

Article

Russia's Invasion of Ukraine and Security in the Indo-Pacific

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Abstract

This article analyses the effects of the Russian invasion of Ukraine on the international multilateral security structure and the response of Japan and "like-minded" nation-states. It argues that Russia's action violates the most fundamental principles of international law and that the world has entered a new era in which the post-Cold War security assumptions no longer hold. Even the foundation of the United Nations-based security architecture is threatened. The invasion and its severe impact on the rules-based order will have major implications for the security in the Indo-Pacific where China poses a similar challenge. It calls upon the US and the Quad partners to step up their collaboration to enhance the stability and security in the Indo-Pacific region. In light of the limitations of the Security Council (as demonstrated by the Russian veto), it stresses that India and Japan should strengthen their cooperation on the Security Council reform. It argues that India, the world's largest democracy, needs to take a firm position against the aggression and play a significant role in promoting a rules-based order that respects other nation-states' territorial integrity and sovereignty.

As this article is completed, we still do not know how the armed conflict and the human tragedy in Ukraine will come to an end. We can only hope it will be soon. What is already clear to the international community, or at least to those countries that examine the developments and information objectively, is that Russia's invasion of

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Ukraine constitutes a flagrant violation of the most fundamental principles of international law and that the world has entered a new era in which the post-Cold War security assumptions no longer hold. In effect, even the foundation of the United Nations-based security architecture is threatened. This article focuses on the impact of Russia's aggression on the multilateral security architecture, responses by Japan and other "like-minded" countries that uphold the rules-based order, implications for security in the Indo-Pacific region, and the roles that the Quad as a group, as well as Japan and India can play.

Russia's Aggression and the Multilateral Security Architecture

Many aspects of Russia's invasion of Ukraine, including the threat to use nuclear weapons and the attacks on civilians, defy the established norms of international and humanitarian law. The most fundamental issue of all, without which none of the horrifying acts would have been committed or threatened, is that Russia started this military aggression in blatant violation of the most fundamental principles of international law and the United Nations (UN). UN Secretary-General António Guterres, in his statement to the Security Council on 24 February, characterised the Russian military offensive as "wrong", "unacceptable" and "against the (UN) Charter", Article 2(4) of which stipulates: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations".¹ However, at the Security Council on the following day, Russia, while holding the rotating presidency, vetoed a draft resolution deploring "Russia's aggression" and calling on Moscow to pull back all its troops.² Nothing demonstrated the limitations and irony of the UN, and in particular the Security Council entrusted with "primary responsibility for the maintenance of international peace and security" (Article 24-1 of the UN Charter), than the irony that when faced with an act of aggression by one of its permanent members, the Russian ambassador presiding over the Council raised his hand to veto the resolution.

Russia's invasion of Ukraine, including the threat to use nuclear weapons and the attacks on civilians, defy the established norms of international and humanitarian law.

Following the stalemate at the Security Council, the UN General Assembly (GA) convened its 11th Emergency Special Session on 1st March (in accordance with its "Uniting

for Peace” resolution of 3 November 1950), and overwhelmingly adopted on 2nd March, with 141 countries voting in favour to five against (Belarus, the Democratic People’s Republic of Korea (DPRK), Eritrea, Russia and Syria) and 35 abstentions (including India), a resolution demanding that Russia immediately end its invasion of Ukraine and unconditionally withdraw all its military forces. It demonstrated a clear commitment of the UN Member States to Ukraine’s sovereignty, independence, unity and territorial integrity.³ The overwhelming support to the above GA resolution gave some – albeit limited – relief to those trying to maintain their faith in the value of multilateralism, but the resolution cannot replace the authority and remedy that only the Security Council is supposed to provide to the international community when faced with grave challenges to its peace and security.

Looking back, it almost seems to have been in another world that the Security Council, faced with the Iraqi invasion of Kuwait in 1990, immediately and unanimously condemned it (Resolution 660), and later authorized Member States (under Chapter VII of the UN Charter) to use “all necessary means” to force Iraq to withdraw its troops (Resolution 678), with the Soviet Union voting in favour in both cases.⁴ In the meeting that adopted Resolution 660, the Soviet representative said his country believed “the Security Council must act immediately to eliminate this violation of international peace and security...”⁵ Furthermore, in the meeting that adopted Resolution 678, attended at the foreign ministerial level by 13 members of the Security Council, Soviet Foreign Minister Eduard Shevardnadze said, “(t)he Council’s action is based on the clear awareness and belief that shirking its duty now by failing to reverse the aggression would mean even greater hardship and suffering for the world and for all nations...We are giving preference to the law, to action under the authority of the Charter and of the Security Council, and to collective efforts”.⁶

The post-Cold War era that enabled the unity of purpose and relatively harmonious cooperation at the Security Council is irrevocably over.

Although the recent tension between the United States (US) and China as well as the US and Russia have rendered meaningful progress at the Security Council increasingly difficult (for example, on the repeated violations of its resolutions by the DPRK with its ballistic missile launches), Russia’s veto on 25th February 2022 definitely turned a new page. Whatever this new epoch that started with Russia’s

invasion may be called, the post-Cold War era that enabled the unity of purpose and relatively harmonious cooperation at the Security Council in upholding the rules-based international order is now definitely and irrevocably over.

Responses of “Like-minded” Countries

In contrast to (and partly because of) the stymied UN Security Council, the G7, the North Atlantic Treaty Organization (NATO) and the European Union (EU) – all based on shared values of democracy and a rules-based international order – have been agreeing on and implementing various measures of unprecedented scope and severity with startling speed and determination. These range from economic sanctions against Russia and Belarus to provision of humanitarian assistance and military aid to Ukraine, while carefully calibrating their responses to avoid escalation and spread of the conflict beyond Ukraine. Awakened by the shock of an all-out war of aggression on the European soil in the 21st century, NATO and EU seem to have rediscovered their respective *raison d'être* in the face of the “serious threat to the rules-based international order, with ramifications well beyond Europe,” that “has fundamentally changed the Euro-Atlantic security situation”.⁷

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Even more remarkable is the drastically increased closeness and strengthened coordination among them, though they have different purposes, histories, structures and modes of operation, and have been occasionally at odds with each other (in particular, NATO and the EU regarding the configuration of European security arrangements and the roles of European nations in them).⁸ Individual countries inside and outside these groupings have also been announcing what was previously unexpected or even unthinkable measures in the realm of defence and security. The decision by Germany at the end of February to start providing arms to Ukraine and increase its defence spending to 2 percent of its GDP, impose unprecedented economic sanctions against Russia and seek secure energy supplies not dependent on Russia, represented a dramatic change in its security policy. Finland has applied for NATO membership, reversing its well-established policy of maintaining a neutral status since the end of World War II. Sweden has followed suit, ending its policy of neutrality in place since the 19th century. Both countries had to drastically reassess the threat from Russia to their national security,

and were convinced that only the collective defence to be undertaken by NATO members under Article 5 of the North Atlantic Treaty can provide assurances.⁹

Japanese Response

Japan, for its part, has firmly committed itself to G-7 coordination and has been taking unprecedented measures in line with the policies agreed upon by the group, including severe sanctions against Russia and Belarus. Japan also referred the situation in Ukraine to the International Criminal Court (ICC) on 9th March, following the move one week earlier by 38 countries led by the United Kingdom (UK).¹⁰ In the area of security, Japan made a Ukraine-specific amendment to its guidelines for implementing the Three Principles on Transfer of Defense Equipment and Technology in early March to allow transfers of equipment and goods, including bulletproof vests, helmets and winter battle dress uniforms, from the Japan Self-Defense Forces (JSDF) to Ukraine.¹¹ Japan further announced the provision of drones and protective clothing against chemical weapons in April.¹²

In addition to actively participating in many G7 meetings at the summit and ministerial levels, Japan attended a Meeting of NATO Foreign Ministers for the first time in April 2022. In his statement, Foreign Minister Yoshimasa Hayashi emphasized that the security of Europe and the Indo-Pacific cannot be discussed separately, and that Japan has been making efforts to respond to the shift in the power balance in the Indo-Pacific by strengthening its own defence capabilities and reinforcing the deterrence and capabilities of the Japan-US alliance. He welcomed NATO's efforts to enhance its relationship with Asia-Pacific partners and expressed Japan's desire to further promote NATO's engagement in the region towards realising a "Free and Open Indo-Pacific (FOIP)" and establish a new international order based on the rule of law.¹³

More broadly, the manner in which Russia resorted to the use of force in violation of Ukraine's sovereignty and its internationally recognised territory has shocked the Japanese government and people and has drastically altered Japan's perception of its own security environment and strategic calculations. In recent years, Japan has been gradually shifting JSDF deployments from its north (closer to Russia), where there had been a heavy JSDF presence since the Cold War era, to its southwest (closer to China and the DPRK) in response to the new security concerns. However, Russia's invasion will affect the threat assessment on which such moves have been based, and Japan will

need to re-examine JSDF deployment and posture in various parts of its territory. While the Japan Institute of International Affairs (JIIA) stated in its Strategic Annual Report 2021 (published prior to Russia's invasion) that an increase of Japan's defence spending to a level of 2 percent or more of its GDP in the early part of the decade would be needed,¹⁴ the totally new security environment will prompt not only such an increase in financial terms but also a fundamental rethinking of security and defence assumptions and options, including approaches to coping with the multiple security threats surrounding Japan. Prime Minister Fumio Kishida said in his press conferences in March and April that the ongoing review of Japan's National Security Strategy (set to be concluded by the end of this year, together with the review of the National Defense Program Outline and the Medium-Term Defense Program) would take into account Russia's invasion of Ukraine, and it would be necessary to drastically and speedily strengthen Japan's defence capabilities based on a realistic review, without excluding any options.¹⁵

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Implications for Security in the Indo-Pacific and the Quad

Despite the drastically changed security environment in Europe, the United States reaffirmed that its strong commitment to the Indo-Pacific would continue based on its Indo-Pacific Strategy published a few weeks before the start of Russia's aggression.¹⁶ In its 2022 National Defense Strategy (NDS) transmitted to the Congress at the end of March, the US Department of Defense described China as the "most consequential strategic competitor" following the overall assessment in the Interim National Security Strategic Guidance issued one year ago, and has placed the threat from China above that from Russia despite the latter's invasion of Ukraine. The NDS states that the US will remain capable of managing other threats, including those from the DPRK and Iran, but that these and other challenges put increasing pressure on US forces. It also referred to the response to Russia's invasion as the demonstration of "(m)utually-beneficial Alliances and partnerships" that are "critical to achieving our objectives".¹⁷ The US Congress has been demonstrating bipartisan support for the increase in defence spending and the focus on the Indo-Pacific, which provides assurance to US allies and partners that American commitment to the security in this region will not be subject to internal political upheavals.

While the US commitment to the Indo-Pacific remains firm, the reinforcement of its military presence in and security assistance to European nations — in addition to the immediate assistance to Ukraine — is expected to continue for some time, as it needs to protect NATO members facing a drastically increased threat on their eastern front. However, the conflict in Ukraine may end at some point. The moves by Finland and Sweden to join NATO are already drawing Russia’s attention and strong reaction due to their geographical location. These states will need cooperation and assistance from existing NATO members, in particular the US. Assuming no drastic change in Russia’s policy and military posture in the near future, the US will need to continue to pay close attention to the security situation in Europe and allocate significant defence resources in that direction. At the same time, the US will also need to make considerable financial investments on its domestic agenda.

The US Department of Defense has placed the threat from China above that from Russia despite the latter’s invasion of Ukraine.

Therefore, it is expected that the US will pursue its efforts more vigorously to get the allies, both in NATO and in the Indo-Pacific, “to share responsibilities equitably, while encouraging them to invest in their own comparative advantages against shared current and future threats”.¹⁸ As shown in the aforementioned decisions and statements by Germany and Japan, the US allies have already started to move in that direction. Such efforts will need to continue, together with enhanced discussions and coordination with the US, to increase the overall potential of their respective alliance arrangements.

In the Indo-Pacific region in particular, it will be all the more important for the US allies and partners, including the Quad members, to actively engage with and support the US so as to maintain and enhance US commitment to the regional security. Furthermore, in the Indo-Pacific where a NATO-type collective security architecture does not exist, it is essential not only to strengthen individual alliances or partnerships with the US but also to develop and expand a network of defence and security cooperation arrangements to supplement — while fully recognising they cannot substitute or supplant — the “hub-and-spoke” alliances the US has in the region. Japan, India and the Quad —each has its own role to play in this context.

At the first face-to-face summit meeting of the Quad in September 2021, the leaders of the four countries reaffirmed their commitment to “promoting the free, open, rules-

based order, rooted in international law and undaunted by coercion, to bolster security and prosperity in the Indo-Pacific and beyond,” and stated that they “stand for the rule of law, freedom of navigation and overflight, peaceful resolution of disputes, democratic values, and territorial integrity of states”.¹⁹ However, while the statements and fact sheets from the Quad meetings have been profuse on its members’ cooperation in responding to COVID-19, critical and emerging technologies, climate change, etc., they have been almost silent on their concrete activities in defence and security cooperation.

It is understandable that due to political and operational sensitivities, they may wish not to draw attention to their activities in these areas. Nevertheless, in the new security environment following Russia’s aggression, it is all the more important for the Quad members to demonstrate their resolve to uphold the rules-based order, including the freedom of navigation and territorial integrity in the Indo-Pacific, not only through their words, such as more explicit language in their statements on defence and security cooperation but also by their actions including joint military exercises and other high-profile defence cooperation activities. Recognising that cooperation among the Quad members can be built upon bilaterally or trilaterally as well as quadrilaterally, it is also important to further strengthen bilateral security and defence cooperation between Quad members that do not have formal alliance agreements. In this regard, recent developments in Japan-Australia and Japan-India defence and security cooperation are positive, and such cooperation should be further accelerated.

The recent strengthening of security cooperation among the Quad members reflects their recognition of the increasingly harsh security environment in the Indo-Pacific region due to China’s political, economic, and above all, military assertiveness. The momentum of the Quad cooperation needs to be maintained and further strengthened to garner international support for the FOIP and its core principle of a rules-based order in the Indo-Pacific. This is not only a matter of rhetoric; a firmer and clearer commitment to a rules-based order, backed by the resolve and vigilance of those countries that support it, will mean less chance of success for an attempt to change it by force. For this reason, each member of the Quad needs to do its utmost in demonstrating its commitment to the core values that the group upholds in the clearest terms every time it is needed. In this context, it is hoped that India’s policy towards Russia will be reviewed to become more aligned with that of the other Quad members.

Japan and India can also strengthen their bilateral dialogue and cooperation regarding their respective policies towards China and Russia, as well as defence equipment.

Japan, India and Australia can also enhance their respective defence and security dialogue and cooperation with ASEAN members and other countries in the region, in particular US allies and countries that uphold common values. One recent example is the first-ever 2+2 meeting between Japan and the Philippines – a US ally and a maritime nation in ASEAN – held in April, during which the ministers pledged to “further strengthen the bilateral Strategic Partnership based on common interests and the shared values of freedom, democracy, the rule of law, respect for human rights, and a free and open economy,” and agreed on various ways to strengthen their defence and security cooperation.²⁰ The agreement with Thailand on the transfer of defence equipment and technology during Prime Minister Kishida’s visit at the beginning of May is another such case.²¹

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It is also important for the Quad members to continue to engage with like-minded countries outside the region. European nations, having demonstrated their interest in Indo-Pacific security with changes of language in NATO and EU policy documents and their commitment to this region with a series of naval deployments in 2021, are currently overwhelmed by the crisis at their doorstep, which is understandable. Japan’s role in hosting the G7 meetings in 2023 will help to re-engage the group’s European members with the security situation in the Indo-Pacific, where another authoritarian state — which has been strengthening its ties with Russia — has become increasingly assertive politically, economically and militarily, and is infringing upon its neighbours’ territories. The effort to enhance defence cooperation with NATO and individual European countries, in particular the UK, France and Germany, should also continue through concrete actions such as the conclusion of agreements, joint exercises and cooperation on equipment. In this regard, the announcement by Japan and Germany on the occasion of the visit by Chancellor Olaf Scholz, at the end of April, on strengthening their cooperation within the G-7, on security-related agenda and for the realisation of FOIP, is welcomed.²²

India's Role

India can play an important role as the world's largest democracy in promoting a free, open and rules-based order -- that respects sovereignty and territorial integrity-- among developing countries inside and outside the region. In the statements explaining its abstention from the resolutions at the UN Security Council (25th February) and the General Assembly (2nd March), India stressed the need for "all Member States" to adhere to the "UN Charter, international law and respect for sovereignty and territorial integrity of all states," and that "differences can only be resolved through dialogue and diplomacy,"²³ without pronouncing on the initiator of the armed conflict. Many comments have been made on India's motives, including its heavy reliance on Russia for defence equipment and its components since the Cold-War era that continues and constrains India's policy options concerning Russia. However, the security environment has evolved considerably from the time when India started its close defence cooperation with the Soviet Union: the US-China rapprochement has been replaced by the increasingly severe US-China confrontation, while US-India relations have been developing with remarkable speed in recent years. Russia's invasion of Ukraine will have wide-ranging and long-lasting implications that will prompt many countries to make a fundamental review of their strategic calculations.

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India, which has diversified its sources of defence procurement in recent years, seems to be accelerating such a move in the past few years, as shown in its statements with the US, UK and France.²⁴ This may reflect India's recognition that continuing its strong reliance on Russia for defence supplies entails risks, most immediately due to the expected negative impact of Western sanctions on Russia's defence industry, but also potential risks of some US sanctions and reputational risks in the diplomatic arena. Moreover, it would have watched with concern the strengthening of Russia-China relations, most clearly demonstrated by the statement at the meeting between Presidents Putin and Xi in Beijing in early February — a few weeks before the start of Russia's military invasion. The joint statement declared their bilateral relations to be "superior to political and military alliances of the Cold War era", their friendship "has no limits", and that there are no "forbidden areas for cooperation".²⁵ Their ties

are expected to continue and may become even more important for Russia in the coming months and years. Such consideration will also need to be included in India's strategic calculations.

Developing countries, including India, may also have other misgivings and regard the West as 'self-serving and hypocritical' because of its inconsistencies in applying the values it claims to be upholding. Whatever the reasons behind its policy, it is strongly hoped that India acknowledges the fact that Russia initiated the armed conflict and that regardless of grudges and grievances it may have against Ukraine and NATO, what Russia did is against the UN Charter and international law, as has been declared by the UN Secretary-General multiple times. India could also make a clearer statement on its opposition to unilateral changes to the status quo by force. India's Joint Statements with Japan (issued during Prime Minister Kishida's visit to India) in March, the UK in April and France in May, all included a reference to "respect for sovereignty and territorial integrity of states" in the context of Ukraine but did not elaborate further.²⁶

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Even though India and other developing countries remain hesitant to take concrete measures (such as sanctions) against Russia for reasons of their own, unequivocal pronouncement of their recognition of the situation and their position against unilateral changes to the status quo will be a meaningful step in clarifying their understanding of the objective situation and their commitment to the rules-based international order. This is all the more important for countries in the Indo-Pacific facing China's increasing military assertiveness and encroachment, including India, as China is certainly making a careful analysis of various countries' responses to Russia's aggression and will draw lessons for its own future course of action.

Strengthening Japan-India Cooperation

In light of the limitations of the Security Council so clearly demonstrated by the Russian veto as described above, Japan and India should also strengthen their cooperation on the Security Council reform. A General Assembly resolution, submitted by Lichtenstein in the hope of increasing the accountability of the Security Council permanent members and co-sponsored by 83 Member States (including Japan) and

three permanent members (the US, UK and France), stipulating that GA shall convene a meeting to hold a debate when a veto is cast by one or more permanent members of the Security Council, was adopted in late April without a vote.²⁷ However, the effectiveness of the resolution is already questioned as Russia rejected the resolution and China expressed its doubt.²⁸ Moreover, the resolution does not restrict the use of the veto by the permanent members, nor does it address the fundamental issue of the Security Council's composition.

Japan and India should also strengthen their cooperation on the Security Council reform.

While it may be too late to “revisit” the transition of the permanent membership from the Soviet Union to Russia, described as “a missed opportunity” by a participant in the 3rd Tokyo Global Dialogue,²⁹ a serious and urgent debate is needed on the future of the Security Council so that it can discharge its “primary responsibility for the maintenance of international peace and security” as envisioned in the UN Charter. Otherwise, the Security Council will lose its authority and relevance, just as it did during the Cold War. The immediate threats, such as repeated missile launches, accelerated in the shadow of Russia's invasion of Ukraine in disregard to the Security Council resolutions would also remain unaddressed.

Based on their Joint Statement, Japan and India should enhance their efforts to accelerate the process for “an early reform” of the UN Security Council to “reflect the contemporary realities of the 21st century” that would include Japan and India as permanent members.³⁰ It needs to be recognised that the chance for such a reform to succeed in the near future is slim, considering the current permanent members' positions. However, there could be more creative steps between the Lichtenstein proposal and the final goal of a reformed Security Council that can be pursued by Japan, India and other like-minded countries. They could be supported by an increasing number of UN members alarmed by the current situation. Clearer pronouncements by India, an aspirant for the permanent membership of the Security Council alongside Japan, on the need to uphold the UN Charter and the importance of the rules-based order as discussed above, are clearly important.

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