, human rights, and humanitarian response.

As the Russia-Ukraine war continues, the UN has been widely criticised for its seeming helplessness in preventing and stopping the conflict. Yet, the UN has not been inert. Guterres and the UN's key intergovernmental institutions, some influential and powerful UN memberstates, and stakeholders that the UN convenes and influences (such as the private sector, civil society, academia, and media) have indeed tried to be proactive in confronting Russia on its war in Ukraine. This has, however, been more in the direction of diplomatically isolating, and naming and shaming Russia to complement the Western sanctions against it, rather than cajoling or engaging it before or during the war. Whether that moves the needle towards constructive diplomacy and peace or irretrievably pushes Russia on a path of no return from escalation of conflict, including a nuclear one, is the critical question. It is also important to consider whether this undermines or strengthens the UN's credentials as a neutral mediator and peacemaker.



#### **Secretary-General's Moment**

he Secretary-General could certainly have been the 'X-factor' that stopped world from hurtling down dangerous course. However, managing the creative tension between fidelity to the UN principles and the reality of great power contention has been a tough task for Guterres, a West European. He came to office in 2017 on the promise of preventing prioritising and peacemaking, peacebuilding, and peacekeeping. But he was unable to prevent the Russia-Ukraine war and seems helpless to stop it as a divided UNSC refuses to authorise multilateral action, especially the invocation of Article 41 on economic sanctions and Article 42 on the use of force, under Chapter VII of the UN Charter.

Guterres has publicly acknowledged that he did not expect Russia to invade Ukraine.<sup>4</sup> Like other world leaders, he did not expect a major nuclear power to go to war on its border and took the Russian war preparations and threats as mere brinkmanship. As a result, he did not engage in active preventive diplomacy to arrive at an agreement that met Russia's security concerns about Ukraine being a neutral buffer between it and NATO, in keeping with the Minsk Agreement.

Had Guterres undertaken preventive shuttle diplomacy, could he have persuaded Russia and the Ukraine/European Union (EU)/NATO/US combine to strike a pre-emptive deal? Or, once the war began, could he have played mediator and stopped the fighting? These will remain important—but unanswered—'what ifs'.



Indeed, Guterres has made several unequivocal statements on Russia's culpability since Moscow recognised the breakaway republics of Donetsk and Luhansk on 21 February 2022, and then began its war with Ukraine on 24 February. "We are seeing Russian military operations inside the sovereign territory of Ukraine on a scale that Europe has not seen in decades. This unilateral military offensive is against all principles of UN Charter, wrong, unacceptable but not irreversible."5 He argued that continuing the war in Ukraine was "morally unacceptable, politically indefensible and militarily nonsensical." Warning that the conflict was not heading anywhere and that, eventually, each city would have to be conquered street by street, he urged an end to the "absurd and unwinnable war started by Russia."6

On the discovery of the mass graves in Bucha, he expressed shock and asked for an independent investigation. He subsequently told the UNSC that "we are dealing with the full-fledged invasion, on several fronts" of Ukraine and "with several aims, including redrawing the internationally-recognized borders between the two countries." He cited the High Commissioner for Human Rights as apprehending possible war crimes, grave breaches of international humanitarian law, and

serious violations of international human rights law. He deeply regretted the divisions that had "prevented the Security Council from acting not only on Ukraine, but on other threats to peace and security around the world."<sup>7</sup>

Alarmed by Russian Foreign Minister Sergey Lavrov's accusation of NATO and the EU wanting to start a nuclear war,8 and Russian President Vladimir Putin's spokesman stating that the country could use nuclear weapons if its existence were threatened,9 Guterres termed it a bone-chilling development. He feared that the prospect of nuclear conflict, once unthinkable, was now within the realm of possibility and urged for the security and safety of nuclear facilities in Ukraine to be preserved. Insisting that it was time to stop the horror unleashed on the Ukrainian people, he warned that any further escalation of the war-by accident or by design-threatened all of humanity, and so it was imperative to follow the path of diplomacy and peace and called on Putin to withdraw and resolve matters peacefully.10



Expectedly, Russia took umbrage to Guterres's "partisanship" on the Ukraine crisis: "To our great regret, the UN Secretary General turned out to be susceptible to pressure by the West and recently made several statements incompatible with his status and his authority under the UN Charter." He has "not raised his voice even once to support the necessity of complying with the requirements of the Minsk Package of Measures and Resolution 2202 of the UN Security Council."

Throughout the crisis, Guterres continued to express serious concern at the impact of the war on the civilians in Ukraine, stating that it had reached "terrifying proportions,"12 and triggered a major humanitarian crisis. He emphasised the importance of respecting international humanitarian law and the UN's pivotal role in alleviating the ballooning humanitarian and refugee crisis (with over 10 million people displaced and five million refugees).<sup>13</sup> Acknowledging that a global ceasefire may not be possible, he proposed actions to "guarantee evacuation of civilians from areas of fighting," "humanitarian access in a reliable situation," and the "creation of a mechanism" involving Russia, Ukraine, the UN and other humanitarian entities, to permanently act together.14

He highlighted the collateral damage to the pandemic-weakened economies of developing countries that were being pummelled further by spiralling energy, fertiliser and food prices, inflation and the financial crisis. He appealed to the wealthy countries to find creative ways to finance increased humanitarian and post-COVID-19 development recovery worldwide, and not divert resources into military spending.<sup>15</sup>

Against the backdrop of these interconnected challenges, Guterres established a Global Crisis Response Group on Food, Energy and Finance, whose report is being followed up through UN interagency cooperation, mobilising the International Monetary Fund, the World Bank, and the member states. <sup>16</sup> However, the UN has not commented on the impact of the economic sanctions, unilaterally imposed by the Western countries on these multiple crises.

Apart from these public statements, Guterres has also been in contact with a number of countries—including China, France, Germany, India, Israel, and Turkey—on mediation efforts to end the war.<sup>17</sup> However, so far, neither he nor the UN have been a part of the several rounds of peace talks between Russia and Ukraine, nor the mediation efforts by other UN member-states.



Concerned about the Secretary-General being on the sidelines of peacemaking, some former UN officials have asked Guterres to proactively intensify his efforts to mediate and provide good offices for the cessation of hostilities and conflict resolution through peaceful means. <sup>18</sup> Given the existential crisis the UN currently faces with its raison d'être being tested again, the officials were apprehensive about the possibility of the UN becoming irrelevant and succumbing to the fate of its predecessor (the League of Nations) and feared Guterres's legacy being blighted.

Guterres seemed to have taken the advice and has perhaps also sensed that Russia and Ukraine will now be more amenable. He visited Russia on 26 April and met Putin and Lavrov,<sup>19</sup> and then travelled to Ukraine to meet President Volodymyr

Zelensky.<sup>20</sup> As Guterres did not carry any incentives for either side from the US or the EU, he did not succeed in initiating negotiations on a ceasefire or ending the war. However, he managed to secure Putin's agreement to work with the UN and the International Committee of the Red Cross, by negotiating a series of pauses to evacuate thousands of civilians in Mariupol, especially from the Azovstal Steel Complex where the Ukrainian defenders and civilians were holding out, and get humanitarian aid and the safe passage operation started on 1 May.<sup>21</sup> Guterres's recent engagement has somewhat redeemed the Secretary-General's role, and has laid the basis for future political engagement and good offices in eventual conflict resolution.

The UN Secretary-General could certainly have been the 'X-factor' that stopped the world from hurtling down a dangerous course. However, managing the creative tension between fidelity to the UN principles and the reality of great power contention has been a tough task for António Guterres.



# Action and Inaction in a Divided UNSC

ince the beginning of the Ukraine war, the UNSC has voted on three draft resolutions, two of which were not adopted. Zelensky even mocked the UNSC inaction by demanding that it dissolve itself.<sup>22</sup> The resolution for an 'Emergency Special Session' (ESS) of the General Assembly, to consider and recommend collective action on the situation in Ukraine, was the only one that was passed.<sup>23</sup> India abstained on all resolutions, including the Russiandrafted one that called for aid access and civilian protection in Ukraine.<sup>24</sup> Nevertheless, the UNSC has played a useful role by meeting frequently over 20 sessions and in different formats—to consider political developments, the humanitarian situation, and weapons of mass destruction (WMD) related risk mitigation.

The 5 May UNSC debate sums up the state of political alignments. Russia took credit for humanitarian breakthrough and complained prevalent. 'Russophobia' becoming Describing the conflict as a proxy war of the collective West against Russia, it put the onus on Western countries for peace by recalling that it had advanced proposals for a global and indivisible security architecture, but the West had arrogantly cast those aside.25 China, hinting at the US and European military aid to Ukraine, asserted that "delivering weapons will not deliver peace". It emphasised that dialogue and negotiations were the only, inevitable way and that basing one country's security on the insecurity of others was not reasonable. Repeated eastward expansion of the NATO after the Cold War not only failed to make Europe safer, but it also sowed the seeds of conflict. China warned that "the world does not need a new Cold War."26



Refuting Russian conspiracy theories, the US insisted that Russia was the only perpetrator of this war, it had started it and it alone must end it. "In light of that, it is hard to understand why some Council members continue to call on all parties to desist."<sup>27</sup>

India welcomed Secretary-General's the engagement with the Russian and Ukraine leadership and the humanitarian reprieve secured. Expressing concern at the worsening situation in Ukraine and echoing Prime Minister Narendra Modi's appeal for an immediate ceasefire and cessation of hostilities, India argued that there was no winning side and a return to dialogue and diplomacy was the only way, and stressed that "it is in our collective interest to work constructively, both inside the United Nations and outside, towards seeking an early resolution to this conflict." Significantly, India also reiterated "that the global order is anchored in international law, UN Charter and respect for territorial integrity and sovereignty of states," thus, clearly virtue signalling and putting paid to critics at home and the West on this issue.28

On the WMD-related risks, allegations have been traded in the UNSC and media by both sides. The taboo against a nuclear power directly engaging in a conventional "bush war" with a denuclearised neighbour who, in turn, has been backed by other major nuclear powers, has been broken. It sets a very dangerous precedent and smashes the fundamental principle of nuclear deterrence practiced hitherto by nuclear weapon states. Some of the UNSC debates have reflected this apprehension. On demand from the UNSC members, the International Atomic Energy Agency (IAEA) has vowed to step up efforts to monitor the safety of the 15 nuclear power plants in Ukraine and undertake safety and security missions in response to Russian moves around them.<sup>29</sup>

The Russians, on the other hand, have secured an open briefing to investigate the alleged cases of biological weapons laboratories functioning in Ukraine, and an emergency clean up by "the Kyiv regime of the traces of a military biological programme funded by the United States." Russia presented documents "confirming that a network of 30 biological labs across Ukraine were conducting very dangerous experiments" to strengthen the pathogenic qualities of the plague, anthrax, cholera, and other lethal diseases using synthetic biology.<sup>30</sup>



India has welcomed the Secretary-General's recent engagement with the Russian and Ukraine leadership, and has stressed that there is no winning side and a return to dialogue and diplomacy is the only way.

Addressing UN High these concerns, Representative for Disarmament Affairs Izumi Nakamitsu told the UNSC that the "United Nations is not aware of any such biological weapons programmes...nor is it in a position to confirm or deny reports that public health facilities are in areas impacted by armed conflict, placing the safety of those facilities at risk." She appealed to all parties in the conflict to ensure the safety of all such facilities in Ukraine. She admitted that the UN had neither the mandate nor the capacity to investigate such claims, which fell under the auspices of the 1972 Biological and Toxins Weapons Convention (BTWC).<sup>31</sup> Once again, this exposed the UN's toothlessness and lack of multilateral verification mechanisms, besides the infirmity of its biosecurity architecture overall.

The Chinese lost no opportunity to corner the US on biosecurity by asking that credible information be released by Moscow and "addressed adequately". They further pressed the US and Ukraine to follow their BTWC obligations, provide clarification, and accept multilateral verification.<sup>32</sup> India, on the other hand, while affirming the importance of full and effective implementation in letter and spirit of the non-discriminatory BTWC, asked that concerns be addressed through consultations and cooperation between the parties concerned.<sup>33</sup>

Western UNSC members were worried that Russia was using disinformation tactics as a pretext for possibly using biological or chemical weapons against the Ukrainians. Russia rejected these accusations and instead argued that the "Ukrainian nationalists" had brought chemical agents to some regions in Ukraine to "create a provocation and then blame Russia for it." 34



# Renewed Role for Other UN Bodies

he UNSC, which has 'the teeth' but found no will to 'bite', is only one part of the international architecture designed to deal with conflict, although it is a major one; other parts of the UN and the broader multilateral system have also been fully mobilised. Notably, the UN General Assembly (UNGA) was stirred into unprecedented action and convened two meetings under the ESS established by UNSC Resolution 2623. UNGA voted on three resolutions: a procedural vote and two substantive resolutions on Ukraine (aggression against Ukraine on 2 March<sup>35</sup> and humanitarian consequences of aggression on 24 March<sup>36</sup>). It further adopted a historic resolution on 7 April suspending Russia from the UN Human Rights Council (UNHRC), the first for a P5 country.<sup>37</sup>

The UNGA vote condemning Russian military operations in Ukraine got 141 of 193 votes.<sup>38</sup> It fell to 93, less than 50 percent of the membership, when Russia was expelled from the UNHRC in a more polarising vote. Fifty of these 93 votes came from the Western and East European Groups, 29 from Latin America and Oceania, four from Asia and 10 from Africa. Twenty-four countries (including China) voted against, 58 abstained, and 18 did not vote.<sup>39</sup>

Resolutions censuring Russia were adopted in other UN bodies too, including the UNHRC—three resolutions and procedural votes, including one establishing a Commission of Inquiry to investigate human rights violations and war crimes committed during the conflict.<sup>40</sup>



Other resolutions were adopted by the IAEA (10 in total), International Labour Organization (1), UN Educational, Scientific and Cultural Organization (1), Inter-Parliamentary Union (2), and International Telecommunication Union (1). India abstained in all cases.

The International Court of Justice ruled against Russia on a dispute raised by Ukraine and asked it to stop the invasion immediately.<sup>41</sup> The Indian judge, in a personal capacity, voted in favour. Similarly, at the instance of 39 countries led by the UK, the International Criminal Court launched investigations into possible war crimes and genocide being committed by Russia in Ukraine.<sup>42</sup> The political headwinds have been so strong against Russia that, for the first time, it failed to get elected to all four UN bodies it contested.<sup>43</sup>

The UN may claim it has influenced the war and encouraged peace through political pressure, legal decisions and investigations, and humanitarian assistance. Importantly, it has helped set a narrative in the court of global public opinion, in what Russia has termed an 'infowar' and psychological operations by the West against it.44 Although non-binding, the resolutions marked the power and consolidation of the Western group, including the EU, post-Brexit UK, a post-Afghanistan US, Australia, Japan, and the NATO. Curiously, China did not go all out in mobilising the developing countries against the Russian suspension resolution even though it could have easily secured the 15 additional votes to defeat it.



#### **Impetus for UNSC Reform?**

he unprecedented direct military action by a P5 country neighbouring country has renewed focus on UNSC reform. powers quo might be more open to reviewing the UNSC's composition and expansion, and may even be willing to consider regulating the use of the veto. There also seems to be a realisation in the West about the merits of increasing the membership of the UNSC -both permanent and non-permanent, to enlarge its circle of influence within and to carry more weight globally. The war has also highlighted the power and importance of the UNGA as a more representative moral suasion body on peace and security matters, relative to the paralysed UNSC, where a veto is exercised to block all action when any P5 member chooses to do so.

While it is unlikely that veto power will be given up, ways of adding more accountability for its usage are being considered through a resolution that was passed in the UNGA on 26 April.<sup>45</sup> Notably, three P5 countries—the US, the UK, and France—

supported it. The resolution mandates a meeting of the UNGA whenever a veto is cast in the UNSC, the 'Veto Initiative'. While this may be a meaningful step to empower the UNGA and strengthen multilateralism, it will not negate the veto power of the P5.

There is also talk of expelling Russia from the UNSC and the UN, both of which are impossible. Under Article 6 of the UN Charter, a member that persistently violates the principles of the Charter can be expelled from the UN if the UNGA votes by a two-third majority on the recommendation of the UNSC.<sup>46</sup> But the UNSC vote is subject to the Russian veto. No state has ever been expelled from the UN and Russia cannot be expelled from the UNSC either as there is no such provision in the Charter. Ukraine has asked whether it was legal for Russia to take over the erstwhile Soviet Union's seat when it collapsed in 1991,47 but this tack is difficult to take after 30 years. Moreover, expelling Russia will only enhance the value of China's veto power, which the West will not want.



### **Understanding India's Stance**

here has been much debate about India's stance in the UN on the Ukraine war and its persistent abstention from voting on resolutions that condemn Russia and seek its isolation and suspension from UN bodies. Critics have asked how India, with its strong convictions and belief in the UN Charter and its principle of upholding territorial integrity and sovereignty of states, refrained from calling out the Russian invasion of Ukraine and maintained neutrality.

India seems to have abstained on reasons of both substance and process, which it explained in each case. In India's view, the resolutions became a highly political exercise not to propel the two parties towards diplomacy and peace but to castigate Russia, which only pushed it irreversibly into continuing the war until it can declare victory. India has taken a principled stand by consistently condemning the war itself and the devastation and suffering it has caused. It has expressed strong support for the principles of inviolability of sovereignty, territorial integrity, and the peaceful settlement of disputes as it firmly believes that this is integral to a global order anchored in international law and the UN Charter.

From India's perspective, successive UNGA resolutions on Ukraine, which have been used with a retaliatory intent and the politicisation of the issue of human rights, do not advance these principles. Moreover, India's call for cessation of hostilities and urgent humanitarian assistance are not fully reflected in the resolutions.



On the UNGA resolution on Russia's suspension, India expressed concern over the Bucha mass graves, but wanted the due process of independent investigation to establish the facts first. The expulsion of a duly elected member in a hasty manner without the due process could set a dangerous precedent that can later be misused against less developed countries caught in conflicts. It could also be directed against India by vested interests in the UN.

As Indian External Affairs Minister S. Jaishankar pointed out, India is on the side of peace and diplomacy and is guided by its national beliefs, values, and strategies. India's stance reflects its independent decision-making and foreign policy, which has inspired other South Asian UN member states and 58 countries of the Global South, including six UNSC members, to abstain. He added that India does need to ensure its strategic and security interests vis-a-vis Russia, but also equally with the West, and safeguard its energy security; India needs to factor in how sanctions may impact

its economy and well-being of its people in an interdependent global economy. He stated that India's independent position was heeded by both sides, which enabled it to evacuate over 22,500 Indian nationals at the start of the war.<sup>49</sup>

On humanitarian action, India has asked that it be guided by the principles of humanitarian assistance (humanity, neutrality, impartiality, and independence), and never be politicised, especially to ensure free and uninterrupted humanitarian access and the evacuation of civilians in areas of intense fighting. India's position has evolved as the war has progressed. It has called for restraint on all sides. The immediate priority is a de-escalation of tensions, taking into account the legitimate security interests of all countries, and aiming towards securing long-term peace and stability in the region and beyond, through constructive diplomacy.



# **An Opportunity for Reinvention**

he UN holds immense value. Despite its structural constraints, it is still serving the four projects of humanity as best as it can through norm stetting, knowledge and best practice hubs, advocacy and movement building, and lighthouse programmes on the ground.

It has undertaken more than 70 peacekeeping operations,<sup>50</sup> 12 of which are ongoing.<sup>51</sup> Not only has the UN helped 59 million refugees,<sup>52</sup> but its mandates and convening power in every area of public good have also had a beneficial impact. It has done invaluable service on gender equality and has propelled sustainable development, including climate change action through the Millennium Development Goals, Sustainable Development Goals, and climate change treaties.

Nevertheless, the UN faces unprecedented existential challenges. It is wracked by multipolar, if not bipolar, great-power contestation and divides. The international world order and major power relations are experiencing tectonic shifts that are rocking the UN system. As confrontations stew in the Indo-Pacific and in Old Europe, the post-war model of great power relations is being recalibrated. The battle lines are also being drawn between the Western democracies and the 'authoritarian models' of China and Russia. The UN is expected to be a supranational arbiter, but the contending parties do not trust it. This 'epic churning' of the international order must not go to waste, and this opportunity for creative destruction should be seized. The UN must reform not only because the alternative is to perish, but for the sake of peace, prosperity, and the sustainability of humankind.



This is an opportunity for India as well. India was emerging from the chrysalis of colonialism when UN 1.0 was fashioned in 1945 according to the compact and design of the P5 member states. Today, when that compact is shattered, India is well placed to take some leadership in the effort to mobilise member states around convening, under Article 108 and 109, a conference to review and reinvent the UN's mandate in the light of new realities and old ideals.

It is certainly time to go back to the drawing board. The redrawing must include UNSC democratisation reform, expansion, and guaranteeing impartiality, technical excellence, the independence of the UN Secretariat from institutional capture by any bloc or countries, enhanced crisis response capacity, and financial viability and stability. At a time when the concepts of state sovereignty are undergoing transformation under the shape-shifting effects of Technology 4.0 and the new media, the world need a reimagined 'concert of nations' and revitalised institutions for global governance and crisis response. ORF

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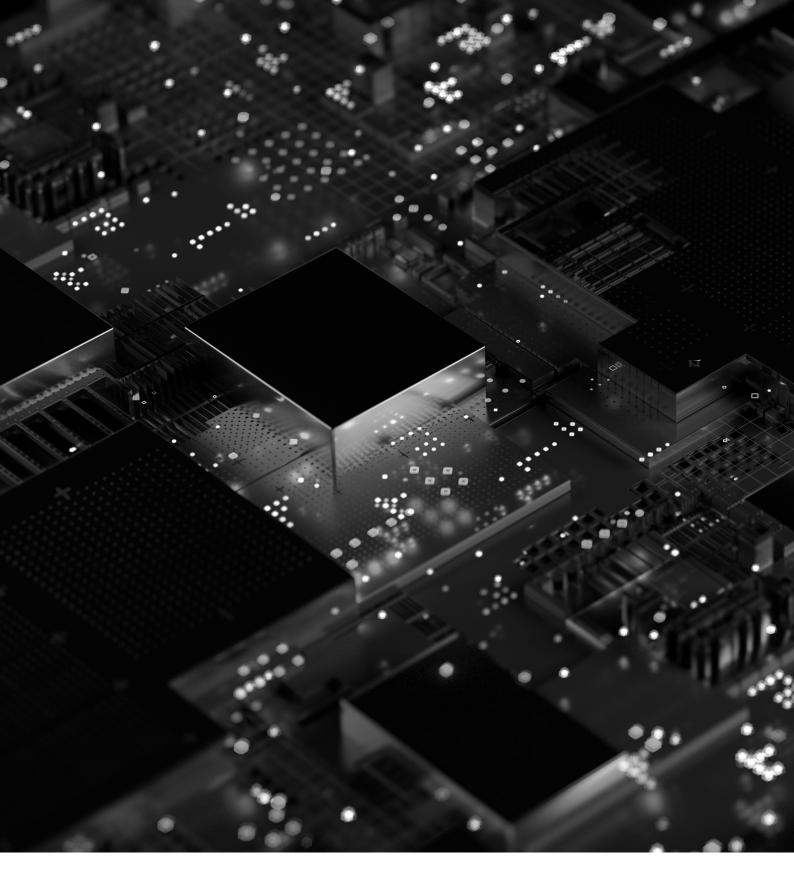
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