

# **PUTIN'S UKRAINE AGGRESSION**

**FIVE ESSAYS BY SIBA N'ZATIOULA GROVOGUI AND A FORUM WITH SEAN MOLLOY, KELEBOGILE ZVOBGO, INDERJEET PARMER, JELENA SUBOTIC & RAVINDER KAUR**

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## **Introduction**

Siba N'Zatioula Grovogui

The following are five internally coherent and chronically arranged essays on Russia's aggression on Ukraine on the directive of Vladimir Putin, President of the Russian Federation. This action brought about too many questions about the international order and its regimes of laws, morals, and ethics that needed elucidation before they were instrumentalized to undesirable ends.

These views are mine and therefore personal. They do not reflect the views or positions of any institutions, persons, or entities with which I am associated professionally. (Note: PLEASE take the comments in the spirit in which they are offered as the situation on the ground is changing daily, if not hourly. This fluidity guarantees more essays).

The series began with my attempt to answer a nagging question at the onset of the conflict. This is when the media and Western commentators objected to a supposed African mutism on the Russia invasion. The underlying ambivalence perplexed many who wondered what had happened to the African attachment to the preservation of borders, even ones inherited from colonial rule. The response to the supposed African mutism is the very first essay: PUTIN'S UKRAINE ADVENTURE: How Should an African Respond?

Then came, the scale of the bombardment of Ukrainian cities. This was covered mostly in the US and Europe as an extraordinary event. This assertion, obviously false, was the basis of a lot of insinuations about the post-World War II international order that merited reflection. The second essay was an attempt at a partial reply. It is titled: GUERNICA LOOKING ON: The Shifting Moralities of Sovereignty and War. To be sure, it was not my idea to banalize the scale of Russia's bombings of cities. It was to point out the increasing banalization of violence through modern techniques and technologies of warfare. My intention was therefore to speak to the

genealogy of the underlying shifting moralities of war to which many of Russia's critics in the West have contributed.

Then, came the arguments that Putin was wrong on substance in his interpretation of the 'not-one-inch' proposition, to some a plea, that Mikhail Gorbachev purportedly made to George H. W. Bush at the moment of German unification. This is whether Bush pledged that the US and other NATO members had agreed to stay clear of Russian border in their military advances. The discussions seemed to me to be tone-deaf to both history and postcolonial hermeneutics of peace. Hence the title of essay # 3: INCH BY INCH TOWARD PERDITION: Distrust and Misapprehensions in International Relations.

Another moment of the discussions of the nature of Russia's action led my mind into a historical spin. This was not whether Russia's actions constituted crimes of war. It was whether Ukraine deserved its fate. The short answer is no. There was another answer lurking behind the obvious that need elucidation. My musings led me to the nature of the post-Soviet peace as illustrative of a tradition of Western peace-making that sacrifice others to non-existence: This essay #4 is title: UKRAINE'S NAKBA MOMENT: Nations, Historical Claims, and Political Violence.

The final essay is the answer that Ouezzin Coulibaly, a postwar African intellectual and member of the French National Assembly might have given to those who seem to think the peace of the victor, this time under the aegis of NATO, is necessarily the best. This final essay #5 is called: FOR THE LOVE OF HUMANITY: Judgment, Predicates, and their Authorizations.

I welcome comments, counter-arguments, and rejoinders.

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## **Putin's Ukraine Adventure: How Should an African Respond?**

Siba N'Zatioula Grovogui

At the recent UN Security Council meeting on the then impending Russian invasion of Ukraine, the Kenyan ambassador, Martin Kimani, made a very compelling point against the war. He warned against the temptation to redraw boundaries in the misguided, if illegal, idea of 'historical justice'. He was countering Putin's claim that Ukraine was once integral to Russian identity, culture, and territory. He did not even have to speak to the veracity, or lack thereof, of the claims themselves. Mr. Kimani was merely pointing out the obvious: that the world cannot afford the constant redrawing of boundaries. It is no surprise, therefore, that Western critics have praised the speech as an exemplary moral position.

Critics have gone further by holding the speech as model for all of Africa and Africans, implying that such is not the case. Specifically, critics have noted an otherwise muted response from majorities of African officials and intellectuals who otherwise would oppose the very idea of changing borders. An online editorial of the Voice of America put in bluntly in a headline: 'Africa

Opposes Border Aggression but Unlikely to Condemn Russia.’<sup>1</sup>The BBC’s ‘Focus on Africa’ made a subtler point. It simply asked Africans directly, which is how should Africans respond to the Ukrainian crisis?<sup>2</sup> Radio France International and many others joined the chorus of disapproval of the presumed African mutism.

To understand the purported reticence, one must place it in a larger context. If both the international community and international society are to be given sense, states and citizens everywhere must be willing to denounce Russia’s invasion of Ukraine. They should do so on the basis of the juridical and moral principles of the international system of norms and rules to which we all profess to abide but to which many are yet to abide: for instance, that aggression is a crime; that imperialism is immoral; that ‘territorial aggrandizement’, in the language of the Atlantic Charter is contrary to international peace and a violation of it; and that the principle of equal justice compels every single state, nations and political and moral entities to accept the notion of universal jurisdiction for the sort of crimes that Russia is about to commit. The latter were incorporated partially in the Rome Treaty, whose supporters around the world logically and morally expect an understanding that transgressors of the stipulations of the Rome Treaty would be referred to the International Criminal Court (ICC).

Today, many African hold, correctly, that the universal expectation created by the institution of the ICC was universal justice. To them, universal justice was not predicated on actuality or practicality. It was predicated upon commitment to universal socialization, with knowledge and experience that moral and political entities could be socialized in the ways of peace and toward peace. This why the intervention of Martin Kimani, Kenya’s ambassador to the United Nations, mattered. He was merely stipulating the longstanding African prohibition, first stipulated in the Charter of the Organization of African Unity, that the world has no (peaceful) alternative but to respect borders. This is unless they can be changed through mutual agreements of the involved parties. To Africans, the idea was that, although colonial borders were injurious and impractical, prudence dictated PanAfrican approached to altering in the common interest. I doubt, however, that Mr. Kimani was speaking to Africans alone. Quite the contrary. He was speaking to an extant international morality that Russia is not alone in violating. He was therefore speaking a larger truth than singling out Russia, although is Russia is today’s transgressor.

The larger wisdom of Kimani’s argument is not what Western media – and others as well – wishes to hear and to ponder, despite the present context of global over-militarization and not-so dormant imperial impulses. The urgent for the moment is to identify who stands with Ukraine and against the Russians. Subtleties are lost as a result, subtleties that ought to matter in international relations. For instance, even while decrying African mutism, the Voice of America (VoA) and other Western media have noted accurately that majorities in Africa disagree with Russia’s use of force. This means that Africans are in synch with the world on the crucial matters of international law and morality.

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<sup>1</sup> Voice of America, ‘Africa Opposes Border Aggression but Unlikely to Condemn Russia.’  
<https://www.voanews.com/a/africa-opposes-border-aggression-but-unlikely-to-condemn-russia-/6457310.html>

<sup>2</sup> British Broadcasting Corporation, ‘Ukraine: How should Africa respond?’  
<https://www.bbc.co.uk/programmes/w172xwpfhds8rst>

Why then the so-called African mutism? The principal reason given by Western media is mistaken: that, in the stipulation of VoA, 'the continent's governments are aware of Russia's power on the world stage.'<sup>3</sup> This is far from the truth. The so-called African mutism has little to do with either affirmation of Putin misadventure or lack of sympathy toward Ukrainians. In actuality, Africans have been reduced to mutism on account the very consistency on crucial questions of international law and morality that they are now denounced of betraying through silence. Put differently, Africans are only called upon to express themselves on international relations only if and when their penchant for consistency and bluntness supports Western positions and interests. Otherwise, their views, however coherent, are disregarded and the persons and entities pronouncing them presented as nuisance.

If pressed, I suspect that vast majorities of African jurists would categorically deplore the Russia's invasion of Ukraine as an abomination and a crime. The crime would be the crime of aggression. The one crime that Western powers and Russia coalesced to exclude from the initial list of punishable crimes in the Rome Statute that created the International Criminal Court. Weren't Africans among ones that fiercely advocated that the crime of aggression be added to the Rome Statute. This inclusion finally happened in Kampala on the 20<sup>th</sup> anniversary of the treaty.<sup>4</sup> Even so, barely 40 states have ratified the Kampala Amendments. The US and Russia have yet to sign the actual treaty, let alone the Kampala Amendments. To be sure, the US war in Iraq and Afghanistan began before the 2010 Kampala Amendments making aggression a war crime. Yet, aggression was already prohibited under centuries-long conventions as well as the UN charter.

Likewise, Russian occupation of Ukrainian territories is a categorical violation of the peace. Like the crime of aggression itself, this violation of the peace is not a subjective matter. It is not a crime because it happened in Europe. It is a crime because of its manifestation as facts and the consequences of those facts. Africans are clear about the objective nature of the Russian intervention of Ukraine and its prior occupation of Ukrainian territories. Africans have long held the same view of events in the Chagos Islands where Britain expelled native populations to give way to Diego Garcia, a US naval base. They have also held the same judgment on Israel's occupation and continuing expulsion of Palestinians, which began in 1948 and accelerated after 1967, leading to the rampant expansion of Israeli settlements on Palestinian lands. They also held the same position with regard to the now-overturned occupation of Kuwait by Iraq. I could go on.

The problem for Africans is not consistency. It is that consistency lands them into trouble. At the Durban Race conference, legitimate African arguments against Israel's occupation of Palestine were lumped together with antisemitism by delegations from the US, Canada, Australia, and others, all but foreclosing discussions of the occupation of Palestine. Few could

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<sup>3</sup> Voice of America, 'Africa Opposes Border Aggression', op. cit.

<sup>4</sup> United Nations Treaty Collection, 'Amendments on the crime of aggression to the Rome Statute of the International Criminal Court'. [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-10-b&chapter=18&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10-b&chapter=18&clang=en)

bring themselves to appreciate the consistency of the African position with continental traditions, begun with the prohibition in the 1963 Charter of the Organization of African Unity against alterations of existing post-colonial boundaries. Yes, the principle has been violated twice, in the matter of Eritrea and South Sudan. But the principle remains. The same principle guided African states in severing ties with Israel upon its occupation of the Sinai, an African territory, after the 1973 war. Then too, Western and Israeli media construed African arguments either as hostile to Israel (mostly in the West) or antisemitic (principally Israel and its most ardent backers in the West).

When listening to news reports about Africa and Africans in the context of the Ukrainian crisis, I wonder at times. I can help by join others in the conclusion that media reports on Africa in international relations broadly and more specifically in this instance demonstrate ignorance about the history of Africa's relentless support of, and advocacy of a rule-based international order. The last essay of this series will also show that Africans are not heard when, like Mr. Kimani's UN statement, they speak in 'untutored' and/or when their sentiments are disobliging to the West.

Like the rest of attuned elites and publicists Africans too know the stakes of what is at the play: the viability of a rules-based international order, predicated on mutually-agreed conventions, that binds us all as international obligations. I understood Mr. Kimani to also point out that the actions of all states, including would-be hegemon, should be open to international debates. You could see on his face that he was in no mood to be a mere pawn to be used and manipulated. His intervention also run contrary to longstanding perceptions, also present in the media today, that international morality is to be adjudicated by the few.

I doubt that, in condemning by Russian behavior, Mr. Kimani was subscribing to the implied notion today that its actions alone endanger international peace and existence. Perhaps the media should follow up with Mr. Kimani ask if he thinks other actors are and continue to be in violation of international law and morality. The media should ask him if Europe should remember henceforth that sanctions in all instances of territorial expansion and illegal occupation are warranted. They should ask him what he thinks that henceforth athletic boycotts should be normalized in all instance of illegal displacements and transfers of populations; that cultural boycott is a legitimate way to show disapproval of state transgressions of other peoples' rights; that the call for divestment in such instances should not be criminalized by any states. Let see if Western media will praise him as morally consistent and righteous.

I am not sure what Mr. Kimani would say. Nor do I personally speak for Africa governments and peoples. But I know what my answers would be. That they would be mischaracterized to malign me and shut me up is the reason for my own mutism. That mutism does not mean an absence of rage at Russia and sympathy for Ukrainians.

**Guernica Looking On: The Shifting Moralities of Sovereignty and War**

Siba N'Zatioula Grovogui

There are few memorials of total war and its absurdities than Pablo Picasso's 1937 oil painting on canvas. The piece, known as Guernica, was long hailed by art critics around the world as the most moving and powerful anti-war painting in history. Guernica was not merely a painting. It was an actual place, a city, assaulted by Nazi planes during the Spanish Civil War, leading to the destruction of three-quarters of its edifices. In the process, hundreds of civilians lost their lives and thousands more lay wounded. The painting was meant to memorialize this destruction but also to serve as warning to the consequences of war, particularly wars on populated areas.

The lesson of Guernica was not so much forgotten during World War II as its warning was concretized. The Nazis attacked London, Paris, and St. Petersburg without regard to life, life-forms, and their foundations. They also committed horrendous crimes on the outskirts of cities during their so-called final solution: the Holocaust. The Nazis were not alone in exacting horrendous violence on their enemies, supposed or real. One by one the Nazis, Fascists, Communists, and Western allies not only bombarded cities, they also took irreversible steps toward making total wars the only possible wars. Dresden, Hiroshima, Nagasaki, among others, fell victim to the spirit of vengeance and expediency. Later, the attempts by colonial powers to prevent decolonization led also to disastrous wars in urban settings in Algeria, Vietnam, and elsewhere. France massacred thousands in a single day, also V-E Day, in the towns of Sétif and Guelma. The US visited all manners of weapons on Vietnam, including Napalm, to lay to waste an entire country. Even European Allies participated in brutal assaults on freedom-seeking people, as illustrated by Churchill's actions against Greek anti-Fascist partisans.

Unlike the Nazis and Fascists, the Soviets and Western allies took stock of the horrors of urban warfare and prosecuted German and Japanese war criminals. They also pushed for the Geneva Conventions: a series of four treaties, and three additional protocols, each dedicated to establishing international legal standards to humanize war by prohibiting conducts contrary to its humanitarian proclamations. For a while the Geneva Conventions remained as signposts to the allowable and the disallowed during wartime. It was admitted for instance that the cost of war should be borne by combatants to the extent possible. The moral predicate of this disposition was that combatants make the explicit wager of equal chance of killing and being killed. Civilians do not enter such an understanding, especially when they are inoffensive – old, young, nurses and doctors and teachers and preachers and others in the exercise of professions unrelated to warfare. Wounded soldiers and combatants too fell under the category of inoffensive. Places of worship, schools, hospitals, and refuges from war were to be exempted from military assaults.

This all changed with technological advances, when armies and their commanders began to advance the idea that intelligent weapons – including human-manipulated drones and self-propelled autonomous robots – could be safely used in cities and other populated areas. The idea was that these weapons, including but not limited to electronically-fitted weapons delivered by self-guided missiles and drones. The new technologies changed how war was fought but not who was to be fought. Once again, the technologies fell mostly in the hands of

the former colonial powers and the metaphorical 'darker people' remained at the receiving end. Users and protagonists embrace the new technologies on the presumption that intelligent weapons systems could be depended upon to hit targets with precision (for instance military installations and command centers) without much damage to surrounding populated areas.

The 2003 US 'Operation Shock and Awe' and Israel's 2008 'Operation Cast Lead' proved the absurdities of the premise of precision targeting in urban operations. They proved that intelligent weapons were not always smart. They often either failed by technology or directed by military personnel with faulty information (also intelligence). Further, intelligent weapons alone seldom accomplished military objectives. They were often used to pave the way to urban warfare that raised further ethical questions. Among them, the pursuit of combatants, militias and other non-uniformed fighters, embedded among civilian populations. As multiple interventions in Gaza and elsewhere have shown, aerial and ground actions to pave the way for control and policing of urban areas have added to further destruction of dwellings, schools, hospitals, and other edifices, commercial or otherwise.

The introduction of intelligent weapons has eroded the moral and ethical underpinnings of the Geneva Conventions. The former has done the same for the sensibilities leading to the latter. Few among the possessor-countries fear that these weapons would be used in some parts of the world, particularly those inhabited by allies and marked as zones of peace. They are intended to discipline potential rule-breakers and insubordinates, cast by anticipation by regions, races, and subjectivities. As a result, the debates whether to allow, or not, these new weapons systems remained anchored in their utility for those using them: no draft, conscription, dead soldiers, and political risks at home. These are not all. For battlefield commanders, these weapons have also lifted worries about placing soldiers in place where they could potentially commit war crimes. This is one of the lessons taken from the use of unmanned drones manipulated from afar by faceless geeky soldiers in the comfort of air-conditioned bunkers, seating behind computers. These new soldiers are unlikely to be identified by victims and even less likely to be surrendered to any courts.

The advent and use of intelligent weapons has muddied prior moral certainties on intention and consequences. The Geneva Conventions and like conventions were intended for soldiers in direct physical or visual contacts with their victims. Soldiers were primed to discern and making determinations about legal and illegal targets as well as legitimate and illegitimate commands related to targeting. These dispositions were not intended for the current regime of warfare. The emerging regime of smart weapons poses questions to which definite answers are yet to be provided by bellicists. For instance, are battlefield errors admissible when the targeting presumes precision killing? When precision killing fails, do we then invoke the Geneva Convention prohibitions against deliberately targeting civilians and schools and places of worship, etc.? What of the complaints by victims and survivors? Are they correct in thinking that attacks against them are always intended because of the programming involved in the targeting and the human and material intelligences involved in the decision to shoot? Are the Geneva conventions applicable then? Is the defense of a mistake allowable in the instances

above when the very prohibitions being skirted were predicated on the uncertainties of urban warfare or war on cities and population centers?

The immediate consequence of the present regime of warfare is to dispense with the sensibilities, values, norms, and potential judgements prescribed by Guernica. The dissipation of prior concerns, of moral and ethical principles pertaining to total war, is disquieting enough onto itself. The real casualty of the banalization of Guernica as a symbol has been the ability of majorities in countries possessing intelligent weapons systems to both appreciate the disquiet of others. The underlying inability to perceive the complex emotional and psychic reactions of potential victims has meant the debasing or reduction of moral and ethical debates to the functions, utilities, and instrumentalities of the weapons themselves in the pursuit of security. The bodies and spaces to be secured are seldom in doubt: spatially, Europe and the West, and their citizens: mostly white subjects imbued in the exclusive entitlement to their expected or anticipated 'ways of life'. Guernica interferes with the underlying desire because its pursuit means privation and violence onto others.

The road leading from Guernica to our present condition passed through the endorsement by citizens of militarized states, or those constitutively and infrastructurally-suited to produce intelligent weapons, of militarism: the disposition of applying military means to political ends. The Russian invasion of Ukraine has merely shown how much closer militarization and militarism gets all of us closer to the abyss. The recklessness and brutality shown by Russia must be confronted and condemned for what they represent. Russia's actions raise a number of issues. The first is the permissibility of one country to use coercive violence to compel another toward a desired choice. This act alone should not be permitted to stand as it chooses militarism where diplomacy and other means of persuasion would have been preferred – and perhaps worked. The transgression of Russia is its warfighting strategy. Reminiscent against of Guernica, the strategy includes urban warfare, which goes hand and hand with the deliberate targeting of both persons and their assets and livelihood: infrastructures and resources that sustain life and are unrelated to war.

Russian actions are only indices or indicators of the problem. In the present situation, paradoxically, Russia and its principal antagonists and detractors seem to be acting in tandem to advance militarism as both policy and strategy. In this regard, the duplicitousness of Putin is easy to counter as he and his allies have relied on total lies and fabrications: whether it be about the intentions of Ukrainian officials; their conducts; or the actual urgency of the war. Objectively, nothing that Ukraine justified urgency or amounted to a cause for war. The lies told by Putin have been beyond fantastic, most notably the twin arguments of ridding Ukraine of Fascism and preventing genocide in Ukrainian regions presently under Russian control. For the sheer brazenness of the lies, Putin and his ruling elites have failed to conscript majorities to his side.

NATO members too are not letting the crisis go to waste. To be sure, there are marked difference in democratic decision-making processes and liberal or republican cultures that have significant implications in wartime, both domestically and abroad. Yet, the contrast between

the two systems of government does not erase their conjoined responsibility in promoting militarization and advancing militarism. To Putin's full lies, Western powers have nonetheless produced and advanced half-truths. These half-truths, historical and ontological, are neither necessary nor pertinent to the judgment that one must entertain in the face of a moral and international legal transgression such as the Russian aggression. Yet, they have become metaphors and tropes guiding both reporting and judgment of the event. They do not just attempt to compel us to feel certain ways about the aggression, which totally is normal under any form of judgment. They also intended to give form to faulty representation of Russia's antagonists as innocent and progressive.

The first category of half-truths pertains to the history of modern times. The current renditions are predicated on the central ideas that a contrast between goodness and righteous, one the one side, and, on the other, wickedness and evil. In this contrast, the righteous among nations are either responsive to or are appreciative of sovereignty, the right to self-determination, and the rule of law. The non-righteous are contemptuous of the same. The fact is that this distinction and the derivative moral claims either on behalf or against any modern hegemonic power does not hold: all of them, no matter ideology and degrees of learnedness, came into prominence by dictating to as well as taking from others under the pain of violence, including wars. It was not long ago that the so-called liberal democracies disinvested themselves of the remnants of empire and colonialism only to retain zones of influences under different guises. In the US, these guises extent from the Monroe Doctrine in the so-called Western Hemisphere; to the Containment of the Soviet Union during the Cold War; to the Reagan Doctrine of wars of regime change in the developing world; to today's anti-terrorism doctrines. NATO played a crucial role in the later development in maintaining Western influence, including supporting wars of aggression and occupation around the world. This history belied the innocence displayed at Russia accusation of attempted containment by extending NATO to the borders of Russia proper.

Secondly, Western denunciation of Russia is also intended to conscript world opinion into envisioning or entertaining the idea of lasting peace and security, with NATO as its primary instrument. Thus, the rightful condemnation of Russia is now necessarily linked to the rectitude of the extension of NATO membership to Ukraine. It does not matter much that such an act would place NATO on the borders of Russia. Nor does it that membership of Ukraine, itself an act of sovereignty and self-determination, would be an effective expansion of NATO that would give strategic advantages to Ukraine, Europe, and the West to the detriment of Russia. The irony is the same powers that are correctly branding the right to sovereignty and self-determination with respect to any country's right to security also denied the same to Cuba, leading to the so-called Cuban missile crisis. They are actively doing the same within the framework of the Joint Comprehensive Plan of Action (JCPOA), which will effectively deny the right of Iran to determine for itself the means to self-defense. Guided by a similar sensibility, Israel and its backers have come to the determination that any Palestinian state would be demilitarized. Etc. It is not hard to notice that, for the West and NATO, the arbiters of sovereignty, self-determination, and their prohibitions against aggression and occupation

continue to be geography, race, culture, religion and makers of difference. International rights and morality are neither absolute nor binding on all.

In conclusion the aesthetics of Guernica has fallen to the wayside in favor of a new aesthetic of discriminatory regimes of morality, ethics, and law. We have come full circle to the time before Guernica, both the event and the sensibility generated by the artwork. As before Guernica, we are once again led to believe that some states may legitimately determine the means to their own defense as sovereign acts and enter any alliances as an act of self-determination on the basis of regions, cultures, race, and the political grace of the powerful. Others may not do so with permission or supervision regardless of their own contexts and needs, according to the new aesthetics and related truisms and commonsense. It does not so much matter that they have not committed any international legal infractions or transgressions. It matters that the hegemon proclaims their attempts at sovereignty and self-determination to be contrary to international order as defined by the hegemon. This is all happening outside of the strictures of international law and its universal norms of morality and ethics.

Putin's lies and Russian invasion of Ukraine have only exposed the dangers of dispensing with the sensibility that moved Picasso, Spanish republicans, and other humanitarians – which brought us Guernica.

## **Inch by Inch Toward Perdition: Distrust and Misapprehensions in International Relations**

Siba N'Zatioula Grovogui

Inches are all it takes sometimes to either make or break international society and its norms. Of course, I do not mean a physical inch. I speak metaphorically. An inch is a metaphor about degrees of variation from an established line, a norm, or an expectation. One used the metaphor in circumstances where change occurs gradually and not by leaps and bounds, another metaphor. It is ironic, in a tragic sort of way, that we find ourselves once again, at the moment of the Russian invasion of Ukraine, caught up in a debate about the significance, meaning, applicability, and implication of one inch.

The veracity of the promise of not going an inch further has come into focus recently in the context of Russia's war on Ukraine. So too has the meaning of what that would have meant in the tug of war between Russia and NATO. At the heart of the debate – and Russia's invasion of Ukraine – is whether there existed a 1990 pledge by the US and, by extension, NATO to not NATO beyond Germany. In their ultimate inclination to be literal and textual, Western officialdom and historians have strenuously referred back to the content of the 'Treaty on the Final Settlement with Respect to Germany' signed in September 1990 by East Germany, West Germany, the USSR, the United States, France and the United Kingdom. This is the treaty paving the way to 'German reunification' upon the collapse of the East German state. Most Russian officials and those sympathetic to Russia's interpretation of the events leading to the treaty –

by which I do not mean supporters of the present war – insist that President George H. W. Bush ‘acknowledged’ or, at least ‘understood’ that Mikhail Gorbachev expected, as part of his willingness to sign on to the treaty, that the US and Europe would not move an inch beyond the former East Germany in extending membership into NATO. Putin personally goes further in asserting a Western promise that ‘NATO would not move an inch to the East’, once the treaty was finalized. US officials counter today that ‘a ban’ on expansion was never fully obtained.<sup>5</sup> There is a general admission that former ‘Secretary of State [James] Baker, in a speculative way in an early stage of negotiations, says to Gorbachev, “How about this idea: How about you let your half of Germany go, and we agree to move that one piece forward?”’<sup>6</sup> All contend nonetheless that Putin cannot permanently ban Ukraine from joining NATO.

There are two issues here, of which I wish to discuss only one. The first nearly does not need any discussion. There is no inherent good in the Russian war on Ukraine, no matter the argument. This is categorically. Less categorical but no less significant is whether there is an inherent good in stressing the letter of a treaty over what the signatories, on all sides, might have had in mind. Put differently, this is the difference between, on the one hand, the text of a treaty, any treaty, and, on the other, formal reservations that signatories may make as well as understandings and interpretations of contexts, significations, and meanings. In this latter context, the question I wish to ask is whether it is prudent and, normatively-speaking, advisable to inculcate a culture in which treaty implementations are stripped of their contexts of informal reservations, sensibilities, and understandings? More broadly, what would be the fate of international society, order, norms, and legality, when the languages of treaties are stripped from their historical contexts for particular advantages?

It might be worth considering the last question in our postwar postcolonial context. It would strike any postcolonial student of international law that Russia is making an admittedly imperial claim. This is to be rejected. However, the assertions of historians and others, however accurate, are normatively unsettling to the postcolonial sensibility. There are moral, ethical, and historical questions at stake here, all of which harken back to the future of international society and norms. The first question, moral, is the advisability of victors, of say the Cold War, to seek maximalist advantages based simply on their own self-interests and nothing else. Students of international society might at minimum disagree. The other question is ethical. This is whether the consequences of maximalist claims for the defeated, or weak, should be considered for a greater good? These questions lie beyond textual interpretations of any agreements. They pertain to an intangible yet valuable commodity in international relations: trust and, therefore, the ability to see value in entering treaties whose texts might not cover that which might come to harm one or any of the signatories.

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<sup>5</sup> Becky Sullivan Twitter Instagram, ‘Explaining NATO and Ukraine: How a 30-year-old debate still drives Putin today’ Alexey Nikolsky/Sputnik/AFP via Getty Images

<https://wamu.org/story/22/01/29/explaining-nato-and-ukraine-how-a-30-year-old-debate-still-drives-putin-today/>

<sup>6</sup> See for instance, Joshua Yaffa ‘The Historical Dispute Behind Russia’s Threat to Invade Ukraine’, The New Yorker. <https://www.newyorker.com/news/news-desk/the-historical-dispute-behind-russias-threat-to-invade-ukraine>

Born under the shadow of Western imperialism, postcolonial authors would argue that the road to their own oppression and exploitation was paved with broken treaties. Speeches and positions by King Philip, Sitting Bull, Tecumseh, and other native leaders in the American New World would testify to the fact that settlement and their own fate came to depend on the unwillingness of the newcomers to whom 'natives' initially extended hospitality and treaties to abide the spirit, or understandings and expectations, of commitments made or implied at the time of signing treaties. Trust and language were the casualties of this environment. It led to anticolonial suspicions about treaties and other accords, which Western powers often casually violate or implement in excess of their original meanings simply because historical understandings and the moral predicates of agreements vanish overtime in favor of the texts of treaties. This much has been implied by African diplomats who hinted by African states that abstained rather than support the UN resolution condemning Russia. The UN resolution 1973 on Libya stands for many Africans as one of the latest examples in which Western powers exceeded their mandates without reservation and without regard to their consequences.

The practices and sensibilities around international accords are not without consequences for international society, order, and norms. These consequences and the changes that they effect do not happen suddenly; nor do the impressions of such vanish with the initial transgressions. This is to say that the nature of international society and norms is altered positively, or else, through small steps, or one event at a time: by inches if you wish. It is by inches thus that community, law, and norms are fortified or weakened. Inches also count for the ability to forge and maintain common languages, cultures, and sensibilities. In truth, international relations depend on a game of repetition of processes, utterances, and actions woven together like language itself. Each iteration of the game – speech acts, political actions, geopolitical claims – either reinforces by approximation or undermines by derogation the prior applications of the language: in this instance, of politics and relations. Approximations, or fidelity to the rules, procedures, and norms, reinforce the game upon which depend the viability of an orderly international society and system. Derogations, even if through small or incremental steps, undermine the game, language, and society. These iterations thus amplify, or waken, the norms and values embedded in the latter. The solution or resolution of the problems arising from the applications of the norms set the template for future applications, whether identical or approximate.

In other words, the ability to articulate values and norms as well as to communicate meanings depend on the significations that are attached to agreements at the moment of the applications of the latter. This is why repetition through utterances and actions. Norms as language begin to fall apart when there appear unbridgeable gaps between language – represented by treaties, norms, and sensibilities – and their applications as justifications of action through interpretation. One should worry therefore that language, values, and sensibilities are undercut. All norms and processes lose all signification when this happens. The consequences, although not always immediately apparent, are nonetheless palpable over time. Each exception to expectation and/or each derogation to the procedures opens up the possibility for other derogations, some worst than others. Perversely, derogations clarify or further specify international norms, rules, procedures, and their ends, but not always as

intended or anticipated by the transgressors. Repeated violations, derogations, and exemptions to treaties subvert the spirit of international normativity and, therefore, weaken the supposed or implied values of rules, procedures, and their ends.

There is hence a distinction to be made in language, as in treaties, between positive and negative iterations. In the first, the parties strive, inch by inch, to move toward broader collective understanding of rules, norms, procedures, and their ends. This occurs through predictable and shared interpretations during each iteration. In contrast, negative iterations create a monotonous loop of derogations, or steps away from the intention of the game. The inherent centrifugal movement ultimately defeats the purpose of the game itself, which is different from whether the game is won or lost by one party or another. This is why the road to perdition is paved by small steps: inch by inch, derogation by derogation. It is how the parties to treaties, members of the international community, sharer of a common language begin, unwittingly or not, to undermine language or the game itself, leading to its collapse or disappearance.

Russia has made a huge leap in regard to the above. The flagrant violation of the rights of Ukraine, both as a people and state, has jolted vast majorities into realizations long pushed in the farther recesses of consciousness: the dangers of power politics, the refusal to abide by rules followed by most, and nuclear weapons. Who would disagree that Ukraine may by self-determination enter into any agreement of its choosing and as sovereign act elect the manners in which it seeks to defend itself? The answer may seem obvious but it is not as I show below.

There is also a danger in the positions current held by so-called Western powers, officialdom, historians, and others. This is the tendency to press their advantages over Russia's positions to undesirable ends. Specifically, they are pressing all of us, inch by inch, small prevarication by small prevarication, into conscription toward another equally grave danger: the lost of language, trust, and the ability to relate. Specifically, they profess adherence to legality while acting contrary to same in other contexts. In fact, they have adjusted the implication of self-determination and sovereignty for other countries – for instance, Iran, Libya – for conducts that are not limited to them: aggression and support for groups engaging in non-normative behavior.

This is why, while condemning Russia and supporting Ukraine at the moment, one should be cautious to not be conscripted into a historical enterprise whose purpose has the potential to subvert international relations. NATO as an instrument of war with specific purposes and geopolitical predicates. Its history and trajectory, also matters of facts, suggest that Russia is not necessarily paranoid. Again, Russia's reaction to NATO 'provocations' cannot stand if it means destroying another country. But none of us should be conscripted into thinking that NATO expansion has not consequences for Russia – and the rest of the planet. It is a question to be debated and not by NATO members alone, if they are to conscript the rest of us.

## **Ukraine's Nakba Moment: Nations, Historical Claims, and Political Violence**

Siba N'Zatioula Grovogui

The conduct of Russia in its war in Ukraine is the result of broader shifts within the international system toward militarism, or reliance on military solution, which is itself a consequence of militarization: the harnessing of moral, material, and symbolic capacities of state and society toward military priorities. This is in itself the effect of shifting sensibilities away from the cautions and prohibitions against total wars and weapons that do greater harm beyond military objectives toward an embrace of extreme warfare. These developments have sealed the fate of most postwar international conventions on war and the mitigation of its effects, from the Geneva Conventions to laws against chemical and biological weapons, to the very spirit of the nuclear non-proliferation.

This war also shows that current forms of warfare exceed prior languages and modes of cognition with respect to the facts of war. To date, there is only the designation of crimes against humanity and crimes of war for some of Russia's actions in Ukraine. The crime against Ukraine has an unmistakable international dimension that must be specified. It lies in the very nature of the language, mechanisms, and implementation of peace in the postwar era that is so widespread that it deserved its own specificity. Specifically, from Palestine to Ukraine, a consortium of western nations, acting in the name of the collective, has subordinated the fate of vulnerable populations to a game of chess of power politics that produce for the latter the sort of negative peace that Immanuel Kant referred to as the Perpetual Peace of the graveyard. I say 'sort of perpetual peace of the graveyard' because Kant was referring to a peace likely to produce a 'world dictatorship.' There is a dimension to this kind of negative peace that Kant perhaps did not foresee. This is that in our time, 'global players' would entice political entities into forms of peace that seal their fate to either legal, civil, or physical death – or all of them at once.

I call the new kind of 'peace of the graveyard' Nakba. I call it Nakba, not as provocation but a descriptive language of a phenomenon not yet specified but that needs specification. Raphael Lemkin had it right when, at the end of World War II, he implored nation-states and their jurists, ethicists, and others to find a proper label, to put a name to, acts that had transpired through the war. This act itself was the holocaust. Lemkin was inspired by this actual case, the particular of which he described meticulously.<sup>7</sup> The extermination of a people, Lemkin correctly perceived, takes multiple steps. As it related to his case, Lemkin identified 'crimes of barbarity', 'crimes of vandals' and catastrophes that so disrupt life as to make it unlivable. He later put these actions together and called the associated ideologies, mechanisms, effects 'genocide.'<sup>8</sup>

Lemkin was correct that one of the means to preventing another event, any, remotely close to the holocaust was to given it a descriptive name. In this light, it is not enough to roundly condemn Russia like vast majorities have done. In truth, the road leading to Russia's assault on Ukraine lies in a number of steps, all of which connected to the kind of peace of the graveyard

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<sup>7</sup> Raphaël Lemkin, 'Les actes constituant un danger general (interétatique) consideres comme delites des droit des gens' <http://www.preventgenocide.org/fr/lemkin/madrid1933.htm>

<sup>8</sup> Ibid.

that peacemakers have so frequently implemented lately. The first step on the road to this peace is render vulnerable a political entity once secure in its social order, institutions, culture, and norms and values. Ukraine, after the collapse of the Soviet Union emerge as a viable independent state with the means to defend itself, including nuclear weapons. Then came the concerns from both Russia, which claimed ownership of the warheads as successor to the Soviet Union, and NATO, concerned about the status of military forces in Europe. Together, they enjoined Ukraine to return the weapons to Russia, which it did. Beginning in the 1990s, Ukraine begun returning all Soviet nuclear warheads to Russia, with some assurances for its security.<sup>9</sup> In 1994, Ukraine became a non-nuclear weapon state and, as such, adhered to the 1968 nuclear Non-Proliferation Treaty (NPT). These and related actions occurred under the auspices of the international community<sup>10</sup> and sanctioned by Lisbon Protocol of 1992.

In the end, Ukraine was left with no nuclear weapons and related infrastructure. At the time, a number of the mediators, and some Ukrainians, were apprehensive about the associated deals. But there was no forethought given to the future. Then came Russian claims of unbroken historical, cultural, and religious ties to Ukraine as partial justification for occupation and interdiction of Ukraine's independent foreign policy. These too have a ring of familiarity around the world where irredentist claims justify the expropriation of others. These claims are linked to demands that are equally parochial. This is to say the underlying claims of exclusive belonging based on theological, ideological, cultural, linguistic, and political predicates. This is why the demands, of say Russian sovereignty over part of Ukraine, are parochial onto themselves. They are based on claims that can only be verified and sustained within a framework that are neither universal nor open to debate, at least as Russia would have it.

Third, the conduct of the war too is familiar, sadly so. Russia, having already occupied parts of Ukraine, has attempted to change the demography, political order, and economic relations and systems of the renegade regions under its control. It now wants to create more such Russian-dependent regions in a move that would break up Ukraine and make it a non-viable sovereign state. The related move to integrate Ukrainian regions into Russia has had the effect of causing mass exodus from self-determining Ukrainians unwilling to accept Russian sovereignty. Finally, both those leaving and recalcitrant Remainers have faced state-sponsored violence and dispossession by Russian-dependent political authorities and organizations. There is a general recognition of what 'Russia's success' in Ukraine would do to that country and Europe.

The events taking place in Ukraine are all too familiar to the vast majorities of initiates not hung up on European difference. This is why the fate of Ukrainians at the moment, the causes of it, and the conduct of the war and underlying claims all point to beginnings. To Nakba. Nakba is the Palestinian term for a national tragedy, catastrophe, or disaster, depending on the translation or context. It refers to their own existential condition. It is a condition born of several elements. The first is a political vulnerability of people to the ambition of another more

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<sup>9</sup> Ukraine, Nuclear Weapons, and Security Assurances at a Glance, February 2022, <https://www.armscontrol.org/factsheets/Ukraine-Nuclear-Weapons>

<sup>10</sup> The United States and United Kingdom too signed the Budapest Memorandum on Security Assurances on December 5, 1994.

powerful. The second element is international complicity in that vulnerability. The third element, located in time, is implementation. This element has many components extending from war to expulsion to expropriation. The last element is the absence of recourse despite the availability in similar contexts of processes, procedures, and languages for justice. In this sense, NAKBA is injustice against the background of available solutions none of which apply because of international dynamics beyond the reach of the victimized.

Unlike wars, civil or otherwise, the proper of Nakba is that most of its victims had only heard of the justifications and underlying claims when the tragedy was underway. This is not to say that the victims are unaware of the aggressor party. Often, both sides to the tragedy share a past but their memories of it differ drastically. It is to say that one party decides to dispense with the status quo, unbeknown to the other. In the case of Palestine, Palestinians had no connections to the persecution of Jews in Europe that led Theodor Herzl and other Zionists to plan a 'return to the homeland'. Nor were Palestinians associated with the goals of return. Instead, the forms and feasibility of return were negotiated outside of Palestine in such places as the United Kingdom. It is there that the Balfour Declaration gives an imperial caution to the return, leading to the 1948 partition of the land. It is in this sense that Nakba is first and foremost a product of the international system. In Palestine, the project of return was predicated on imperial games of indulgences and discriminations in which one party is given authorization and the other an injunction to comply with the authorized desire of the former. Similarly, Ukraine was made to comply with the terms of legal and political arrangements that preceded its coming into existence. Yet, NATO and the USSR compelled Ukraine to comply with the terms of the nuclear non-proliferation treaty and post-Cold War security and armament regimes in Europe presumably in the interest of international order and stability. We find out today, none of the engagements taken by Ukrainians, particularly denuclearization, protected it from harm.

This was also the scenario in Palestine upon the 1948 partition and the 1967 war. Palestinians were constantly presented with agreements, mediations, and security formulas by an international community committed to the establishment of a Jewish state but never to the protection of Palestinians against the repercussions for them of the concessions they were asked to make. Quite the contrary. The more spectacular the compromises, the more tenuous their positions, and the more Israel exploited their vulnerabilities without any consequences. It is a matter of fact that not a single country that has adjoined Palestinians to enter into peace talks or agreements has yet to find an offense against Palestinian interest that was so egregious that it had to be reversed. Not one. Not even the two Oslo Accords and memoranda such as one obtained at the Wye River meetings. Instead, Palestinians are conscripted to assist Israel in policing itself, ironically securing the very occupation that undermines the possibility of a Palestinian state. Again, the international origin of Nakba is not merely something that the Palestinians have experience. The inhabitants of the Chagos Archipelago also found out in the 1960s that their lives could be upended by 'international agreements' to which they were not a party. Their Nakba began when they were forcibly removed from their homeland and deported to Mauritius and other nearby island nations to give way to Diego Garcia: a US naval base.

Nakba originates in unjust 'international settlements' that appease specific political subjects at the expense of others for reasons that have little to do with conduct by the latter. Paradoxically, the settlements leading to Nakba are nearly always predicated upon considerations outside of the stipulated foundation of the present international order. For the post-World War II order, the basic principles of the emergent system stipulated by the Atlantic Charter, the UN Charter, and subsequent conventions contained prohibitions against territorial aggrandizement, colonialism, and coercive settlement of disputes, all of which are associated with Nakba.

The third condition of Nakba, also a paradox, is that it occurs because of subjective claims that are not verifiable or are so only if one privileges one set of claims by the contending parties over another set. The underlying adjudication must also be subjective. Consistently, the claims, counter-claims, and contentions leading to the Palestinian Nakba – of God's intentions, Chosenness, memories, and their implications – are not matters that anyone can objectively adjudicate within the strictures of the secular terms of the international system and its legal and moral regimes. It is the fortunate of Ukrainians therefore that, outside of Russian nationalists and irredentists, few in Russia itself and the world over has given in to the Russian argument that the world should abide its accounts of imperial ties to Ukraine, its own memories of such a past, and resulting affective attachments.

If there is a silver lining in the Russian war in Ukraine, it is that the world is learning the dangers of indulging imperial desires, irredentist claims, and their pre-modern modes of identifications. Whether in Kosovo, Chagos, the Kachin state of Myanmar, East Jerusalem and the West Bank, or else, there persist the tendency to found sovereign claim on imperial, national, ethnic, religious identities, and the associated memories leading to self-justified schemes of rectification, restoration, and reparation. Russia's conduct is proving that the underlying ambitions are outside of the bounds of international law and our present modes of adjudication. For these reasons, we are compelled to stick to the secular modes of conflict resolution and adjudication. This is why, in condemning the Russian war on Ukraine, we should collectively remember Nakba, both as a reminder of what has been and a warning of what might come when peace inherently condemns some to perpetual graves so that chosen ones perpetually in exclusive possession of rights, immunities, and privileges denied to others.

## **For the Love of Humanity: Judgment, Predicates, and their Authorizations**

Siba N'Zatioula Grovogui

The post-World War II has not had a shortage of moments when it needed to revisit the crucial question of survivability of the human species. The Russian war against Ukraine is once again a reminder that the world needs an international system capable of generating order and community and, with them, universal values, norms, and institutions and practices. The spectacle of the Russian aggression and the inability of Ukrainians to prevent it are reminders of the inadequacies of the international order and its moral and legal regimes. Specifically, it

shows the limits of the institutions and practices of sovereignty, self-determination, justice, equality of rights and obligations.

This case has been made very eloquently by President Volodymyr Zelensky. Zelensky has made a number of inescapably good points about the rules of procedures of the UN Security Council, particularly the persistence of conflicts of interest presented by the Permanent Members when they are the cause of conflict. By all accounts, the Ukrainian president has risen to the occasion. David Smith is correct when, writing for the Washington Post, he declared that one of the most poignant moments of Zelensky's speech the following set of rhetorical questions: 'Where is the security that the security council needs to guarantee? It's not there, although there is a security council. So where is the peace? Where are those guarantees that the United Nations needs to guarantee?'<sup>11</sup> Quoting David Axelrod, former advisor to President Barak Obama, Smith subscribed to the notion that there are no more superlatives left to describe the power of his prose, foresight, and courage 'in the midst of unthinkable horror and evil. His words land with such force!'<sup>12</sup> Correspondingly, the reactions to the Russian aggression have been encouraging, particularly with regard to the empathy and gestures of solidarity shown to Ukraine and Ukrainians. So too has the denunciation of Putin's Ukrainian adventure.

The torrent of empathy, support, and solidarity to the Ukrainian cause also has a darker side. It carries the pretense that Russia's aggression represents the first time the right to self-determination has been so brazenly suppressed through violent warfare. It also pretends that Zelensky is making exceptionally new points about international security that, in their times, others – Algerians, Palestinians, Sahrawis, Tibetans, Chagossians, Iraqis, Afghans, Yemenis, Namibians, Kurds, and many more – failed to make. In fact, their leaders have variously made the same point as Zelensky, some more eloquent than others in their lamentations. The fact that these voices are not heard is in itself a feature of the international system. It follows that the reality of willful selective hearing is one of the reasons that many wonder today if we are once conscripted into the unknown. This is what happened, for instance, upon the decision by the US to expel Saddam's troops from Kuwait the 1991 Operation Desert Storm. Then, Western governments and the media gave voice to the injustice of Iraq's invasion of Kuwait, leading George H. W. Bush to declare a New World Order,<sup>13</sup> an era in which the US and NATO would concretize their commitment defend international law and protect the right of peoples to self-determination. It wasn't before long that the so-called coalition of the willing ceded to like coalitions under US command, with NATO as their instruments, for dubious interventions in Afghanistan, Iraq, and elsewhere. Biden has now reprised the term in the context of the consensus shown among NATO members in their reactions to Russia's war.<sup>14</sup> The end of this order remains to be seen.

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<sup>11</sup> David Smith, "'Where is the security?' Zelenskiy tells home truths to UN security council." 5 Apr 2022 <https://www.theguardian.com/us-news/2022/apr/05/volodymyr-zelenskiy-un-security-council-sketch>

<sup>12</sup> *ibid*

<sup>13</sup> Joseph S. Nye, Jr., 'What New World Order?' *Foreign Affairs*, Spring 1992 <https://www.foreignaffairs.com/articles/1992-03-01/what-new-world-order>

<sup>14</sup> Remarks by President Biden Before Business Roundtable's CEO Quarterly Meeting March 21, 2022. <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/03/21/remarks-by-president-biden-before-business-roundtables-ceo-quarterly-meeting/>

The ultimate motivations and objectives of those wars are now matter of historical records. I wish merely to stress that the expressions of moral outrage at Russia's conduct can be and are opening a door leading to a Manichean world. This is a world of good and evil in which the evil is more easily identified than the good. The foundation of the new world is laid by forces that are instrumentalizing outrage without any clarity onto the world into which they wish to conscript the rest, or 'international community'. At the heart of this conscription is the expectation, overt or covert, that all observers but those laying the foundation of the new order surrender their critical faculties.

Specifically, since the beginning of Russia's invasion of Ukraine, we have been led to believe that the lies, misinformation, and propaganda occur on one side. This is Russian, of course. By implication, a tenuous one at that, we must accept that all Western and NATO proclamation are true. We must accept or imagine that they cohere with some fundamental goodness. There is in this world no room for suspicion about any gaps between power and public and private moralities; no harm done by accepting Western and NATO hegemony through its expansion; and no need to deplore inconsistencies in the application of international law that reveal their own symbolic worlds of patterns and practices. Who would or could doubt that the political, cultural, economic, and military strengths of the West and NATO serve the collective interest – indeed a universal value? The naysayers. They must be either Russian stooges, paranoids, or naïve idealists with no touch with reality.

In the remaining sections of this essay, I wish to stress that questions pertaining to the nature, organization, and form of collective security are not new. They have been frequent topics since the official end of the second world war, or VE Day. I say official end, because it was on that Victory in Europe Day, on May 8, 1945, that France indicated that the new security order did not apply to the colonized. Rather, France's murder of Muslim worshipers in Sétif and Guelma, showed that the rebirth of defeated France, through the Marshall Plan and other security arrangements, meant the restoration of la Grandeur Française, a French greatness associated with its status as an imperial power.<sup>15</sup> Similar incidents occurred throughout the colonial world, too numerous to cite here, in which British, French, Portuguese, Dutch, US and other colonial powers conflated international security with Western domination, including the survival of colonial rule. .

It is against the backdrop of the French massacres in Algeria and elsewhere that Ouezzin Coulibaly made his incisive comments about the entry of France into the North Atlantic Treaty on July 26, 1949.<sup>16</sup> Coulibaly was an elected member of the French National Assembly at the time. He had been elected as a representative of the colonies from the Rassemblement démocratique Africain (RDA) and, as such was appointed to the Commission on National Defense in 1947. It is in this capacity that Coulibaly was called upon to opine on the entry of

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<sup>15</sup> Jules Ferry (1885) : Les fondements de la politique coloniale (28 juillet 1885) <https://www2.assemblee-nationale.fr/decouvrir-l-assemblee/histoire/grands-discours-parlementaires/jules-ferry-28-juillet-1885>

<sup>16</sup> République Française, Débats Parlementaires, Assemblée Nationale, Journal Officiel, No.85, Année 1949, Mercredi 27 Juillet 1949, pp.38-42

France into NATO. The gist of his speech was proclaimed by the headline in the magazine *Nouvelle A.E.F*, at the time on organ of the RDA. It simply said: 'The peoples of Africa will never feel bound by acts that are contrary to the interests of their evolution.'<sup>17</sup>

One matter that bothered Coulibaly was the deployment, and implications thereof, of West African soldiers who had completed their tour of duty during World War II. He was specifically bothered that the government of France had taken the unilateral decision, without consultation with parliament, to deploy African colonial troops to Indochina. Coulibaly had the related questions of democracy, consent, and security when he took to the floor of the National Assembly to speak about the purpose of NATO.<sup>18</sup> He had many questions, many of them simple. One salient one was why did the world need a security organization with global reach that was not subordinate to the UN Security Council. He also wondered why membership was not offered to all countries as did the Bretton Woods institutions, with all their imperfections.

Coulibaly's views on NATO were as general as they were specific. For instance, he wondered who would ensure that NATO, in exercising the global power of intervention that it gave itself, would ensure that it remains within the stricture of its 1<sup>st</sup> article. This was about the clause that NATO state would 'refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.' On this matter, there is no need to elaborate. Speaking of colonial legislators asked to support NATO, he also wondered about the implication for the colonized of the clause of Article 2, that NATO states 'will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.' This clause was connected rhetorically by other metropolitan legislators as the 'strengthening western civilization' clause. Finally, he asked his metropolitan colleagues what he, as colonial subject, was to make of the disposition in Art. 5 that treaty signatories 'will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.'

This clause, now commonly referred as the 'an attack on one is an attack on all' clause, was further specified in Art 6. This article says that, 'for the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France (2), on the territory of or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer.' It was not paranoia, given what transpired during the Algerian war and in Portugal colonial possessions in Africa that a reading of Articles 5 and 6 together meant that the commitment to strengthen 'the internal security of member states' was at the time a commitment to maintaining colonial rule in some regions of the world. There was no mistaking this point when attack on 'the forces, vessels, or aircraft of any of the Parties' by anti-colonial forces in North Africa, the Mediterranean,' and elsewhere could be construed as an attack on a NATO installation. Fascist Portugal exploited this language to great effect; so too did the US

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<sup>17</sup> Ouezzin Coulibaly, discours à l'assemblée Nationale, 'Les peuples d'Afrique ne se sentiront jamais liés par des actes contraires aux intérêts de leur évolution.' *A.E.F NOUVELLE*, Juillet-Aout 1949 (Séance du 26 Juillet 1949)

<sup>18</sup> *Ibid.*

when it initiated steps leading to its war on Vietnam not long after the Vietcong defeated French colonial troops in Diem Bien Phu.

The questions raised by Coulibaly are not as antiquated as it might seem. Argentina will find out later, in 1982, that the North Atlantic treaty superseded any compact in the Western Hemisphere that did not violate the long set expectation of the Monroe Doctrine in the eyes of US policy-makers. Then, in 1982, during the Malvinas or Falkland war, Ronald Reagan and his advisors concluded that US neutrality in regard to the respective claims by Argentina and the UK did not prevent the US from agreeing to 'to lend Britain an aircraft carrier [to Britain in its] campaign to retake the Falkland Islands from Argentina if the Royal Navy lost either of its two carriers.'<sup>19</sup> Yet, for his supposed impertinence, Coulibaly's parliamentary metropolitan colleagues asked that his parliamentary immunities be lifted so that they can prosecute (in actuality, persecute) him for violation of, among other things, his oath to protect and defend French national security.

Coulibaly was not anti-French or anti-NATO per se, he would insist multiple times. He was guided by the desire for universal citizenship, democracy, and self-determination, all of which seem in doubt under NATO. He understood all of these concerns to flow from the 1942 Atlantic Charter and the 1945 UN Charter, which he contrasted with the language and dispositions of the 1949 North Atlantic Charter. There a number of questions that are both implicit and explicit in Coulibaly's criticisms that deserve attention, whether one agrees with him or not. These concerns tensions between power politics and international morality in 'international security'; the congruence of the practices of war and peace with the tenets of universal justice, equality, and citizenship; whether there is inherent greater good in placing universal trust and faith in the (formerly imperial) West; whether postcolonial, weaker, and defeated entities could hope to find security in the schemes developed by NATO; etc.

These are not impertinent questions today. We hope today that Russia fails to attend its objectives in Ukraine. Would you entertain the same thought and spend the same energy on Saudi Arabia's war in Yemen? We rightly bemoan Russia' aggression and attempted dismemberment of Ukraine. Would the underlying critical faculties lead us to the Occupied Palestinian territories? We speak of the horrors of displacement. Is this season to speak of Chagossians, Rohingyas, Sahraouis, etc. We speak of Russia's disinformation, rightly, will we commit then to truth and precision in language in our categorization of international offenses without partiality to alliances, religions, regions, and races? Are all forms of territorial aggrandizement, conquest, colonization, discrimination now illegal? We are frustrated that Russia is able to use its veto to bloc international actions on its illegal activities in Ukraine. Are we going to now revisit the procedures of the UN Security Council with regard to conflicts of interest, ethics, and the double veto beyond the present war? Are militarism and militarization once again up for serious discussions? Nuclear weapons?

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<sup>19</sup> Michael Getler, 'U.S. Aid to Britain In Falklands War Is Detailed, Washington Post, March 7, 1984. <https://www.washingtonpost.com/archive/politics/1984/03/07/us-aid-to-britain-in-falklands-war-is-detailed/6e50e92e-3f4b-4768-97fb-57b5593994e6/>

Coulibaly had broader objectives and a more comprehensive approach to global security than has been stipulated thus far by Zelensky. Again, this is not to diminish the poignancy of the moment and the power of Zelensky's antiwar prose. It is to say that the same questions have raised in pleas by countless others, mostly from the Global South, for a more fundamental rethinking of international security. Their pleas have not been heard because subjective regimes of empathy and sympathies; morality and derived affectations; law, legality, and legitimacy; and, more broadly, privileges and immunities as well as obligation and responsibility attendant to power and circumstances. They are oriented unidirectionally toward the West, Europe, and white Christians. They disfavor 'darker people', the formerly colonized, and those with the misfortune of running afoul of Western allies.

The absence of consensus on global security, together with the uneven applications of international law, are among the causes of the breakdown of the international system and the regimes that give it effect. The absence of interest in as well as commitment to impartiality in judgment is also another dimension of breakdown. It would appear that all entities of the international order have at some point expressed disappointment in the partialities, duplicities, and inconsistencies with which self-appointed guardians of the peace or would-be peacemakers have used the available instruments and mechanisms of peace; that they have deliberately on occasions refused to align conducts on the universal values and norms that they profess. To counter the related base tendency to instrumentalize of existing rules, norms, and values, the latter must be revisited with respect to language, the predicates of actions, and international morality. They must commit to consensus, global democracy, and pluralism as core values of global governance as well as the eradication of the means and practices that risk endangering international existence. For the love of humanity!

## **Hierarchy and Status: A Response**

Seán Molloy

Each of Siba Grovogui's short essays is a meditation on a particular theme related to Russia's war in Ukraine. Read together they constitute a critique of Russia's actions *and* Western reactions the reactions to the brutalities committed by the invading army. Grovogui's shrewd humanism lays bare the political dynamics of the war and Western criticism, but above all makes a careful ethical case in relation to the victims of this conflict and the other wars it has eclipsed in the global (or at least Western) political imagination. Grovogui's critical scalpel is wielded with precision: avoiding partisanship he cuts through the ideological tissue of Putin's war and the posturing of Western critics without ever losing sight of the enormity of Russian atrocities. At the core of Grovogui's argument is a humanistic ethos that enjoins his readers to support the Ukrainian cause but not to lose sight of a wider, global perspective that requires the admission of other conflicts, e.g., in Yemen and Rohingya, into the same category as the war in Ukraine.

### **A Critique in Two Acts: Holding Russia *and* the West to Account**

*Act One: The Objective Crime of Russian Aggression*

Grovogui's critique begins with the testimony of Martin Kimani, the Kenyan ambassador to the UN who repudiated Russia's recognition of the secessionist republics of Eastern Ukraine on the grounds that the constant changing of borders destabilises global politics as a whole, putting the existing international order in doubt and risking catastrophic wars. From Kimani's post-colonial African perspective, borders may be problematic, but they promote order and prudence demands that they should be respected. Kimani's truth, Grovogui states, is a 'larger' truth in that it pertains not only to Africa, but to the world. Kimani's promotion of the permanence of borders forms the basis for legal and moral critique not only of Putin's war in Ukraine but of all instances of similar violation.

The basis of Grovogui's critique is that the Russian crime of aggression is not susceptible to interpretation, it cannot be defended: it is a crime 'because of its manifestation as facts and the consequences of those facts.' There is Grovogui argues 'no inherent good in the Russian war on Ukraine.' In a significant move, Grovogui employs the Nakba to illustrate Ukraine's catastrophe. Like the Nakba, Grovogui argues, the Ukraine war demonstrates the vulnerability of the less powerful to the ambitions of their more powerful neighbours, the complicity of the international community in remaining silent or actively supporting the invader, and, finally, the injustice of expulsion and expropriation. Grovogui is clear that despite what may be well-grounded resentment and fear of NATO expansion, the Russian Federation is guilty of what can only be regarded as a serious crime and that the condemnation of its army's actions is justified.

#### *Act Two: An Immanent Critique of the West*

Beyond this telling comparison, the invocation of the Nakba plays another role in Grovogui's analysis, that is as the platform for a critical question: if the Russian Federation's crimes in Ukraine are 'objective' and if there is 'no inherent good' in this war, if the moral and legal disapproval of the West is justified in the face of the facts of Russian criminality, then why does the same not apply to the violence committed by Saudi Arabia in Yemen or, indeed, to the Nakba itself? The answer, Grovogui argues, is that the Saudia Arabian and Israeli violence receive tacit warrant from the West, while Russian violence is vilified. Grovogui reveals that what provokes opprobrium in the international community is not the crime *per se*, but the *identity* of the perpetrator and the *purpose* of the crime. Violence by those *opposed* to the status quo is designated a crime, violence by the clients or privileged states *within* the status quo is not identified as a crime – it is either ignored or justified. The benefit of international law is applied not in accordance with blind justice, but, rather, with the interests of those powerful states who both maintain and are maintained by the international order of which law is a malleable part. International law, Grovogui implies, remains susceptible to the charge made by Kant in *Perpetual Peace*, i.e., that it is a practice engaged in by 'sorry comforters' who justify any act – moral or immoral – when commanded to by their political masters.

#### **Silencing, Erasing and Misrepresenting the African *Parrhesiastai***

Grovogui builds on this critique by demonstrating the misrepresentation of African responses to the war. Martin Kimani received plaudits for the 'exemplary moral position' he outlined in his speech regarding the violation of Ukraine's borders but the African position in general is

presented as a 'mute' reaction, a self-interested, silent betrayal of international law and morality – a refusal to condemn the crimes committed by the Russian Federation. The African response is presented by Western media outlets as indifferent to the sufferings of the Ukrainians and as cynically pandering to Russian power.

The Western representation, however, mistakes Kimani's position. Kimani, Grovogui argues, is a representative of a long-standing African concern with the preservation of existing borders. The tradition Kimani expressed at the UN, however, cannot be acknowledged as its very consistency calls into question the good faith of the West's liberal international order. Grovogui points to African arguments regarding the occupation of Palestine at the Durban Race conference which were dismissed as anti-semitic as a case in point. The West, Grovogui continues, should ask Martin Kimani about the universalisation of the moral condemnation of the Russian Federation to cover all cases of occupation. 'Let's see,' Grovogui continues, 'if Western media will praise him as morally consistent and righteous.' Grovogui is dubious that such a prospect is likely.

Knowing that to draw attention to the contrasting positions taken by the Western elites is to invite malign responses and mischaracterisation, Grovogui acknowledges his own 'mutism' – a necessary stance within a Western academic and political culture that does not really welcome critique. Grovogui's mutism, however, 'does not mean an absence of rage at Russia and sympathy for Ukrainians' – his wider position is that this rage and sympathy be extended beyond the selective frame of reference maintained by the Western powers and their clients. Grovogui has successfully navigated a narrow sound's fierce currents, tacking this way and that to deliver his critique in a manner consistent and consonant with the West's image of itself but which also draws attention to its all too evident shortcomings. The critical operation concluded, Grovogui deftly eludes the guard dogs of the liberal international order without giving them the opportunity to attack.

### **The Current Irrelevance of International Law and Anarchy**

Grovogui's accomplished critique prompts me to think about other aspects of the current crisis and reaction to it. It is clear from his critique and events on the ground that international law and morality play a secondary role in the conduct of international politics. The lesson of African consistency vis-à-vis the violation of international law demonstrates that law is a valuable ideological tool when criticising the actions of one state, but can be safely ignored in the event of the same or similar acts being committed by another state. The African states, not being party to or involved in these conflicts, are in a position to draw attention to the extent to which Russia and the West have broken the agreed legal bases upon which respect for existing borders rest. The African interpretation of international law, however, remains largely ignored. The parties in, or adjacent to, the conflict do not feel obliged or compelled to listen to either international law or its proponents: *Inter arma silent leges*. International law is an ass that roars at will but kicks only on command. Regrettably, the African *parrhesiastai* do not issue the commands.

International Relations beloved principle of international anarchy also fails to adequately account for the actions of the major players in this crisis. An anarchical structure has not constrained the

agency of the Ukrainians in their efforts to escape the gravitational pull exerted by the dominant regional power. After a period of greater or lesser alignment with the Russian Federation, independent Ukraine has gradually extricated itself from the post-Soviet, Russosphere. Especially during the period from the Orange Revolution to the election of Volodymyr Zelenskyi the Ukrainian state and civil society has decisively shifted towards the West. The “little green men” incursions into Ukraine and eventual annexation of Crimea by the Russian Federation did not dissuade the Ukrainians from their Westward drift. The current invasion has also failed to bring Ukraine back into the fold. Even in the event of a military victory, the dominant political forces within Ukraine are likely to be pro-Western and – *much more* than was previously the case – anti-Russian. The Ukrainians, in short, refuse to act in the manner an ‘anarchy-first’ strategy would suggest in that they are willing to risk costs far in excess of what one would expect to escape the Russian orbit and to align themselves with the institutions of the “West,” i.e., the EU and NATO.

### **Hierarchy and Status: The Unacknowledged Element of the Ukrainian Crisis**

Why are the Ukrainians willing to take these actions? Why risk invasion, conquest and integration by force into a quasi-federal arrangement with Russia to escape one sphere of influence and embrace another? The answer, I suspect, lies in Ukraine occupying since the end of the Soviet Union, a space between two very different kinds of empire-like configurations of power: Russia and the “West.” At the heart of the issue between the Russian Federation, Ukraine, and the “West” is a refusal of the Russians – particularly since the accession to power of Vladimir Putin – to accept a decisive change in the *hierarchy* of international politics. The ‘special military operation’ in Ukraine to bring that country back into its orbit is a part of a wider, longer process through which Russia is trying to assert the *status* of the Russian Federation as a leading actor in global politics.

#### *The End of the Cold War and Russia’s Status in the Global Hierarchy*

The West and its allies interpreted the end of the Cold War as a decisive moment of fundamental change: the birth of a New World Order in which the age of superpower conflicts was over. The power of the West was so overwhelming and pervasive in political, economic, social and cultural terms that resistance to its dominant logic, globalisation, was unthinkable, especially from the somewhat shambolic successor to the Soviet Union. Mired in a transition to a capitalism that might charitably be described as chaotic, an expensive and inconclusive war in Chechnya, and crippled by economic crisis and social decay, the fledgling Russian Federation was largely irrelevant to a West spreading its evangel ever more intensively. Russia’s natural resources and rusting ICBMs, lying idle and unusable in their silos, were its sole claims upon the global collective consciousness.

The Russians, however, saw the end of the Cold War very differently. They did not see the eclipse of the Soviet Union as the definitive end of Russian influence on the global level, and certainly not in the near abroad. The Russian Federation, the acknowledged successor state to the USSR, did not accept that its place in the global hierarchy had *fundamentally* changed and that it was now relegated to the status of an historical and political also-ran. The Russian Federation under Yeltsin envisaged a global *partnership* with the West, raising in the early to mid 90s the prospect

of close cooperation with NATO and the EU. These proposals were summarily rejected by the West. The world had shifted from a two-way to a one-way street and Russia would *not* be involved in directing its traffic.

Russia – not possessed of the primary form of power in post-Cold War global politics, i.e., economic power – struggled to come to terms with the fact that it now occupied a much lower role within the global hierarchy than it had within the USSR. The rouble crisis of 1998 only exacerbated the perception of Russian weakness at home and abroad. For good or ill, in the 1990s the West monopolised the power to constitute and *reconstitute* global political reality – a level of power and *status* from which Russia was excluded.

The degree to which the West could reconfigure the structure of international society without reference to Russia was brought home by the NATO intervention in support of Kosovo against Yugoslavia. The UN, specifically the Security Council and Russia's veto, was side-lined by NATO. The previously pre-eminent (at least in theory) legal principle that prohibited unsolicited intervention in a state's internal affairs was ignored by Western powers anxious to override legal restrictions on the use of force to prevent potential humanitarian catastrophe in Kosovo. The findings of the Independent International Commission on Kosovo that the NATO intervention created a 'gray zone' that 'goes beyond strict ideas of *legality* to incorporate more flexible views of *legitimacy*,' alarmed a Russian state with one eye on its own secessionist minorities and another on the fact that this 'gray zone' allowed NATO to intervene extra-legally in the territory of states when it determined it to be legitimate. The arrogation of the *right* to intervene when the West deems it politically expedient or morally necessary, regardless of the letter of international law, set a new bar for what constitutes the *acme* of power in post-Cold War international politics. The Russian foreign policy elite have been fascinated and threatened by this novel level of power and have been concerned ever since with achieving equal, or at least similar, status in the global hierarchy. The echoes of NATO's justifications for its intervention in Kosovo and the subsequent development of the doctrine of the Responsibility to Protect can certainly be detected in Russia's description of its military actions in Georgia and Ukraine.

#### *Ukraine: Seeking a non-Russian Place within the International Hierarchy*

In addition to asserting its independence, Ukraine's most pressing international business after the end of the USSR was resolving the question of its nuclear arsenal. Divesting itself of these weapons marked a reversion to the mean of 'normal' states for Ukraine. In one respect, however, Ukraine cannot be a normal state as its location between East and West results in its politics – domestic and international – reflecting this fundamental geographical and cultural division. Every Ukrainian President since Leonid Kuchma has had to stake out a position between a Western oriented or Russian leaning foreign policy. In light of Putin's current vehement opposition to Ukrainian membership of NATO it is interesting to note that he reacted in a very equanimous fashion to the Kuchma administration's declaration of its intent in 2002 to become a full member of NATO.<sup>20</sup> The Kuchma administration's policy was based solely on a calculation of interest in

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<sup>20</sup> <https://content.time.com/time/subscriber/article/0,33009,264234,00.html> – this post-9/11 moment was a period in which Russia's own relations with NATO were probably at their highest under Putin. The 'Russia First' policy of

relation to its security rather than a statement of a decisive break with Russia and further alignment with the West. Kuchma's successor, Viktor Yushchenko, however, made clear the identification of Ukraine's social and political development as a *European* state with its membership of NATO.<sup>21</sup> Yushchenko also outlined the obvious economic difference between the EU and the Russian Federation, emphasising the fact that the EU's market was six times that of the Russian.<sup>22</sup> Yushchenko was elevating the West's institutions and power over the Russian and clearly signalling his intent to align Ukraine primarily with the former rather than the latter. Ukraine's own status would rise as a result of its association and eventual integration with the West.

Ukrainian parliamentary and presidential politics became dominated by pro-Russian and pro-Western factions, with the pro-Western factions further split between Yushchenko and his sometime ally, sometime rival, Yulia Tymoshenko. The election of Yukanovich in 2010 and his signalling of a more pro-Russian policy ignited the 2013 EuroMaidan protest movement, in which democratisation and identification with the EU or European values were invoked against a government that was perceived as corrupt, abusing its power and lapsing into authoritarianism. The deposition of Yukanovich, the secession of regions in the East of Ukraine, the hybrid war in Eastern Ukraine, and the annexation of Crimea, served to heighten and intensify the question of Ukraine's *identity* and its determination to escape Russian dominance. By insisting on Ukrainian compliance, the Russian Federation had, ironically, guaranteed Kyiv's embrace of the West.

### **The Current War: Russia's Status Anxiety Escalates**

Ukraine's desire to associate itself with the West is an affirmation of that strangely amorphous entity's *status*. Conversely, for the Russian Federation the departure from its sphere of influence of a state it viewed as, in effect, its client, was tantamount to an act of *lèse majesté*. A key theme of Putin's Feb 21 address that signalled recognition of the Luhansk and Donbas Republics is the ingratitude of 'modern' Ukraine towards the state responsible for its creation, the misguided USSR, and especially its first leader, Vladimir Lenin. Lenin's 'odious and utopian fantasies' ultimately led to the unravelling of the USSR via the foolishly granted right of secession and the subsequent advent of an independent Ukraine which celebrated its freedom by ungratefully toppling statues of Lenin. Ukraine compounded its ungratefulness by renegeing on commitments and insisting on enjoying 'all the rights and privileges while remaining free from any obligations,' and replacing 'partnership with a parasitic attitude.'

Simultaneously, Putin argues, getting to the nub of the matter, 'the Ukrainian authorities ... began by building their statehood on the negation of everything that united us.' This negation was at least in part sponsored by 'external forces' who acted upon a Ukraine that 'never had stable

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the USA and general willingness to admit Putin's Russia into close association with NATO, the G8, etc., mollified Russian status anxiety to a great extent, even if only for a short time.

<sup>21</sup> Viktor Yushchenko, 'Opening Statement,' Meeting of the NATO-Ukraine Council, 22 Feb. 2005, [https://www.nato.int/cps/en/natohq/opinions\\_21972.htm](https://www.nato.int/cps/en/natohq/opinions_21972.htm) (accessed 3/5/2022)

<sup>22</sup> 'Yushchenko Affirms EU Aspirations,' <https://www.dw.com/en/yushchenko-affirms-eu-aspirations/a-1469103> (accessed 3/5/2022).

traditions of real statehood' and which from independence onwards 'opted for mindlessly emulating foreign models' of statehood, i.e., the Ukrainian 'oligarchic' authorities had opted for 'the so-called pro-Western civilizational choice' in favour of remaining within the Russian sphere of interest. Putin argues that Ukraine joining NATO would not be a problem in theory because 'each country is entitled to pick its own security system and enter into military alliances' but invokes the overriding 'principle of equal and indivisible security, which includes obligations not to strengthen one's own security at the expense of the security of other states' as a reason for Russia's attempts to prevent Ukraine joining NATO, which would be 'a direct threat to Russia's security.' Russia's direct threats to Ukraine's security seemingly do not merit the same consideration, a position consistent with the implicit theme running through the speech that Russia is inherently of higher *status* than a Ukraine of dubious statehood that is also a puppet of the West.

In terms of Russia's status *vis-à-vis* the West, Putin's speech indicates that Russia sees itself as a *peer* of the West, to whom it has made 'proposals for an equal dialogue on fundamental issues' that have 'remained unanswered by the United States and NATO.'<sup>23</sup> Putin's admission that the West has not answered this call for recognition as an equal reveals the extent to which status anxiety about Russia's place in the international hierarchy is a significant component of Russia's own identity and its attitude towards Western power. This theme of injury to Russia's dignity, its *status*, by an 'irresponsible' West that threatens Russia 'consistently, rudely and unceremoniously from year to year,' is a major element of Putin's justification for the 'special military operation' in Ukraine.<sup>24</sup> Putin stresses that the 'North Atlantic alliance' treats Russia with disrespect, manifesting an 'insolent manner of talking down from the height of their exceptionalism, infallibility and all-permissiveness' and a 'contemptuous and disdainful attitude to our interests and absolutely legitimate demands.' At the root of Putin's analysis is a fear of a loss of Russian power and status equivalent to that of the USSR, the experience of which has 'shown us that the paralysis of power and will is the first step towards complete degradation and oblivion.' Power, such as that exercised in Ukraine, is what is required in Putin's reading of contemporary history to avoid total loss of status in the world. The fall of the USSR saw the West elevated to 'a kind of modern absolutism, coupled with the low cultural standards and arrogance of those who formulated and pushed through decisions that suited only themselves.' In Putin's speeches it is this elevation of the West, and desire to correct the corresponding diminution of Russia's status in the wake of the Cold War, that emerges as arguably the dominant reasons for its actions in relation to Ukraine. For Putin, Ukraine's effrontery is matched only by the West's contemptuousness: to allow this conjunction of two challenges to Russia's sense of its place in the world would be to set in train another catastrophic collapse. The preservation of Russia's status as a peer of the West and as a power *superior* to Ukraine therefore is an all-important, existential *requirement* for the Russia over which Putin presides.

## Conclusion

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<sup>23</sup> Vladimir Putin, 'Address by the President of the Russian Federation,' 21/2/2022 <http://en.kremlin.ru/events/president/news/67828> (accessed 4/5/2022).

<sup>24</sup> Transcript: Vladimir Putin's Televised Address on Ukraine, <https://www.bloomberg.com/news/articles/2022-02-24/full-transcript-vladimir-putin-s-televised-address-to-russia-on-ukraine-feb-24> (accessed 4/5/2022).

In a memorable (and memeable) scene from *Mad Men*, an aggrieved Michael Ginsberg challenges Don Draper's decision not to use his ideas in a pitch to clients and declares that he 'feels bad' for the powerful executive who refused to not recognise the worth of his material. An unimpressed Draper briefly replies, 'I don't think about you at all.' While we should be careful drawing parallels between fictional representations of advertising agency office politics and present-day international relations, the dynamic between Ginsberg and Draper is not too dissimilar to that between Russia and the West. The West, for Putin, is an imposing 'empire of lies' presided over by the arrogant and deceitful Americans. Putin thinks the West is dedicated to thwarting a Russia that insists it is its equal. The conflict in Ukraine is an attempt to force recognition of Russia's status. The West, while taking Russia much more seriously than Don Draper does the unfortunate Ginsberg, nonetheless has withheld recognition of equality and has instead backed Ukraine. The West has done this because in its geopolitical calculations and meditations upon its own identity, status and legitimacy it chooses to emphasise its (limited) commitments to Ukraine over Russian *ressentiment*.

The West is unlikely to escalate the conflict in Ukraine to a nuclear war, but is likely to support Ukraine financially and militarily in its conflict with Russia for the duration of hostilities. The stakes for the West are limited and manageable. The defeat of Ukraine would be regrettable but not a catastrophe. The stakes for Russia are much higher. Defeat would confirm the worst fears of the Russian foreign policy elite of which Putin is the leader. Russian status would be severely damaged, leading to another cycle of humiliation, which at best would result in a fitful resuscitation only for the cycle to begin again. Putin will not accept this outcome. Russia, simply put, cannot afford to lose this war at the cost of *serious* damage to its status. When the *denouement* arrives, Ukraine and the West would be wise to bear this factor in mind when arranging the details of any peace settlement: strategic goals may best be achieved with symbolic accommodation of the Russian need for recognition.

Beyond these pathologies of status and recognition, relatively overlooked and ignored in the clamour of war, is Martin Kimani's quiet insistence on another way of being in international society that rejects a 'dangerous nostalgia' for the past in favour of 'something greater, forged in peace' that 'does not plunge us back into new forms of domination and oppression.' Kimani's post-colonial multilateralism and promotion of the acceptance and ultimate transcendence of borders and his related ideal of a collective 'greatness none of our many nations and peoples had ever known' is not the dominant principle in global affairs, but it stands out as an alternative that offers *some* hope of escaping cycles of conflict based on territory and competition for status and esteem.<sup>25</sup> Some thoughts have to await patiently their season, and Kimani's Afro-idealism may be one such thought.

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<sup>25</sup> Martin Kimani, 'Statement to an Emergency of the UN Security Council on the Situation in Ukraine,' 22 February 2022, UN Headquarters, New York, NY.

<https://www.americanrhetoric.com/speeches/martinkimaniunitednationsrussiaukraine.htm> (accessed 4/5/2022).

European integration through the EU, although different in many respects, might be identified as akin to the forward-facing political form identified by Kimani. The EU's global ambitions and location at the heart of the power

## Unequal Justice Under Law

Kelebogile Zvobgo

“The recklessness and brutality shown by Russia must be confronted and condemned for what they represent,” writes Siba Grovogui in “Guernica Looking On.” Readers of this publication will surely agree. From executions of civilians in Bucha, bombings of residential areas in Borodyanka, and an airstrike on a Kramatorsk train station, to name just a few, there is a growing mountain of evidence of atrocity crimes by Russia in Ukraine. Ukrainian courts, European courts in Poland and elsewhere, and several international courts are on the case, considering a range of violations of international law by Russia.

Focusing on international courts, the International Court of Justice (ICJ) is examining Russia’s dubious claims that Ukraine is committing genocide against ethnic Russians and Russian speakers in Ukraine – claims that Russia has used to justify the war with Ukraine. The International Criminal Court (ICC) is investigating suspected war crimes, crimes against humanity, and genocide by Russian forces in Ukraine. The European Court of Human Rights (ECtHR), for its part, is considering Russian violations of Ukrainians’ human rights. There is even talk of setting up an ad hoc tribunal to hold Russian military personnel accountable for aggression since no standing international court has jurisdiction over Russians for this particular crime.

The swiftness of international legal responses to the war in Ukraine is to be lauded. Still, the effectiveness of these responses remains to be seen. I, for one, am skeptical. My skepticism derives from the regrettable fact that international courts are not equipped to hold powerful leaders and nations accountable for abuses. This is not a defect of the courts themselves, to be sure. Rather, it is a feature of the international system in which these courts are embedded. It is the international system that deprives them of crucial powers and opportunities to mete out equal justice for grave breaches of international law. Let’s walk through some examples together.

Grovogui remarks, “Russia’s actions raise a number of issues. The first is the permissibility of one country to use coercive violence to compel another toward a desired choice.” Indeed, Russia has violated the most fundamental norms of international relations: the territorial integrity of the state and the state’s sovereignty over domestic affairs. Russia not only wants to redraw Ukraine’s borders; it wants to install a pro-Kremlin puppet government. Interestingly, and perhaps surprising to some readers, no standing international court is competent to hold Russian leaders and soldiers criminally accountable for aggression. I will restate: no international court can challenge Russia’s violation of bedrock principles of the international state system.

At best, the ICJ could rule that Russia’s “humanitarian reasons” for invading Ukraine are specious and that there is no legal basis for the conflict. But, this decision could not be enforced by the

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political complex that is the West, place it in a different category to that of Kimani’s promotion of attempts to reduce the impact of arbitrarily imposed borders on every day life.

ICJ's compliance mechanism: the United Nations Security Council (UNSC), where Russia, as a permanent member, holds a veto – one it would surely use to block compliance with an ICJ decision. Other council members could, of their own prerogative, separately attempt to enforce the decision. But this could not be accomplished under the auspices of the UNSC. It is also highly unlikely, given fears about conflict escalation and nuclear use by Russia. But to return to the UNSC, that five powerful nations – China, France, Russia, the United Kingdom, and the United States – can veto any prospective resolution, even where there is a clear conflict of interest, demonstrates a key limitation of the world's largest intergovernmental organization, set up in 1945 to promote international peace and security. In any case, the ICJ makes judgments against states, not against individuals like the ICC does.

The ICC lacks jurisdiction over Russia for the crime of aggression in Ukraine, however. But it does have jurisdiction over the other three crimes of concern to the court: war crimes, crimes against humanity, and genocide. Some readers will note that neither country is a member of the ICC. Still, the court has jurisdiction over all personnel in Ukraine for war crimes, crimes against humanity, and genocide, because Ukraine has accepted the court's jurisdiction over its territory. That last part is key; the ICC concerns itself with allegations of abuses committed on a given territory, regardless of the suspected perpetrators' citizenship or nationality. But, there is an important cut-out in the court's governing treaty, the Rome Statute, for the crime of aggression.

The ICC only has jurisdiction if all parties to the conflict, in this case Ukraine and Russia, are also party to the Rome Statute. Neither Ukraine or Russia is a state party; ergo, a crucial loophole. There is another path by which the ICC can assert jurisdiction over countries for the crime of aggression when one or more parties to a conflict is not a member: with a referral from the UNSC. But, here we are again, back where we left off with the ICJ. With Russia wielding a key veto, the UNSC could never make such a referral to the ICC. This is a feature of the system, not a bug.

The ECtHR, for its part, is a human rights court, able only to rule on violations of the European Convention on Human Rights, a key international legal instrument but that does not prohibit aggression. Within its mandate, the court is limited to investigating alleged violations of the convention until September 16, 2022. This is because on March 16, 2022, the Council of Europe expelled Russia, terminating its 26-year membership in the organization, which was established in the aftermath of the Second World War to promote democracy, human rights, and the rule of law in Europe.

The decision, to kick Russia out was in some ways shortsighted. Yes, Russia's behavior was incompatible with its council membership. And, yes, Russia had announced its intention to leave the organization. However, the move would not have taken effect until the end of the financial year in Europe, December 31, 2022. But by expelling Russia from the council with immediate effect, the court was left with only six additional months of jurisdiction, not the nine-plus months it could have enjoyed if Russia had exited voluntarily, as planned. Considering the devastation wrought in just the first days and weeks of Russia's invasion and war with Ukraine, the gap between September 16 and December 31 is significant.

For those cases that will be brought before the court before it loses jurisdiction over Russia, it is not clear if, perhaps even doubtful that, the Council of Europe's Committee of Ministers would act to enforce any adverse judgments against Russia, again because of concerns of conflict escalation. So, yet more space for impunity. But let us turn back to the issue and crime of aggression, that preternatural violation of the most basic norms of international politics.

Aggression, Grovogui affirms, "should not be permitted to stand as it chooses militarism where diplomacy and other means of persuasion would have been preferred – and perhaps worked." Yet Russia chose militarism, pushing "all of us closer to the abyss."

To be sure, other major world powers are not innocent in all of this, as Grovogui also notes in the context of NATO in "Guernica Looking On." I will add that countries like the United States and China benefit from the same limitations of the international system that threaten to deliver impunity for Russian abuses in Ukraine. For instance, the United States is not a party to the Rome Statute, so the ICC also cannot hold U.S. personnel accountable for aggression anywhere in the world. Likewise, China cannot be held accountable for suspected genocide against Uyghurs in Xinjiang province.

The United States, in the context of the ICC's investigation in Afghanistan, has also used the same legal reasoning as Russia – that the court lacks jurisdiction over nationals of nonmember states. The United States, among a range of countries, has for decades undermined this institution that it now wishes to support, if conditionally. This reflects a phenomenon Oumar Ba has eloquently captured in the context of international courts as "law for thee but not for me."

So I might disagree slightly with Grovogui when he says, "This is all happening outside of the strictures of international law and its universal norms of morality and ethics" or later when he says, in "Inch By Inch Toward Perdition," that "the road to perdition is paved by small steps: inch by inch, derogation by derogation. It is how the parties to treaties, members of the international community, sharer of a common language begin, unwittingly or not, to undermine language or the game itself, leading to its collapse or disappearance." To some degree, it appears that impunity for Russia – not just now with Ukraine but previously in Crimea and the eastern provinces in 2014, and going back to 2008 with the war in Georgia – is, in a way, happening *inside* the strictures of international law, which is universal in ambition but is applied selectively. So, are we on a road whose final destination is perdition, as Grovogui says? Or is that where we actually began in 1945, creating a new, but still unequal, even unjust, international system?

I have been grappling with these questions for some time, turning them over and over in my head and pondering whether the ground we have lost (or perhaps never lost because we never had it to begin with) can be regained. The war in Ukraine has laid bare the inherent limitations of international law and courts, limitations that were consciously and rationally put in place and that are exploited by many of the most powerful players in the international state system. So, where do we go from here?

I come back to Grovogui and his contention that "Approximations, or fidelity to the rules,

procedures, and norms, reinforce the game upon which depend the viability of an orderly international society and system.” The war in Ukraine has taken us to the brink. To make the international society and system viable will require a hard turn in foreign policy and international relations, for years, if not decades, to come. This might include UNSC veto reforms and amendments to international treaties like the Rome Statute. This process will not be quick or easy. I concede, also, that I have only been talking about legal instruments and institutions that would seek to sanction individuals and countries that violate international law. I have said nothing about those that would seek to prevent countries from violating international law in the first place.

This may be another endemic characteristic of law in the international system, or at least of how it is applied. The war in Ukraine is perhaps a call to think and operate *proactively*, not just reactively. Certainly, the war in Ukraine was foreseeable, in fact it has been ongoing since 2014; what we have been observing over the past months is not conflict onset but conflict escalation, a move that Russian leaders announced through both their words and actions, well in advance. Analysts have been hard pressed to find previous meaningful attempts to respond to Russia and try to curb its appetite for territorial, political, and economic expansion, to reestablish a fictive Russian empire of Vladimir Putin’s imagination.

In the midst of a global existential crisis, it is fitting, perhaps, to leave readers to ponder over this set of existential questions. Can we work to prevent grave breaches of international law and, when they occur, can perpetrators be meaningfully punished and victims substantially redressed? International law and international relations scholars, analysts, practitioners, and policy makers need to develop good responses to these questions, lest we go over the brink at which we currently find ourselves.

Some encouragement is in order, to be sure. I agree with Grovogui that “It is by inches thus that community, law, and norms are fortified or weakened.” Let us work for the former, fortifying, even renewing, community, law, and norms – inch by inch. I think a good place to start is with some introspection. How can we individually, as scholars, citizens, and people support remedial interventions for the current conflict, as well as preventive measures for the future? For me, it starts with dialogues like this one and teaching the next generation to think critically on the international system as it is and to contemplate what it can become.

## **A Humane Analysis of a Violent Liberal International Order**

Inderjeet Parmar

Siba Grovogui has written a compelling, insightful and thought-provoking series of observations on an ongoing dynamic war crisis and achieved something quite extraordinary – real-time analysis based on research, scholarship, and deep personal and philosophical reflections. Above all, in my view, he has humanely but incisively shown the inner struggles and dilemmas this particular war has unleashed, the complexities it illuminates to the critical mind, set against the political simplicities that great power wars and their power elites demand. The essays reflect in

both personal and global terms how Russia's war on Ukraine is felt, experienced, understood, contested. Grovogui has globalised and historicised the war in a many-sided way. It enriches our understanding and knowledge, complexifies it. He also highlights in no uncertain terms the crisis of credibility that is now festering in the liberal international order's core states, a spectre that the Ukraine war is being used to exorcise. Only time will tell how successful that attempt is.<sup>26</sup> The essays are necessarily controversial – or they will be precisely for mobilising knowledge that muddies the waters. Knowledge is not neutral. What counts as knowledge – effective knowledge – depends on where we stand. Some knowledge is comfortable, confirmatory, feel-good. Other knowledges, from unorthodox sources beyond the boundary, are unsettling, uncomfortable, expose repressed painful memory, reframing context and revealing more than some might like. Knowledge in a time of war is particularly significant. It becomes simplified and weaponised.

What follows is a selective discussion of some of the matters raised in Grovogui's essays – my understanding of some of the points made, extension and amplification of some of them via different examples. I have also taken the liberty of discussing other matters that have become interesting as the conflict, and the battle of ideas surrounding it, has developed.

### **From Clarity to Complexity**

In some respects, as Grovogui categorically states, the war is clear – it is illegal, a crime against peace, a violation of Ukrainian sovereignty and the right of nations to self-determination as enshrined in the UN Charter and international law. Russia is the aggressor in this sense. It launched the invasion of a sovereign state. For the western powers that be, there is nothing more to the matter than that. That is the essential truth. Let the weapons flow to Ukraine, just enough to stay on the right side of a blurred line lest a 'hot war' between nuclear-armed Great Powers ensues. But more, for Ukrainians losing their lives, fleeing in their tens of thousands from bombed-out homes and cities, heroically resisting aggression, demanding NATO support and even direct military intervention, how much room is there for complexity, or wider contexts, of the value of critical history?

After that clarity, contested though it surely becomes, Grovogui's essays show that we encounter a deadlier minefield which we enter at great risk. Complexity and warfare are uneasy bedfellows if they recognise each other at all. Of all the pressures that a war involving great powers brings, none is perhaps greater than on anything approaching the 'truth' – especially in a widely acknowledged 'post-truth' world, a world of 'fake news'. In war, however, fake news is the province of the evil enemy, while truth is entirely on our side, the angels. If this is the case, can the warring sides ever meet, pursue diplomacy to secure peace, however grotesque that practical peace might be? But even before such a designation for our era, media bias, especially in warfare, was widely demonstrated in the relevant social sciences and accepted in general terms, although the mobilisation of mendacity in wartime usually drowned out such notions, at

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<sup>26</sup> A. Cooley and D. Nexon, "A False Dawn for Liberalism?" *Foreign Affairs*, 29 March 2022; <https://www.foreignaffairs.com/articles/ukraine/2022-03-29/false-dawn-liberalism>.

least until things started to go wrong. The war, which was supposed to be over in a matter of days or weeks, isn't. The point of the war is lost as war takes on a life and momentum of its own, 'mission creep'. Or the point of the war as proclaimed was never the intention in the first place. There are no weapons of mass destruction after all. Humanitarian intervention was cover for regime change. US President Joe Biden's messaging, along with NATO allies, is inconsistent. Supporting Ukrainian resistance, removing Putin from power, liberating Ukraine. Generational struggle, a battle-line in the sand between democracy and autocracy, Ukraine as the front line. A further \$33 billion in US military support sought from Congress to Ukraine at the time of writing.<sup>27</sup>

There is also, at the heart of Grovogui's essays, a strong sense of anxiety, sadness, and quiet rage. I may be wrong, or maybe I'm projecting. The world of power politics and nuclear weapons, which is (just about) explicable intellectually, but one that is a source of the greatest anxieties about life itself, has thrust itself into our lives again. There are echoes here of the cold war era of existential threat – mutually assured destruction, the 'Cuban' missile crisis, the second cold war of superpowers' Cruise missiles and SS-20s in Europe in the 1980s. The unimaginable horror of World War III and the insignificance of the individual in the face of such immense uncontrollable forces. The ugliest deadliest face of human ingenuity.

And at a wholly different if no less significant level, there is in these essays sadness mixed with rage that after worldwide outrage and protest over racist police violence and the killing of George Floyd by Minneapolis police, moves to decolonise western institutions, the lowering of Confederate flags and toppling of monuments to slavery, a war in Europe demonstrates just how deep racialised thinking, reporting and practices remain. It is sad, and a source of great resentment – in both a positive and negative sense. Positive because it fires a fightback against the racism that inspired border guards to throw black and brown students off buses and trains headed for refuge from lethal bombing raids; and sadness and resentment that so little progress appears to have been made that seasoned western reporters working for mainstream media organisations can express their horror at human suffering in racialised and civilizational terms. The colonial pillars and foundations of western order remain – shaken but resilient. Even more, the war is a 'good war' – the west is great after all, defending rules-based order and civilisation, democracy against autocracy, drawing a line between barbarism and civilisation. Fighting the good fight. Forgetting the far greater number of military interventions and wars – ongoing and past – by the west and its allies.

Yet, domestically, the US and broader west are not exactly paragons of liberal democratic virtue. The 6 January 2021 insurrection and coup attempt in the United States to prevent certification of legal election results; thousands of heavily armed national guardsmen, after suitable weeding out of pro-Trump troops, surrounding the President's inauguration ceremony, hardly a peaceful transfer of power. A Republican party that is compared with the most extreme far-right parties of Europe. Germany, France, Poland – and Ukraine – furnish more

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<sup>27</sup> Peter Baker and Michael Levenson, "Biden digs in on Ukraine strategy, seeking \$33 billion more in aid," *New York Times*, 28 April 2022; <https://www.nytimes.com/2022/04/28/us/politics/ukraine-biden-aid.html>.

evidence of the onward march of the authoritarian right in Europe. Domestic crises of authority and legitimacy, fuelled by high levels of inequality of wealth, income and power, and established party systems wedded to pro-corporate neoliberal politics of hyper-globalisation.

Liam Kennedy argues that while the Ukraine war is regarded by media and other elites as uniting Americans, and reigniting the struggle to defend democracy, in practice it is “mirroring the crisis in American democracy”. The two main parties are divided on the war – Democrats seeing it as a line in the sand in the struggle of democracy against authoritarianism at home and abroad, Republicans as Biden’s weakness. The war expresses a wider desire “for moral clarity amid the disruptions and confusion of ethnocentric nationalism...and conspiracy theory roiling the public sphere.” The war is being reduced “to a spectacle of imperilled democracy that only further cements America’s collective amnesia about the failings of liberal democracy around the world.”<sup>28</sup> Barbara F. Walter goes even further in her new study of civil wars, in which she treats the US as an ‘ordinary’ nation: her country is heavily ‘factionalised’. Under President Trump in particular, Walter claims that the United States came closer to civil war than at any time since the 1860s.<sup>29</sup> And the spectre of Trump’s return – or of Trumpism without Trump- to the White House in 2024 hovers over the country.

Grovogui’s self-identified African roots are also fundamental to his analysis. This is an overt aspect of his essays. Being in the west – indeed at its very heart in the United States, the new Rome – as a minority, matters. Background, whatever it may be, matters. Life experiences of differential treatment – personally as well as of minorities more broadly – shapes consciousness, sharpens attention to facts less widely acknowledged, silent sufferings. The prism of minority thought is a permanent reminder of the racial dimension in life, work, institutions, everyday geographies. Therefore, one sees more, and sees differently, notices things that others may not due to their own personal and social experience and status. This adds to the complexity that Grovogui’s analysis injects into understanding the current crisis.

But it is much more than a merely personal experience. Background inspires intellectual analysis, search for new facts, asking of different questions, different theories. There is more knowledge out there than meets the eye. There are more actors worthy of attention. They have ideas, they are in motion, their actions have consequences for world politics. But the gaze of mainstream IR is particularly narrow, constructing a world in which the global majority do not really matter, not their histories, their agency in making the world, changing it, bending it to their will. A Eurocentric gaze sees only so much. Grovogui’s essays and global sensibility opens another window onto a broader world, rich and varied, consequential, empirically knowable if only we care to look, with the power to explain.

## **Russia-Ukraine-NATO War as Global**

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<sup>28</sup> Liam Kennedy, “Ukraine: a divided America seeks moral clarity in a war against democracy,” *The Conversation*, 22 April 2022; <https://theconversation.com/ukraine-a-divided-america-seeks-moral-clarity-in-a-war-against-democracy-181806>.

<sup>29</sup> Barbara F. Walter, *How Civil Wars Start* (New York: Viking, 2022).

Grovogui's essays have re-connected Russia's aggression in Ukraine to the world, taken it out of Eurocentric framings that declare it somehow aberrant or an outlier. Russia – a European power - rehearsed its aerial bombing tactics in Afghanistan, and Syria, not to mention in Chechnya, and is using the same playbook in Ukraine, with horrific casualties. NATO is a global system of alliances, partners and associates – deployed far and wide. Missions in Kosovo, Iraq, Afghanistan, Africa – a self-declared defensive alliance, originally of Atlantic powers, for which there are no 'out-of-area' operations: the whole world is a NATO interest. Forward defence is the preferred term. It was from its beginnings, on which more below.

We could add that the shock at a war in Europe – a learned amnesiac's zone of peace and tranquillity - is puzzling. The past century or so hardly furnishes conclusive evidence of peace and harmony. The Great War. World War II. The Holocaust. In the very heart of the heart of western civilisation. Let's not even go into the horrors of colonial violence, the holocaust of enslavement and extermination of indigenous peoples. Post-colonial bloodbaths in south-east Asia, the Middle East, Africa and Latin America. The militarisation of Europe in the cold war the restoration of which has continued apace, now with renewed vigour against Russian imperialism.

Grovogui's essays have connected Ukraine's suffering of aerial bombing to history and a global geography- again, linking to a European historical example - Guernica- but also the fire-bombing of Dresden and Tokyo. But even before Guernica in 1937, when the Nazi Luftwaffe devastated the city and killed almost two thousand souls, while Britain and France stood neutral, there was British aerial bombardment of Somaliland in 1920. Italy paved the way in Libya in 1911, the world's first instance of aerial warfare. It was in Africa that European colonial powers showed how death could rain from the skies, initially on uncivilised peoples, later at home. Colonies as laboratories.

The essays, ever so subtly, raise the matter of western double standards in judging Russia's actions while having carried out illegal wars itself over many decades or supported Israeli aggression in Palestine. It is more than hypocrisy though. It's systemic, in the very DNA, the hard-wiring, of the post-1945 liberal international order. Anglo-Saxon race theory – increasingly embarrassing to Anglo-Saxon elites as anti-colonialism marched on after the horrors of the concentration camps were revealed– was well understood in acceptably post-Nazi race theory terms as cultural: anyone with the right education and training could become culturally Anglo-Saxon, the pinnacle of human achievement.<sup>30</sup>

### **Decolonising the Ukraine war**

Grovogui has contributed to decolonising the Ukraine war and crisis by making African voices - his own and African diplomats and public - heard and complexified. Those voices are hidden in plain sight. They can be found if sought, via the world wide web, but our vision has to be worldwide before we can search for those voices. Grovogui unmutes some of those voices and

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<sup>30</sup> Frank Furedi, *The Silent War: imperialism and the changing perception of race* (London: Pluto, 1998).

lays bare new facts, previously Eurocentrically unseen. The African Union has long declared wars to settle border disputes illegal, demanded that disputed borders be matters for diplomacy, including in the charter of the International Criminal Court, a demand which was rejected. Statements by African diplomats to that effect are understood as lining up behind western positions on Russian aggression. Yet their import is far broader – their target a wider range of states that have violated those norms and international laws. Britain’s expulsion of native populations of the Chagos Islands for a US naval base, Israel’s treatment of Palestinians, and Iraq’s invasion of Kuwait. “Africans are not heard when...they speak in ‘untutored’ [ways] and/or when their sentiments are disobliging to the West.”<sup>31</sup>

Amitav Acharya broadens the point.<sup>32</sup> The Global South has been significant in world politics – especially ideationally and normatively. Sovereignty was used not only to protect newly-independent post-colonial states from external intervention but also as a force to shape the ‘cold war ‘bi-polar’ world. The role of the Non-Aligned Movement after Bandung, and of the New International Economic Order in the 1970s in the formation of the G77 and of UNCTAD furnishes further evidence of global impact.<sup>33</sup> So do the efforts of the South in preventing further neoliberalisation of their domestic markets in the WTO. And successfully preventing a UN resolution to wage Anglo-American war on Iraq in 2003. Global South thinkers were a key source of ideas such as ‘responsible sovereignty’. The latter idea, developed by South Sudan’s Francis Deng and other African diplomats (Kofi Annan, Boutros Boutros-Ghali), was a far more subtle idea than its later incorporation into a more aggressive interventionism that played out so disastrously as ‘responsibility to protect’ under UNSC 1973 in Libya. Similarly, the now widely accepted idea of ‘human security’ as another western idea, Acharya shows, derived from the work of Mahbul ul Haq. As a ‘multiplex’ world emerges, and more significant forces and actors emerge on the world stage, the hypocrisies and inner Eurocentric dynamic are more transparently obvious to the ‘Rest’.<sup>34</sup> And that also stirs historical memories of centuries of humiliation, possibly even the spirit of Bandung? Certainly, President Xi appears to think so.<sup>35</sup> Perhaps, alongside compelling vital interests, that’s why Global South powers and peoples refuse to back western sanctions on Russia?<sup>36</sup>

The colonial character of NATO (the military equivalent of the Marshall Plan, also designed to resurrect colonial trading links) was clarified from the start – in the heart of postwar Europe, in the French National Assembly by representative Ouezzin Coulibaly, when France joined NATO. Article 6, among others, rankled. It states that an armed attack on a NATO member includes any attack on “the Algerian departments of France, on the territory of or on the Islands under

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<sup>31</sup> Siba Grovogui, “Putin’s Ukraine Adventure: How Should an African Respond? (Russia’s Ukraine Invasion ~1)”

<sup>32</sup> Amitav Acharya, *Constructing Global Order: Agency and Change in World Politics* (Cambridge: CUP, 2018).

<sup>33</sup> Inderjeet Parmar, “Transnational elite knowledge networks: managing American hegemony in turbulent times,” *Security Studies* 28, 3, 2019.

<sup>34</sup> Acharya.

<sup>35</sup> John Gong, “Bandung Spirit Highlighted at BFA,” CGTN, 21 April, 2022; <https://news.cgtn.com/news/2022-04-21/-Bandung-Spirit-highlighted-at-BFA-19pWPYV6d7W/index.html>

<sup>36</sup> Howard W. French, “Why the world isn’t really united against Russia,” *Foreign Policy*, 19 April 2022; [Why Many Countries Aren’t United Against Russia \(foreignpolicy.com\)](https://www.foreignpolicy.com/articles/2022/04/19/why_the_world_isn_t_really_united_against_russia).

the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer.”<sup>37</sup> NATO protection for the maintenance of colonial rule despite the UN system and the making of liberal order. Argentina would discover in 1982 that NATO interests superseded the Monroe doctrine when the US offered support to Britain over the Falklands/Malvinas war. The tension between real politik and morality laid bare. Can weaker, postcolonial or vanquished expect security from NATO and the great powers?

In addition, there is a new western paradigm of borders that extends the West’s physical borders thousands of miles into the Global South’s impoverished heartlands.<sup>38</sup> America’s southern border with Mexico, for example, actually extends 1500 miles further south to Mexico’s border with Guatemala, where US troops and ‘border’ police monitor migrants. US forces are also operating one thousand miles further south too – on the Guatemala-Honduras border. The European Union’s borders extend deep into Africa as the bloc “pays millions of Euros to dictators and warlords, militias and criminal gangs in north Africa, the Sahel, and the Horn of Africa to act as immigration police... ‘Europe’s new forward border,’” as it is referred to by EU officials.<sup>39</sup> Borders are now seen as “movements – flows of people and goods on a global scale,” flows that require management by rich countries extending their sovereignty across the world. Hence, US border police are active in Ecuador, Kenya, Kazakhstan and the Philippines. The re-definition of sovereignty by the rich and powerful to better serve their own interests, in a rules-based order of equal sovereign states.

### **For Ukraine and humanity**

Grovogui raises the issue of how an international rules-based order gets debased and decayed over time unless trust is built and operates in international politics. This includes taking seriously both the spirit and letter of international treaties, now hotly contested over what exactly Presidents Gorbachev and Bush understood or meant, formally and informally, as they negotiated and signed the Treaty on the Final Settlement with Respect to Germany, in September 1990. What does it do to international trust, Grovogui rightly asks, if treaties are “stripped of their contexts of informal reservations, sensibilities, and understandings?” The moral issue at stake, which cuts no ice with hard-nosed western ‘rules-based’ analysts, is what does the world look like if the victors of wars, such as the cold war, merely seek to drive home maximum advantage based on self-interest?<sup>40</sup> There are echoes here of the harsher treatment of Germany in 1919 than in 1945, and its readmittance and re-integration into the North Atlantic fold in the 1950s. But cold war competition was compelling.

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<sup>37</sup> Siba Grovogui, “For the love of humanity: Judgment, Predicates, and their authorizations,” Russia’s Ukraine Invasion #5).

<sup>38</sup> Todd Miller, *Empire of Borders: The expansion of the US border around the world* (London: Verso, 2019).

<sup>39</sup> Kenan Malik, “In this new age of empire, the west has no need to conquer. Money and coercion do the job,” *The Guardian*, 24 April 2022; <https://www.theguardian.com/commentisfree/2022/apr/24/new-age-imperialism-west-no-need-to-conquer-money-coercion-do-job>.

<sup>40</sup> The more thoughtful supporters of the promise of liberal order recognise the force the order’s contradictions; see G. John Ikenberry, *A World Safe for Democracy: liberal internationalism and the crises of global order* (New Haven: Yale University Press, 2020); Cooley and Nexon.

Post-colonial states and thinkers know well that “the road to their own oppression and exploitation was paved with broken treaties,” in terms of letter and spirit. International society, Grovogui argues, is made trustworthy by the fortification of norms via repetitive acts, making a rich-textured tapestry. International society and order fall apart as common understandings are undermined over time and by numerous small steps. Russia’s invasion of Ukraine is a massive step in undermining order. So too have been the many steps of western powers which “profess adherence to legality while acting contrary to the same in other contexts.” This is normally dismissed as ‘whataboutism’, which may be skilfully deployed to stifle debate. It appears to be the contemporary version of a charge of “moral equivalence” deployed by Jeanne Kirkpatrick to deflect criticism of Reagan era violations in Latin America; or the 1950s McCarthyite charge of “comsymp” – communist sympathiser.

“Westspaining” is another term that has emerged during the course of the Ukraine war. It is largely used by the Left in Ukraine and eastern Europe against liberals and Leftists in the US and Western Europe who oppose NATO’s eastward expansion and call for Ukrainian neutrality. The West explain to the East what’s good for them. Almost western colonial behaviour. It’s a legitimate position for those in the frontlines of a vicious attack and atrocities. Yet closing down debate – it is legitimate to believe that NATO is an expansionist force that challenges Russian security interests – is hardly democratic. The majority of the people of western Europe likely support NATO as a defensive alliance – has the Left no right to stand its ground?<sup>41</sup>

Post-colonials know well what it is to be Ukraine, on an operating table, between great power surgeons. It was all done legally and above board in the 1990s with the removal of Ukraine’s Soviet era nuclear weapons, with associated ‘guarantees’ for Ukrainian security. This was Ukraine’s ‘Nakba’ moment – when more powerful nations determine the fate of vulnerable populations and consign them to the “peace of the graveyard”, forms of peace that seal their fate. Ukraine’s denuclearisation by the US and Russia did not protect it from harm. Ukraine joins a long list of vulnerable peoples, playthings of great powers, unprotected by the international system. A lesson for Iran, unlearned by Libya; cherished by North Korea.

## **Humanity First**

Ukraine President Zelenskyy, while calling on NATO for military support, noted how weakly the distribution of great power in the world attends to the crimes of the powerful. In the wall to wall media messaging, his stirring words are projected as original, that Russia’s aggression is the world’s first example of violent suppression of national sovereignty. This is “wilful selective hearing”, Grovogui argues, Ukraine as special case, insulated and alone, its lessons inapplicable elsewhere. Except the world abounds with violations unheard, a feature of the international system. The lesson is that only transgressions of the rights of worthy victims are recognised: raising the issue of Iraq or Libya or Yemen or Palestine, for example, is consigned to the waste bin of ‘whataboutism’. Grovogui’s point: it is impossible to fully understand what’s happening

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<sup>41</sup> Yanis Varoufakis, “My reply to the Charge of Westspaining Eastern Europeans,” 23 March 2022; <https://www.yanisvaroufakis.eu/2022/03/23/my-reply-to-the-charge-of-westspaining-eastern-europeans/>

to Ukraine without making comparisons and links with past wars and interventions, and those that are going on right now – where poorer, darker peoples live and die.

In place of such wilful selective hearing that privileges “the West, Europe, and white Christians”, Grovogui makes a plea for the universal application of protection, a morally consistent defence of the vulnerable, because the unevenness of the application of law is a leading cause of systemic breakdown. For the love of humanity, Grovogui concludes, there must be a commitment to “consensus, global democracy, and pluralism as core values of global governance.”

This is clearly a plea to western power elites to radically reform their policies, values, domestic and international institutional structures, and discipline their corporations. It is unlikely to yield too much in practice given the catalogue of charges that Grovogui makes in his essays, let alone the growing literature on the racial, elitist and imperial foundations of western power and liberal order.<sup>42</sup> But the world is changing too – emerging powers with their own ideas and interests, more self-confident and assertive, refusing to back western sanctions on Russia, resisting US threats of secondary sanctions, and whose cooperation is essential to tackle global inequality, wars, and climate change.<sup>43</sup> But whatever one’s theoretical or philosophical dispositions, or geographical location, is it reasonably possible to disagree with Grovogui’s sentiments, especially when the stakes are so high?

## **Russia, NATO and the View from the East**

Jelena Subotic

I read Siba Grovogui’s set of short essays with great interest. There is much in these pieces that I agree with, much that I need to think about more, and some that I think need a bit of challenging. My short intervention will focus on the main sets of challenges to Grovogui – his interpretation of what NATO and Russia are, and how they act in the world.

The first issue has to do with how NATO is understood in Grovogui’s framework. At various points in the essays, Grovogui refers to NATO as “an instrument of war” and as an embodiment of a “shift toward militarism.” I think this needs a bit more unpacking. To that end, I want to offer a somewhat different perspective and different geographic and geopolitical positionality. Grovogui is clear that there is no moral or normative justification for Russia’s invasion of Ukraine and certainly not for the horrendous crimes against humanity that have unfolded there ever since. However, he is more open to theorizing Russia’s motivation by arguing that Russia

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<sup>42</sup> Jasmine K. Gani and Jenna Marshall, eds., “Race and Imperialism in International Relations,” *International Affairs* 98, 1 (2022); see also, Inderjeet Parmar, “Racial and imperial thinking in international theory and politics: Truman, Attlee and the Korean War,” *British Journal of Politics and International Relations*, 18, 2 (2016), pp.351-369.

<sup>43</sup> French, “Why the world isn’t really united against Russia,” *Foreign Policy*, 19 April 2022; see also, Howard W. French, *Born in Blackness: Africa, Africans and the Making of the Modern World, 1471 to the Second World War* (New York: WW Norton, 2021).

“is not paranoid” about the aggressive implications of NATO’s enlargement to the East, the expansion that already has (with the Baltics) and might in the future (with Ukraine) “place NATO on the borders of Russia.” The implication of this set up, then, is that Vladimir Putin is acting defensively, or perhaps proactively, in preventing NATO – Grovogui’s “instrument of war” – from coming to its doorstep and endangering Russia’s security.

But this set up – that NATO is aggressively expanding to the East and that Russia cannot live with this – has some problems. I see two issues with this assumption – first, the understanding of NATO as a contagious disease that is infecting unwilling states and, second, the premise that Russia somehow gets a say in what happens in its neighborhood.

Take the issue of NATO expansion first. Grovogui discusses NATO expansion as a strategic positioning of the West to balance against Russia’s spheres of influence but also as a form of new colonial encroachment of the West on the East, a way of disciplining Eastern Europe and getting it in line with the West’s desires, needs, and wants. But the problem with this interpretation of NATO expansion is that it leaves no room for Eastern European agency.<sup>44</sup> It is not so much that NATO was aggressively pursuing East European states after the end of communism and shoved them into the alliance. It was more that Eastern European states *wanted* and *requested* NATO membership and passed all kinds of difficult (and often not clearly domestically beneficial) reforms and complied with all sorts of NATO demands to get in. NATO expansion, then, is not akin to a communicative disease, it is a desired club with expensive and unequal membership benefits.

The obvious, strategic reason for these states to pursue NATO membership was, in fact, fear of Russia’s invasion – the exact nightmare Ukraine is now living. The Baltic states in particular, small and vulnerable, would have been much easier for Russia to swallow than Ukraine turned out to be. It is quite obvious that NATO membership has provided the Baltic states a shield from Russia’s aggression. Certainly they get more out of NATO membership than NATO gets out of having them in.

How then, from this perspective, is NATO to be viewed as an “instrument of war” as Grovogui puts it? From the vantage point of the Baltics (or Poland for that matter) – didn’t NATO membership *prevent* war? Wasn’t this exact protection through membership that Ukraine sought but was denied? It makes little sense to blame NATO for expanding into the East and somehow provoking Russia when NATO repeatedly rebuffed Ukraine and rejected its application? From the perspective of Ukraine, the problem is that NATO did not expand far enough and has let Ukraine vulnerable to a predatory and hostile Russia. Why else did Finland just apply for NATO membership? It wasn’t NATO knocking on Finland’s door. It’s Finland looking at Ukraine and thinking “there but for the grace of God go we.”

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<sup>44</sup> On the larger issue of neglect of East and Central Europe from International Relations theory, see Special Issue: Uses of the East in International Studies in *Journal of International Relations and Development* 24, no. 4 (2021).

East European states after communism desired to join NATO also out of cultural, not simply strategic and military reasons. As Maria Malksoo has written extensively,<sup>45</sup> membership in NATO (as well as the EU and other European organizations) was important for these states for reasons of identity and their own ontological security – security of that identity.<sup>46</sup> Joining NATO was a performance of “being European.” It meant “rejoining the West” after decades of what they perceived was a communist “exit from history.” NATO membership, then, is just as much symbolic for these states as it is a strategic choice borne out of fear of a hostile Russia. This Eastern European perspective is important because it gives these states more agency and choice in their foreign policies and their interaction with the international order than does the framework that understands NATO expansion to the East only from the perspective of the West.

But I also want to challenge the very notion of a “zone of influence” (Grovogui brings it up in the “Guernica Looking On” essay). This kind of geopolitical language is often tossed around as if it makes intuitive sense. But affixing certain areas of the world and states and people who live in them to someone else’s “sphere” further removes these states’ agency and independence to act on their own in the international society. Eastern European states – Ukraine, Poland, the Baltics – do not live in “Russia’s zone of influence.” They live where they live. We *ascribe* a zone of influence to whatever regional/global power also happens to be in the neighborhood and then assume that that power will want to control the smaller states.

But this is neither a pre-determined set of relationships nor does it become one other than through our own projection of an expected balance of power. Even referring to Eastern Europe as “Russia’s periphery” assumes that Russia is at a core of this network. These states should have the ability to choose whatever course of foreign policy they want, pursue whatever alliances they want, and Russia should mind its own business. When other great powers, such as the United States, act as busybodies and interfere into their neighbors’ affairs (most recently, for example, when the US tried to influence Mexico’s domestic immigration policy to prevent Central American immigration to the US), we vehemently object, as we should. But we should reject the very notion that great powers should have any kind of zone of influence over anyone else. This, then, should also apply to Russia. Russia should have absolutely zero say in Ukraine’s (and Estonia’s and Lithuania’s) pursuit of international club memberships. If we recalibrate our view of Russia to think of it as an imperial power trying to exert its influence over its former communist “colonies” – would Grogovui’s view of these colonies’ pursuit of NATO membership change? The fact that Russia finds NATO threatening should also tell us as much about Russia as it does about NATO.

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<sup>45</sup> For example, see Maria Mälksoo, “The Memory Politics of Becoming European: The East European Subalterns and the Collective Memory of Europe,” *European Journal of International Relations* 15, no. 4 (2009): 653-80.

<sup>46</sup> On European Union’s own challenges of ontological security as it relates to Russia, see Christopher S. Browning, “Geostrategies, geopolitics and ontological security in the Eastern neighbourhood: The European Union and the ‘new Cold War’,” *Political Geography* 62 (2018): 106-115.

Relatedly, let me now turn to the question of what NATO is and what to make of Grovogui's statement that NATO is an "instrument of war." Grovogui claims that "NATO played a crucial role in [...] maintaining Western influence, including supporting wars of aggression and occupation around the world," and then lists Iraq and Afghanistan as examples. Agreed – these occupations are indefensible. But then he further states, "for NATO, the arbiters of sovereignty, self-determination, and their prohibitions against aggression and occupation continue to be geography, race, culture, religion and markers of difference."

And here, I suppose, where you stand is where you sit. Would Grovogui interpret the 1999 NATO intervention against Serbia during the Kosovo war in this same vein? In that case, NATO intervened against a small power (if it matters for Grovogui, let's also establish that Serbia is white and Christian) that was in the process of carrying out extensive ethnic cleansing against an even smaller (not exclusively, but predominantly Muslim) ethnic group that fought for its own self-determination and independence. And how about the short, now forgotten, 1995 NATO intervention in Bosnia, in the aftermath of the Srebrenica genocide, as punishment against Serbian forces who murdered 8,000 Bosniac Muslim boys and men? Was NATO in the Balkans an "instrument of war?" And on whose behalf were these interventions waged? The consequence of NATO interventions in the Balkans was self-determination and independence from a predatory and expansionist Serbian regime. These interventions almost certainly prevented more Bosnian and Kosovar deaths by basically decapitating the Serbian war machine. So, again, from the perspective of Bosniacs and Kosovars, NATO brought them peace and statehood. But from the perspective of Serbs (in Serbia as well as in Bosnia), NATO, truly, was an "instrument of war" – a powerful international military alliance that clearly sided with one side in what they perceived was an internal, civil conflict, and then balanced the scales in favor of Serbia's enemies.

Putin, also, used the 1999 NATO war to justify his annexation of Crimea, and his continuing "war against NATO." This also explains why Serbia, which never forgot its military humiliation at the hands of NATO, continues to be Russia's rare supporter in the war in Ukraine. From the Serbian vantage point, Russia is a friend because Russia is the only leftover bulwark against NATO. Serbia's support of the war in Ukraine is not based on any particular interest in either Russia or Ukraine – but on a keen interest to build an anti-NATO buffer alliance.<sup>47</sup>

My point here, simply, is that a reflexively anti-NATO (or anti-American or anti-Western) instinct ends up encountering a group of strange bedfellows, including regimes that have carried out the worst human rights atrocities in Europe since World War II, decades before that designation was ignominiously passed on to Russia.

To conclude, Siba Grovogui has given us, as always, a lot to think about. The purpose of my intervention was not to argue against Grovogui's perspective, nor to undermine the premise of his essays which began, as he says, with an eye to explaining African "mutism" regarding

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<sup>47</sup> On Serbia's identity and its relationship vis-à-vis both Russia and Ukraine, see Filip Ejdus, "Beyond National Interests: Identity Conflict and Serbia's Neutrality toward the Crisis in Ukraine." *Südosteuropa* 3 (2014): 348-362.

Russia's invasion of Ukraine, but then developed into a series of larger and more ambitious claims about international order. My aim was also neither to relitigate nor to police various responses to Russia's invasion, nor to adjudicate whose reaction has most merit. My goal, simply, was to problematize how we understand what NATO is, and what it means, and what Russia's actions are, and what they mean, if we give Eastern and Central European states back their agency in international society. I wanted to present some challenges to the view that sees NATO as an "instrument of war" by historicizing NATO's role in the region and its political consequences. We all fight our own regional grudges and grievances and perceive the world from whatever node in the international network we are situated in. But it is worth taking a step back and exploring what blind spots our regionalisms and ideological commitments may generate and what are the possibilities for overcoming them. Which of our prior views or positions did Russia's horrible, devastating war challenge, or change, or advance? What new voices do we want to begin to listen to? What old voices have lost their original punch? I thank Siba Grovogui for helping me elaborate mine.

## **The Ukraine Question: How Should the South Respond?**

Ravinder Kaur

The global south appears to be moving, this time from the margins of history to the centerstage where the future is being rehearsed. Take a look at the new color-coded world map – green, red, and yellow – that has begun taking shape since Putin launched his 'special military operation' in Ukraine. In this palette of geopolitics, green stands for nations that voted in favor of the UN resolutions against Russian aggression, red for those who opposed, and yellow for abstentions. To no one's surprise, the areas marked red include Russia and a handful of allies whereas the green covers 'the West' and allies. In contrast, the sizeable yellow mostly signals nations across Asia, Africa, and Latin America. These colors by no means neatly coincide with the mid-twentieth century taxonomies of the old first, second, and third worlds. And nor have they developed fixed positions on the Ukraine question. In the first three months of the war, nations like Kenya, Cambodia, and Mexico among others traversed the green and yellow spectrum, whereas China or Kyrgyzstan moved from yellow to red (Al Jazeera News, 2022; UN News, 2022a, 2022b). In doing so, this fluid territory has emerged as an unlikely arbiter of power, an influential referee in the latest edition of the 'new world order' in the making.

Yet, this act of abstention has also brought back an old moral-political question: how the world ought to respond to 'territorial aggrandizement', the violation of international peace? Or for that matter, what might it mean to *not* take sides, and that too when one is being urgently called upon to identify "who stands with Ukraine and against the Russians." The seeming moral ambiguity in the position taken by African nations, Siba N'Zatioula Grovogui notes, has been criticized, even disapproved in the Western media for not explicitly condemning Russia's aggression. This presumed "African mutism", he suggests, is neither to be interpreted as an affirmation of Putin's misadventure nor as an absence of sympathy toward Ukrainians. Instead, what renders them mute in world politics is their expectation that moral and juridical principles will be applied consistently regardless of who the transgressor is (Grovogui, 2022). If Africans

remain absent, he further argues, it is because their “untutored” speech remains mostly unheard. Grovogui’s speculative question, then, “how should an African respond” is both a provocation as well as a disclosure of exasperation, a palpable vexation at how the realm of international politics continues to be shaped by moral-political inconsistencies.

I want to begin by adding a provocation to the provocation Grovogui lays out. I do so by returning to the idea of *mutism* he invokes to make sense of the abstentions marked during the UN votes on Ukraine. To be mute is to be rendered incapable of speech either from inability or unwillingness to speak. It is to be on the margins, to barely leave behind the trace of one’s presence in the great arch of history. Yet, the decision to abstain at the UN vote or to choose to condemn or not condemn, I suggest, does not constitute mutism per se. The call to abstain and not take sides is an action that makes one’s intent and agency clear. Seen from this vantage point, African nations have neither been mute nor muted. Instead, the resolve to *not* take sides is precisely what has resounded, an action that generated a range of varied headlines in the Western media. Far from taking a timeout from history, I suggest, Africa has not only marked its presence but is also unsettling the established north-south power dynamic.

This unpacking of the presumed mutism is necessary if we are to make sense of the still-unfolding events around the Ukraine question. After all, the accusations of moral-political ambiguity, and the urgent calls to take side with Ukraine and against Russia were addressed not just to Africa but to the old third world at large. Recall that among the nations that had chosen to abstain and not take sides in the UN vote included India and China, the world’s two most populous nations, which together with parts of Asia, Africa, and Latin America constituted more than half the world’s population (Gardner, 2022; Luce, 2022). This shift had even affected the BRICS – Brazil, Russia, India, China, and South Africa –wherein the key constituents parted ways in both expected and unexpected ways. While Russia was on one side of the pole in this unsettling landscape, the West was on the other which had been joined by Brazil. In contrast, the Asian rivals India and China together with South Africa had chosen to abstain and not take sides in the conflict. What is common to these three nations, especially India and China, is that they are themselves economic powerhouses, the nations that have “emerged”, broken ranks with the third world to join the twenty-first-century market futures. We might then ask: what moral-political rationalities brought so many nations across the global south together in their refusal to take sides on the Ukraine question? What kind of visions of the future or a sense of one’s place in world history shaped the decision to not-take-sides? And finally, was this refusal a sign of the resurgence of the non-alignment that had so long defined the third world? I will return to the last question later in the paper.

Take a step back to the division of votes at the UN to make sense of the ongoing manifold reconfigurations. What is revealed here are unfamiliar patterns that neither easily fit in the established north-south power dynamics nor do they conform to the prevailing framework of strategic alliances and polarities. Instead, what they disclose is how the territory marked yellow on the post-Ukraine invasion world map is itself undergoing dramatic geopolitical and geoeconomic rearrangements. A telling example of this rapid flux is how the abstentions on the Ukraine question brought arch-rivals India and Pakistan together in the same corner with China.

Consider this: while the India-Pakistan animosities have a long history, the India-China relations have become more turbulent especially during Covid-19 as the unabated conflicts in the Himalayan borderlands fueled anti-China sentiments. What potentially upsets the power balance further in the region is the recent strengthening of the China-Pakistan 'Iron Brothers' bilateral relations (Vandewalle, 2015). Pakistan is connected to China's Belt and Road Initiative via the China-Pakistan Economic Corridor (CPEC, 2022). Likewise, the prospect of an 1100 km (683 miles)-long Pakistan Stream gas project, a vital energy infrastructure, is what had pushed Pakistan to renew its bilateral ties with Russia (Reuters, 2022). It reflected the logic of economic security – entwining defense security with economic growth and development (Government of Pakistan, 2022) – that has increasingly been gaining traction across the old third world. For a nation like Pakistan that has long been a 'frontline state', an established military ally of the West in the Cold War, and then the 'war on terror' in Afghanistan, the dramatic move to drift eastwards hints at the surprising ways in which the world is being realigned (Akhtar, 2010).

To be sure, by now this familiar template is honed in the end-of-history global era: the 'structurally adjusted' nations transformed into lucrative investment destinations for foreign and national capital (Kaur, 2020). It augured in a speculative world of mega infrastructure projects, pipelines, and ports, special economic zones, as well as zones of abandonment once capital moved elsewhere in search of cheaper manufacturing and ever-new market territories. This evolving map of the world no longer features the old family of nation-states but increasingly the 'nation-first' states – hyper-nationalist enclosures of capital – that compete for capital investments and commodities in the boom and bust of global markets. In doing so, they seek to turn themselves into speculative commodities *par excellence* that can recover their civilizational gory as well as assert their sovereign presence in the world. If the third world has become visible on the world stage once again, it is as a swing territory, an unmined constituency that could make the difference between a victory and defeat. It has been subjected to appeals to take sides not just by the West but also by Russia, a replay of the Cold War scenario albeit with a difference. The third world that appeared after the mid-twentieth century decolonization was still a periphery to the capitalist core of the world system. It was a repository of raw materials for the industrialized nations as well as dependent on development aid. Three decades after the end of the Cold War, many third-world nations have themselves become prime players in the world economy.

This brings us to a crucial point: is not-taking-sides a renewal of the non-alignment that had once bound together most of the third world? The position taken by India, China, and Pakistan on Ukraine was read by many as a remnant of the Cold War, the 1950-60s non-alignment tradition to keep distance from the power blocs. The three nations were part of the 1955 Bandung Conference that sought to forge a third way beyond the bloc politics. To be sure, the non-alignment project entailed more than keeping distance from bipolar world politics: it was an active mobilization to create a community of the decolonized nations that would cooperate in areas of the economy, culture, human rights, and self-determination to promote world peace. The Bandung declaration presented what still remains a radical anti-colonial agenda for the erstwhile "dependent people" by affirming that "the subjection of peoples to alien subjugation and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of

the United Nations and is an impediment to the promotion of world peace and co-operation” (Bandung, 1955). It called for the freedom and independence of all those who remain colonized. To reduce this revolutionary politics to a mere question of neutrality or not-taking-sides is a misreading of the non-aligned movement that had galvanized the newly decolonized world.

That many of the original signatories of the non-alignment movement chose to abstain needs to be made sense of in a different register. Over the past several decades, India and China have themselves become major powers in Asia with attendant opportunities and challenges. Moreover, they are not exactly non-aligned but part of a range of multiple alignments: India is a key player in the Free and Open Indo Pacific (FOIP) that promotes a liberal vision of the world, and simultaneously, it is also the prime constituent of BRICS that held its 14<sup>th</sup> summit in June 2022, the first since Russia invaded Ukraine. It retains its strategic alliance with Russia which includes the purchase of defense equipment, and increasingly, energy cooperation. In the past few months, India has emerged as one of the key buyers of discounted Russian oil, a move that challenges the Western economic sanctions on Russia. If at all, India, China, and many other nations that constitute territories marked yellow are bound in multiple alignments, often at odds with others, to realize a variety of affective and material interests. The decision to abstain, then, doesn’t necessarily appear to be swayed by an *a priori* ideological commitment to non-alignment but a hyper-realist notion of the pursuit of national interest: a maximalist bid to keep several doors of opportunity open in uncertain times. This competitive landscape of multiple re-alignments is perhaps a curtain-raiser to how the world of the nation-first-states might look.

To not-take-sides, then, in this dramatically reconfiguring world is not a sign of mutism but of often contradictory, divergent calculations: affective and material. It is shaped both by the weight of history and optimism for a better future. The territory marked yellow on the world map represents a world-in-flux that simultaneously bears the anti-colonial moral legacy of nonalignment as well as the desire to harness capitalist futures. Indeed, as time passed, it became evident that to not-take-sides did not exactly mean not taking part in world affairs. The pressing matters of securing energy resources, food grains, fertilizers, finance capital, and security guarantees had made it necessary to strike quick deals across allegiances and alliances.

That we are posing a speculative question – how should the South respond – in the face of relentless war in Ukraine itself is telling of how the world has changed. If this question has been asked at Bandung, it would have been answered with an unconditional declaration in “support of the cause of freedom and independence for all such peoples, and in calling upon the powers concerned to grant freedom and independence to such peoples” (Bandung, 1955). This universal affirmation of freedom and human rights is how the South would respond.

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