

Opinion | Dangerous Precedent? The US-Ukraine Resource Deal And Its Legal Implications

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If resource access becomes a standard expectation in return for aid, it may redefine the future of international assistance, making it more transactional and strategic rather than altruistic

Ukraine and the United States have recently reached a framework agreement to jointly develop Ukraine's natural resources, including rare earth minerals, oil, and gas. (AP file photo)



The United States and Ukraine have recently reached a framework agreement to jointly develop Ukraine's natural resources, including rare earth minerals, oil, and gas. While this deal aims to

strengthen Ukraine's economic stability and infrastructure, it notably lacks US security guarantees—something Kyiv had sought to deter further Russian aggression. Instead, the US appears to view access to Ukraine's rare earth minerals as a form of indirect compensation for the substantial military and economic aid it has provided.

This agreement raises critical questions about international law, particularly the principles governing humanitarian assistance, sovereignty, and economic exploitation during conflicts. Traditionally, humanitarian assistance is provided with the aim of alleviating suffering, without economic conditions attached. The principle of the 'Responsibility to Protect' (R2P) stipulates that military intervention or aid should not be contingent on material gain for the assisting state. Yet, in this case, US access to critical resources in Ukraine effectively ties aid to economic benefits, setting a potential precedent for future international engagements.

LEGAL AND ETHICAL CHALLENGES

The *erga omnes* obligation—a principle in international law—establishes that all states have a duty to assist nations facing serious violations of international law. Various rulings by the International Court of Justice (ICJ), including those in *Barcelona Traction*, *South Africa v. Israel*, and *UK/Netherlands v. Myanmar*, reinforce this obligation. If humanitarian

assistance is conditioned on economic concessions, it could create a new customary practice in international law, challenging the established norms of state sovereignty over natural resources.

Furthermore, the Vienna Convention on the Law of Treaties (1969) allows for the scrutiny of treaties that may violate *jus cogens* norms—fundamental principles from which no deviation is permitted. If Ukraine’s ongoing war is classified as involving genocide, as suggested by current International Criminal Court (ICC) investigations, the legal basis for linking aid to resource control becomes even more complex. Sovereign rights over natural resources remain a core tenet of general international law, and any deviation could prompt broader international scrutiny.

A HISTORICAL PARALLEL: INDIA AND THE 1971 LIBERATION WAR

A comparison can be drawn with India’s role in the 1971 Bangladesh Liberation War. India’s initial response to the crisis in East Pakistan was diplomatic, as it sought global intervention to address the humanitarian catastrophe caused by the Pakistan Army’s actions. The Indian Parliament was among the first to label the situation as genocide in its resolution of 31 March 1971.

Despite facing an overwhelming refugee influx and serious security concerns, India provided military and humanitarian support to the Bengali resistance without demanding economic compensation. India maintained that its intervention was based on humanitarian necessity, regional stability, and the self-determination of the Bangladeshi people. Unlike the current US-Ukraine deal, India did not seek access to Bangladesh’s resources in exchange for its support, reinforcing the traditional principles of humanitarian aid.

IMPLICATIONS FOR GLOBAL POLITICS

The US-Ukraine agreement, if implemented, could reshape the global landscape of humanitarian intervention and economic diplomacy. If resource access becomes a standard expectation in return for aid, it may redefine the future of international assistance, making it more transactional and strategic rather than altruistic.

As global conflicts continue to evolve, international legal bodies and states must determine whether such agreements align with the principles of humanitarian law or signal a shift towards a new, more pragmatic—but controversial—approach to international aid. The coming months will reveal whether this deal remains an isolated case or marks a defining moment in the evolution of international legal norms.

Abhinav Mehrotra is Assistant Professor and Dr Biswanath Gupta is Associate Professor at OP Jindal Global University. Views expressed in the above piece are personal and solely those of the authors. They do not necessarily reflect News18’s views.