



CONTRAST BETWEEN INDIAN AND EUROPEAN APPROACH TOWARDS ARMED CONFLICT AND ITS RESOLUTION

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ABSTRACT

The aim of International Humanitarian Law (IHL) is to limit the human suffering during an armed conflict by protection of the victims and limitations on means and methods of warfare. However, an armed conflict does not appear out of thin air. A conflict aggravates into an armed conflict due to the failure of the involved players to negotiate effectively via peaceful conflict resolution methods. The protracted nature of recent conflicts and the inability of the involved nations to come to an agreement via peaceful resolution is a dangerous precedent to set. Additionally, a question mark has been raised once again on the capability of International Organizations and International Law to maintain and uphold peace and security.

The violent nature of the conflict and stark violation of the International Human Rights Law (IHRL) and IHL is contributing, immensely, to a persisting global threat. Many nations have raised their concerns regarding a possible 3rd World War. There are numerous reports of instances of violations of IHRL and IHL and they are increasing every day.

Europe and India are major international players who are facing major security threats as well as ongoing violent conflicts. The paper aims to analyse the approach of these two players with respect to preventing and countering these complex challenges along with the role of international organizations therein. The paper also intends to ascertain their approach towards upholding IHL in these circumstances.

Keywords: Conflict, Resolution, Security, International Humanitarian Law, Armed Conflict.

INTRODUCTION

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The primary purpose and reason for the birth of international organizations and the corpus of international law is maintenance of international peace, stability and security²; which later developed into a catena of international organizations with other objectives such as economic equality³, development⁴, regional⁵ and international cooperation⁶, promotion of health standards⁷. The essential requirement for fulfilment of all these objectives is presence of peace and security. The importance of peace and security becomes conspicuous in its absence. The two world wars have propelled the international community to strive for peace and security. The era after the second world war has been dominated by the international organizations. These organizations have done tremendous work in the fields of education, health, trade, and overall development of many countries.⁸

However, the main aim of these organizations to protect peace and security has not been entirely fulfilled. The first world war was famously described as “the war that will end war” by H.G. Wells.⁹ The outcome and aftermath of the first world war became a direct cause of the second world war which was much more destructive than the first world war. Every decade since the second world war has witnessed major wars with enormous human casualties and impact on economy, international relations, environment amongst other things.¹⁰

European Union (EU) is the largest union of countries in Europe and is one of the biggest proponents of freedom, democracy, equality, and the rule of law, promoting peace and

² GLOBAL ISSUES, International Law and Justice, *United Nations - Peace, dignity and equality on a healthy planet*. Available at: <https://www.un.org/en/global-issues/international-law-and-justice>. Last visited on 15 July 2022.

³ World Bank.

⁴ International Monetary Fund.

⁵ European Union.

⁶ United Nations.

⁷ World Health Organization.

⁸ International organizations have a key role to play in tackling global issues, *Arab News*, Sara Al-Mulla, 24 November 2021. Available at:

<https://www.arabnews.com/node/1974751#:~:text=International%20organizations%20play%20a%20powerful,the%20environment%2C%20and%20safeguarding%20peace>. Last visited on 18 July 2022.

⁹ H G Wells, *The war that will end war* (first published 1914, Duffield & Co).

¹⁰ The Editors of Encyclopaedia, List of wars, *Encyclopaedia Britannica*, 10 July 2015. Available at: <https://www.britannica.com/topic/list-of-wars-2031197>. Last visited on 16 July 2022.



stability.¹¹ The EU is a group mainly of advanced and developed countries located in Europe. The issues in this region are starkly different from a country like India. However, there is a shared philosophy between the EU and India. The idea of freedom is very important and highly placed by both of them, albeit not for identical reasons. The countries under EU faced a difficult time upholding their sovereignty in the twentieth century because of the two world wars whereas India was a colony of the British crown and was fighting constantly for its freedom and independence. Similarly, the ideas of equality, democracy and rule of law are common to both, yet, the inspiration for these ideas are historically different. EU is highly affected by the world wars and the local history whereas Indian struggle with the British slowly crystallized these ideas in the Indian society. Although the ideas of peace and stability are historically very different for EU and India. European countries share long borders with each other and there were a lot of armed conflicts between the kings and the area was not stable for long periods of time.¹² The Indian history of armed conflict is very limited when compared to Europe and a majority of armed conflict in India took place after the power was in British hands in India. Therefore, the situation in India has been relatively peaceful and stable. The cultural and social set up of Indian society has tilted towards peace and stability; and India has never been an aggressor in any of the armed conflicts. Now, because of their own historical backgrounds and many other common reasons and beliefs, the EU and India are big supporters of peace and stability. The very foundation of EU is for the above-mentioned purposes¹³ which are also the common ambitions of the Union of India.

The international organizations have a major role in stability of international relations and maintenance of peace and security. United Nations is the biggest international organization of the world. The United Nations Charter declares in the preamble as well as article 1 that the purpose of the United Nations is “to maintain international peace and security”.¹⁴ The

¹¹ Aims and values, *European Union*. Available at: https://european-union.europa.eu/principles-countries-history/principles-and-values/aims-and-values_en. Last visited on 15 July 2022.

¹² Aubin, H., Weinstein, et al, History of Europe, *Encyclopaedia Britannica*, 9 March 2022. Available at: <https://www.britannica.com/topic/history-of-Europe>. Last visited on 15 July 2022.

¹³ Founding agreements, *European Union*. Available at: https://european-union.europa.eu/principles-countries-history/principles-and-values/founding-agreements_en. Last visited on 15 July 2022.

¹⁴ United Nations Charter 1945, Article 2(1). Available at: <https://www.un.org/en/about-us/un-charter/full-text>. Last visited on 16 July 2022.



formation of United Nations ushered a new beginning and a rejuvenated effort to recognise, acknowledge and uphold human rights, protect mankind from suffering and stabilize the relations in the international community. The UN Charter mandates that any conflict between nations should be resolved using such peaceful means which does not endanger international peace and security, and justice.¹⁵ The UN Charter, however, does not completely prohibit the use of violence. The preamble of the charter itself makes room for armed conflicts in the following words, “armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples...”¹⁶. This reflects the pragmatic and realistic nature of the document that war is a reality, conflicts are going to occur but nonetheless, the effort to prevent them should always be the foremost objective and responsibility of all the concerned members.¹⁷

Another set of international legal regime which recognises the reality of armed conflict is the International Humanitarian Law (IHL), or the Law of Armed Conflicts. IHL recognises individual or collective self-defence as an exceptional situation when an armed conflict is allowed. The right to self-determination of people, i.e., national liberation wars is also treated as an exception by some stakeholders. IHL consists of two sources: the Geneva Law and the Hague Law. The Geneva Law deals with the set of rules for protection of the victims of war. On the other hand, the Hague Law are the rules which govern the conduct of hostilities in an armed conflict. Combined together, the main purpose of IHL is limiting the damage caused by armed conflicts and diminishing the human injuries as well as the threat to human life. In short, the objective is to put humanitarian limits on warfare.

However, even with the entire might of the world acting together to protect the repetition of the human suffering and avert armed conflicts, there has been a constant and prolonged existence of armed conflicts thereby violating the UN Charter as well as the Law of armed conflict.

¹⁵ United Nations Charter 1945, Article 2(2). Available at: <https://www.un.org/en/about-us/un-charter/full-text>. Last visited on 16 July 2022.

¹⁶ United Nations Charter 1945, The Preamble. Available at: <https://www.un.org/en/about-us/un-charter/full-text>. Last visited on 16 July 2022.

¹⁷ GLOBAL ISSUES, Peace and Security, *United Nations - Peace, dignity and equality on a healthy planet*. Available at: <https://www.un.org/en/global-issues/peace-and-security>. Available at: 15 July 2022.



THE EXISTENTIAL CRISIS FOR UNITED NATIONS

The United Nations has been under the scanner for almost the entirety of its existence but recent events like the Yemen humanitarian crisis, takeover of Afghanistan by Taliban in 2021 and currently the Russia-Ukraine conflict have directly challenged the relevance and existence of UN.¹⁸ Europe has been a peaceful place since the second world war; so much that the people of Europe believed strongly that wars have been erased from Europe after the second world war due to factors such as economic interdependency, North Atlantic Treaty Organization (NATO), development and general cordial relations amongst the nations.¹⁹ However, this illusion was shattered by the Russian invasion of Ukraine which initiated the first actual full scale armed conflict in the European continent.

Much was expected from the UN but the inability of UN to persuade the involved nations to solve their conflicts peacefully has again re-affirmed the idea that international organizations like UN have an extremely limited authority when it comes to the powerful nations of the world. A powerful nation will do as it pleases with complete disregard for organizations like the UN and commitments made to it by these nations.²⁰ The United States invasion of Iraq in 2003 was also against the mandate of the UN to prevent 'mankind from the scourge of war'.²¹ The UN could not prevent the American invasion which was also against the canons of international law. Similarly, the Russian invasion of Ukraine is also a result of apprehension on the part of a powerful nation on account of its security and safety. The UN Security Council also proved to be an inefficient organ.

The failure of UN is not just in the fact that it could not prevent these invasions. The failure is also in the fact that UN could not, thereafter, negotiate with the involved parties and bring them to a peaceful agreement. The protracted nature of these conflicts reflect that UN failed in

¹⁸ 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. Available at: https://www.orfonline.org/wp-content/uploads/2022/05/ORF_SR-190_Russia-Ukraine-War-and-UN.pdf. Last visited on 16 July 2022.

¹⁹ James F. Smith, 'Ukraine war prompts surprising unity in Europe on need for bolstered defense' Harvard Kennedy School (4 March 2022) Available at: <https://www.hks.harvard.edu/faculty-research/policy-topics/international-relations-security/ukraine-war-prompts-surprising>. Last visited on 16 July 2022.

²⁰ *Ibid.*

²¹ *Supra* note 15.



making these nations realise that armed conflict was not a solution for their problems. UN have to make these nations realise that they will not achieve their aims through armed conflict. The idea which is floating in the west is that a regime change is required to bring this armed conflict to an end. Prof. Stephen Walt answers that it is not a nice idea to make Russia feel that their existence is in danger because Russia is a nuclear power.²²

The bottom line is that UN has no answer to the situations when powerful nations are involved in a conflict. This is a bitter truth that international organizations have a limited scope of functioning, i.e., their authority extends till the point where a powerful nation allows. The weaker nations can be arm-twisted into accepting things they do not agree to but when a powerful nation disagrees on any point, they cannot be forced into accepting something they do not want to accept. Nevertheless, the importance of international organizations is not limited to these situations. The peacetime contribution of these international organizations is immense. The support provided by them in progress of the small, weak, underdeveloped and developing nations has resulted in growth and development, healthcare, eradication of many diseases, providing education and sanitary systems which helped many nations in improving the standard of living. However, the primary role of preventing the mankind from war is extremely complicated and UN simply misses the teeth to execute its will in the international arena. The humanitarian work done by the UN and other organizations such as the International Committee of the Red Cross (ICRC) conduct a lot of ameliorative humanitarian work in areas of armed conflict. Although, they are not able to control the actions of various nations, the humanitarian effort of these organizations is invaluable.

The Ukrainian President proposed that the UNSC should dissolve itself on account of its inaction on the Russia-Ukraine conflict.²³ However, even if the international organizations including the UN have been unable to prevent the conflict or end it, the ‘global public opinion’ has been affected which is a major victory for these organizations.²⁴ The UN has been able to push for peace by “political pressure, legal decisions and investigations, and humanitarian assistance”.²⁵ The UN General Assembly called its eleventh emergency session in seventy

²² *Supra* note 18.

²³ *Supra* note 17.

²⁴ *Supra* note 17.

²⁵ *Supra* note 17.



seven years of its existence. It adopted a resolution against the aggression committed by Russia on Ukraine.²⁶ Thereafter, the United Nations Human Rights Council (UNHRC) adopted a resolution calling for the investigation of violation of human rights and humanitarian commitments.²⁷ The resolution also called upon to stop the armed conflict. The UNGA also pointed out and adopted a resolution against the humanitarian consequences of ‘aggression against Ukraine’.²⁸ The resolution regarding removal of Russia from the UNHRC was, albeit, passed but it saw a drastic decrease in support of the resolution.²⁹

The Office of the Prosecutor of the International Criminal Court (ICC) also initiated an investigation regarding the humanitarian violations and violation of the Geneva Conventions. The International Court of Justice (ICJ) also ordered Russia to ‘immediately suspend its military operations in Ukraine’ on 16 March 2022.³⁰ Other international organizations which are concerned with the state of affairs in Ukraine regarding health, humanitarian and refugee crisis are World Health Organization and The Office of the United Nations High Commissioner for Refugees (UNHCR).³¹ The International Atomic Energy Agency (IAEA) is also monitoring the situation because of armed conflict taking place near nuclear power plant facilities. IAEA addressed the situation as “not only unacceptable but also highly irresponsible” and “contrary to international humanitarian law”.³²

²⁶ Resolution No. A/RES/ES-11/1, United Nations General Assembly. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/293/36/PDF/N2229336.pdf?OpenElement>. Last visited on 18 July 2022.

²⁷ Resolution No. A/HRC/RES/49/1, United Nations Human Right Council. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/277/44/PDF/G2227744.pdf?OpenElement>. Last visited on 18 July 2022.

²⁸ Resolution No. A/RES/ES-11/2, United Nations General Assembly. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/301/67/PDF/N2230167.pdf?OpenElement>. Last visited on 18 July 2022.

²⁹ Resolution No. A/RES/ES-11/3, United Nations General Assembly. Available at: <https://digitallibrary.un.org/record/3967950?ln=en>. Last visited on 18 July 2022.

³⁰ Press Release No. 2022/11, 16 March 2022, International Court of Justice, Hague. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-PRE-01-00-EN.pdf>. Last visited on 18 July 2022.

³¹ The UN and the war in Ukraine: key information, United Nations, 18 July 2022. Available at: <https://unric.org/en/the-un-and-the-war-in-ukraine-key-information/>. Last visited on 18 July 2022.

³² Ibid.



CONFLICT IN EUROPE AND THE ROLE OF EUROPEAN UNION

Ukraine is situated in Eastern Europe and is surrounded by Russia on the North-East, East and South-East side, the Black Sea in the South and on the remaining sides, it shares the border with a total of six countries out of which four are the members of the EU³³ as well as NATO³⁴. These four are Romania, Hungary, Slovakia and Poland.³⁵ In 1991, after the disintegration of the erstwhile Union of Soviet Socialist Republics (USSR), Ukraine was one of the fifteen countries newly formed. Ukraine officially declared independence on 24 August 1991.³⁶ Ukraine and Russia share cultural ties and Russian is a widely spoken language in Ukraine. The trouble began in 2014 when the Ukrainian pro-Russia president Viktor Yanukovich was ousted from the office after mass protests. As a reaction, Russia sent its armed forces and annexed the Crimean Peninsula. Furthermore, Russia supported the separatist forces in Donetsk and Luhansk in eastern Ukraine where there has been a continuous fighting between the Ukrainian forces and Russia-backed separatist forces.³⁷

In January 2021, the Ukrainian President Volodymyr Zelenskyy appealed to the US President Joe Biden to accept the membership of Ukraine in NATO. This move was unacceptable to Russia. The possibility of Ukraine joining NATO was seen as a direct security threat by Russia as NATO forces would come to its doorstep. Russia sought a legal guarantee from the west that Ukraine will not join NATO. The demand was not acceptable to NATO because it was against the 'Open Door Policy' enshrined in Article 10 of the North Atlantic Treaty

³³ Country profiles, European Union. Available at: https://european-union.europa.eu/principles-countries-history/country-profiles_en. Last visited on 17 July 2022.

³⁴ Member countries, North Atlantic Treaty Organization. Available at: https://www.nato.int/cps/en/natohq/topics_52044.htm. Last visited on 17 July 2022.

³⁵ Ukraine: A short history of its creation, *The Indian Express*, 25 February 2022. Available at: <https://indianexpress.com/article/explained/everyday-explainers/russia-invasion-ukraine-history-creation-explained-7791147/>. Last visited on 17 July 2022.

³⁶ Ihor Stebelsky, Ukraine, 17 June 2022, Encyclopaedia Britannica. Available at: <https://www.britannica.com/place/Ukraine>. Last visited on 17 July 2022.

³⁷ Conflict in Ukraine, Center for Preventive Action, *Global Conflict Tracker*, 12 May 2022. Available at: <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine>. Last visited on 17 July 2022.



(1949).³⁸ The article declares that the membership of NATO is open to any European country who wants join the treaty and who is capable of upholding the principle of the treaty and security of the North Atlantic area.³⁹ These events finally led to a full-scale military invasion into Ukraine by Russia on 24 February 2022.⁴⁰

The role of EU in this conflict and its solution is very crucial. The members of EU are also a part of the NATO which is a contentious point of concern in the conflict. The membership of NATO for Ukraine can be said to be the immediate cause of the conflict. The responsibility of maintain peace and prevent the world from the scourge of the war requires a very pragmatic and realistic view and understanding of international relations. The members of EU are placed differently from the US due to their geography. The threat posed to EU countries and their citizens is very potent and direct in case the conflict expands. The effort to avert the conflict should have been very practical; whereas, the EU members supported the inclusion of Ukraine in NATO. The Russian concern about the presence of a hostile NATO military forces throughout its European borders is an understandable concern. Accepting the Russian demand to not allow Ukraine to join NATO cannot simply be labelled as appeasement as it is not to pacify some baseless demand but is a reasonable concern. The sore history between NATO and Russia is a cognizable fact and to reject it outrightly or to not take it in account is unreasonable and bad in logic and propriety. Ever since the armed conflict started, Ukraine have repeatedly urged NATO to accept its membership yet it has not been done but the conflict was allowed to aggravate and turn into armed conflict due to the same issue.

On the other hand, after the beginning of the armed conflict, members of EU have done a lot of humanitarian work. A huge number of refugees have been granted asylum especially by Poland, Germany. The top leaders of Germany, France, Italy and Romania visited Ukraine to

³⁸ The North Atlantic Treaty, Article 10. Washington D.C., 4 April 1949. Available at: https://www.nato.int/cps/en/natohq/official_texts_17120.htm?. Last visited on 17 July 2022.

³⁹ NATO Enlargement & Open Door, Fact Sheet, North Atlantic Treaty Organization, July 2016. Available at: https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_07/20160627_1607-factsheet-enlargement-eng.pdf. Last visited on 17 July 2022.

⁴⁰ *Supra* note 36.



show solidarity.⁴¹ Members of EU have also supplied weapons to Ukraine. EU imposed several hard-hitting economic sanctions on Russia in six phases. However, the political bloc is still divided on granting EU membership to Ukraine. The efforts of EU to restore peace in Europe are not satisfactory. The German Chancellor and the French President talked to Russian President regarding a peace deal with Ukraine on 28 May 2022. However, the actual peace talks between Ukraine and Russia failed. Meanwhile, the war is raging and weapons are being supplied by at least twenty-eight countries including the US and EU members.⁴²

CONFLICT IN INDIA

India gained independence on 15 August 1947. British India was divided into India and Pakistan. Both countries have been sworn enemies of each other since then especially on the issue of Kashmir. Both countries claim Kashmir as its own. Since 1947, there have been three full-fledged wars between India and Pakistan besides regular border skirmishes. The ceasefire between the two countries is often breached which leads to military as well as civilian casualties. The violence is usually unprovoked with the aim to infiltrate some militia across the border to Indian territories. The conflict is bigger than it seems and has been normalised due to its recurring nature. Kashmir is one of the most militarised locations in the world. Since 1988, 48,000 people have been killed in the region.⁴³

The Indian government has recognised the government of Pakistan as a supporter of terrorists by financing as well as providing weapons to them and providing a path to infiltrate into India. The Indo-Pak peace talks in recent history took place in 1999 and 2004. The effort to bring back normalcy in the region was done by India when the then Prime Minister Atal Bihari Vajpayee went to Lahore in February 1999. The PMs of both countries jointly gave the Lahore

⁴¹ Natalia Zinets and Simon Lewis, 'European leaders visit Ukraine, dangling hope of EU membership' *Reuters*, 17 June 2022. Available at: <https://www.reuters.com/world/europe/ukraine-pleads-more-weapons-european-leaders-expected-kyiv-2022-06-16/>. Last visited on 18 July 2022.

⁴² Priyanka Shankar, 'Divisions over EU policy persist as top leaders visit Ukraine' *Aljazeera*, 16 June 2022. Available at: <https://www.aljazeera.com/news/2022/6/16/divisions-over-eu-policy-as-leaders-visit-ukraine>. Last visited on 18 July 2022.

⁴³ The History of Kashmir Conflict and Its Various Phases, *Outlook*, 3 April 2022. Available at: <https://www.outlookindia.com/national/the-history-of-kashmir-conflict-news-189840>. Last visited on 19 July 2022.



declaration. The declaration sought to prepare ground for substantial initiatives for peace. However, a few months later, the initiative was disrupted by the Kargil War. Later in 2004, the peace talks resumed and few rounds were conducted when it was again brought to an end in 2008, when the 26/11 terrorist attacks in Mumbai by Pakistan sponsored terrorists. The attack killed 175 people, most of which were civilians. The attack was directly targeted on civilians.

In 2015, India and Pakistan had scheduled and unscheduled meetings and the Indian PM even went to a surprise visit to Pakistan in 2015. The talks to establish peace in Kashmir were again ended abruptly in 2016 by a shocking attack on Indian military camp in Uri near Line of Control (LOC).⁴⁴ This started the most serious stand-off between India and Pakistan since 1999. The Uri attacks were followed by a surgical strike by the Indian paramilitary forces. The following years also saw attacks on bases of Indian armed forces.⁴⁵ The most serious attack took place in Pulwama in February 2019 which was followed by an air strike by the Indian Air Force (IAF). The IAF attack was countered by the Pakistan Air Force (PAF). This was the first time since 1971 that Indian fighter planes crossed the LOC. The two nations were on a brink of a full-fledged war when good sense prevailed and Pakistan decided to return the captive IAF pilot in the duration given by Indian authorities. Both countries stepped down back after the incident.

The countries were able to retrieve their forces and prevented an armed conflict between two nations with nuclear weapons. The peace talks and goodwill gestures continued as a Sikh pilgrim site in Kartarpur was opened to Indians without visa.⁴⁶

There have been instances, in Kashmir, of violation of human rights and humanitarian law as enshrined in Geneva conventions. The attacks on civilian properties and civilians including healthcare centres are very common. The Indian approach have been defensive and almost

⁴⁴ Conflict Between India and Pakistan, Center for Preventive Action, *Global Conflict Tracker*, 12 May 2022. Available at: <https://www.cfr.org/global-conflict-tracker/conflict/conflict-between-india-and-pakistan>. Last visited on 18 July 2022.

⁴⁵ *Ibid.*

⁴⁶ Indo-Pak ties in 2019: From brink of war to corridor of peace, *The Economic Times*, 23 December 2019. Available at: https://economictimes.indiatimes.com/news/defence/indo-pak-ties-in-2019-from-brink-of-war-to-corridor-of-peace/articleshow/72923605.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst. Last visited on 18 July 2022.



never provocative. A contentious issue regarding India is application of the Armed Forces (Special Powers) Act, 1958 (AFSPA) which gives sweeping power to the armed forces. The instances of abuse of this plenary power have been reported wherein violation of human rights is also raised. India has never played the role of aggressor and even punished its own military personnel in case of violations by them.

CONCLUSION: CONTRAST BETWEEN THE APPROACH OF INDIA AND EU

Even though there are a lot of common values which are cherished by India and EU, the approach adopted by them turned out to be very different in reality. India has had very serious military skirmishes with Pakistan and even China which led to stand-offs between the respective countries but they were eventually able to establish peace and avert full scale military conflict. However, India have not been successful in defusing the disagreements with its neighbouring countries related to territory. Also, the continuous application of AFSPA is a problematic issue as far as human rights and international humanitarian law is concerned.

On the other hand, EU has been unable to prevent a major armed conflict in its backyard with a looming possibility of the armed conflict spreading into the rest of the Europe. The failed resolution initiatives and diplomacy could have been handled in a more efficient manner. India has a more dynamic and constantly volatile situation with its neighbours but it has not escalated to an armed conflict like the Russo-Ukraine conflict. The violations of IHL as observed in the present armed conflict is unheard of in India. The degree of civilian casualties and destruction of civilian property; and millions of refugees and millions of internally displaced citizens is a result of collective failure of EU, Ukraine and Russia. The approach in India is to prevent the escalation of the conflict and even to deescalate the conflict using diplomacy and through various rounds of talks. On the other hand, EU has not been able to do either prevention or de-escalation. Moreover, EU is blameworthy to a certain extent for the armed conflict due to its ignorant and unrealistic stance and allowing the disagreement to grow even when blatant indications of an armed conflict were visible. Similarly, the role played by the UN and its contribution in the present conflict prevention and resolution was inadequate and



deontological. As a result, several demands for structural reformation of the United Nations have been made.⁴⁷

⁴⁷ William B. Taylor and James Rupert, The Ukraine War Escalates Demands to Reform the United Nations, *United States Institute of Peace*, 29 April 2022. Available at: <https://www.usip.org/publications/2022/04/ukraine-war-escalates-demands-reform-united-nations>. Last visited on 15 July 2022.