

Putin's Ukraine Aggression

Introduction

The following are five internally coherent and chronologically arranged essays on Russia's aggression against Ukraine, an aggression that was, as we know, on the directive of Vladimir Putin, President of the Russian Federation. This action has brought about many questions to do with the international order and its regime of laws, morals and ethics. Some discussions have been more enlightening than others. As I listened to the news, I grew increasingly uneasy about the looming instrumentalisation of international morality and humanitarianism to partisan ends. This fear shaped my initial reactions to the conflict and some of my responses to it.

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 of essays began with my attempt to answer a nagging question at the onset of the Russian invasion, when commentators in the Western media objected to Africa's alleged mutism. They saw in this silence an unexplainable and perplexing ambivalence. Many wondered aloud what had happened to Africa's attachment to the preservation of borders, even those inherited from colonial rule. The

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response to Africa's supposed 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, which was described—mostly in the US and Europe—as extraordinary. This assertion, obviously false, was the basis of many insinuations about the post-World War II international order, and merited reflection. The second essay is an attempt at a partial reply. It is titled: 'Guernica Looking on: The Shifting Moralities of Sovereignty and War'. This essay was not intended to banalise the scale of Russia's bombings of Ukraine's cities. It was to point out the increasing banalisation of violence through modern techniques and technologies of warfare. My intention was therefore to speak to the genealogy of the shifting moralities of war, to which many of Russia's Western critics 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. The debate is whether Bush pledged that the US and other NATO members would agree to stay clear of the Rus-

sian border in their military advances. The discussions seemed to me to be tone-deaf to both history and the postcolonial hermeneutics of peace. Hence the title of Essay 3: 'Inch By Inch Towards Perdition: Distrust and Misapprehension in International Relations'.

Another moment in the discussions of the nature of Russia's action led my mind into a spin. I was not debating whether Russia's actions constituted crimes of war but whether Ukraine deserved its fate. The short answer is no. But there was another answer lurking behind the obvious that needs elucidation. My musings led me to the nature of post-Soviet peace as illustrative of a tradition of Western peacemaking that sacrifices others to non-existence. They are reflected in Essay 4: 'Ukraine's Nakba Moment: Nations, Historical Claims and Political Violence'.

The final essay is the answer that Ouezin Coulibaly, a postwar African intellectual and member of the French National Assembly, might have given to those who seem to think that the peace of the victor, this time under the aegis of NATO, is necessarily the best. This final essay is called: 'For The Love Of Humanity: Judgements, Predicates and their Authorisations'.

Please allow that the present essays reflect reactions in real time and that some of the propositions advanced here are subject to further elaborations.

I welcome comments, counter-arguments and rejoinders.

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

At the UN Security Council meeting on the 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 based on the misguided, if illegal, idea of 'historical justice'. He was countering Putin's claim that Ukraine was once integral to Russia's identity, culture and territory. He did not even have to speak about 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 depicting the speech as a model for all of Africa and Africans, implying a questionable mutism on the occasion of votes that followed. Critics have noted that the majority of African officials and intellectuals who otherwise would oppose the very idea of changing borders are mysteriously silent on the Russian invasion. An online editorial by the Voice of America put it bluntly in a headline: 'Africa Opposes Border Aggression but Unlikely to Condemn Russia'.¹ The BBC's 'Focus on Africa' made a subtler point. It simply asked Africans, directly, how they should respond to the Ukrainian crisis.² Radio France International and many other media outlets joined the chorus of disapproval of the presumed African mutism.

I thought to place Africa's purported reticence in a larger context. The central argument is that if the concepts and practices of the international community and interna-

tional society are to be given sense, states and citizens everywhere must be willing to denounce Russia's invasion of Ukraine. But this is not all. They must be willing to do so on the basis of the juridical and moral principles of the international system of norms and rules by which we all profess to abide but which many are yet to agree to—for instance, that aggression is a crime; that imperialism is immoral; that 'territorial aggrandisement', 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, all nations and political and moral entities, to accept the notion of universal jurisdiction for the sort of crimes that Russia was about to commit. The last principle was incorporated partially in the Rome Statute, and its supporters around the world logically and morally understood it as meaning that transgressors of the stipulations of the Rome treaty would be referred to the International Criminal Court (ICC).

Today, many Africans hold, correctly, that the universal expectation created by the institution of the ICC was universal justice. To many, universal justice was not predicated on actuality or practicality. It was predicated on a commitment to universal socialisation, with the knowledge and experience that moral and political entities could be socialised in the ways of peace and towards 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 given in the Charter of the Organisation of African Unity, that the world has no (peaceful) alternative but to respect borders—that is, unless they can be changed through the mutual agreement of

the involved parties. To Africans, the idea was that, although colonial borders were injurious and impractical, prudence dictated Pan-African approaches to altering them, 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 Russia is today its transgressor.

The larger wisdom of Kimani's argument is not what Western media—and others as well—wished to hear and to ponder. They did not seem to hear references to the threat of global over-militarisation, leading to not-so-dormant imperial impulses by over-armed states. The media had prescribed that the urgency of the moment was to identify who stood with Ukraine and against the Russians. In this context, subtleties, including those in Kimani's speech, were lost. But those subtle gentle reminders of what ought to be the foundations of international relations matter. Thankfully, even while decrying African mutism, the Voice of America (VoA) and other Western media noted accurately that majorities in Africa disagreed 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.

Why then the so-called African mutism? The principal reason given by Western media is mistaken: that, in the words of VoA, 'the continent's governments are aware of Russia's power on the world stage'.³ This is far from the truth. Africa's 'silence' has little to do with either an affirmation of Putin's misadventure or a lack of sympathy toward Ukrainians. In actuality, Africa has held back on account of the very consistency on

crucial questions of international law and morality that it is now denounced of betraying through silence. Put differently, Africa is called on to express itself on international relations only if and when its penchant for consistency and bluntness supports Western positions and interests. Otherwise, Africa's views, however coherent, are disregarded and the persons and entities pronouncing them presented as a nuisance.

If pressed, I suspect that the vast majority of African jurists would categorically deplore 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 agreed to exclude from the initial list of punishable crimes in the Rome Statute that created the International Criminal Court. weren't Africans among those who fiercely advocated that the crime of aggression be added to the Rome Statute? This inclusion finally happened in Kampala on the twentieth anniversary of the treaty, in 2010.⁴ Even so, barely forty states have ratified the Kampala Amendments. And 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 amendments that made aggression a war crime. Yet, aggression was already prohibited under centuries-long conventions as well as the UN Charter.

Likewise, the 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 that it should matter. It is a crime because of its manifestation as a fact and the consequences of that fact. Africans are clear about the objective

nature of the Russian intervention of Ukraine and its prior occupation of Ukrainian territories. Africa has 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. It has held the same judgement 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. It also held the same position with regard to the now-overturned occupation of Kuwait by Iraq. I could go on.

The problem for Africa is not its lack of consistency. It is that this consistency and the expressions of it land African nations in trouble. At the first World Conference Against Racism in Durban, 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 bring themselves to appreciate the consistency of the African position with that continent's traditions, which began with the 1963 Charter of the Organisation of African Unity prohibition against alterations of internationally recognised borders. This is clearly and indisputably the case in Palestine, with Israel's occupation and constant grabbing of Palestinian land. I am mindful that Africans themselves have made derogations of this principle, in cases involving Eritrea and South Sudan. But the principle remains. It is this principle of the inviolability of borders that guided African states in severing ties with Israel upon its occupation of the Sinai, an African territory, after the 1973 war. This consistency in the observance of the norms of international

law brought scorn on Africa in the Western and Israeli media, where it was filed as hostility to Israel (mostly in the West) or antisemitic (principally by 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 am baffled by the general ignorance of Africa's embrace, evolution and practices of international norms. The fact is that Africa and Africans in the main stand apart in their support for international law and morality. This is, after all, the continent from which human beings were taken away as chattel; whose borders were set arbitrarily in a European capital; whose anticolonialists were near-uniformly branded as terrorists; whose right to self-determination was subverted, from Algeria to South Africa; and where the practice of military coups was introduced by others in an initial attempt to keep the former colonies under control, beginning with Congo. It is also the continent with the most signatories of the Rome Statute. The people of this continent, but not necessarily its would-be potentates, have had the longest consistent yearning for a rules-based international order. They have also advocated that these rules be deliberated on democratically in legitimately subscribed universal forums. This yearning has been frequently punctured by the cynicism of the powerful.

Like the rest of attuned elites and publicists around the world, Africans too know the stakes of what is at play in Ukraine: 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 mean that the actions of all states, including would-be

hegemony, should be open to international scrutiny. I am sure that he would want consistency. 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 ran 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 Russia's behaviour, Mr Kimani was subscribing to the implied notion today that Russia's Ukraine aggression singularly endangers international peace and existence. Perhaps the media should follow up with Mr Kimani and ask if he thinks other actors are and continue to be in violation of the central principles and norms of international law and morality. The media should ask him if he thinks that, based on its declarations and actions today, the West should henceforth endorse sanctions in all instances of territorial expansion and illegal occupation. They should ask Kimani whether he thinks that a principle is emerging on the appropriateness of political and economic boycotts in instances 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 disinvestment and economic sanctions are proper responses to criminal actions by any states. Let's see if they praise him afterwards as morally consistent and righteous, if he says yes.

I am actually not sure what Mr Kimani would say. Nor do I personally speak for Africa's governments and peoples. But I know what my answers would be. That they would be mischaracterised 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 or a lack of sympathy for Ukrainians.

Guernica Looking on: The Shifting Moralities of Sovereignty and War

There are few memorials of total war and its absurdities more devastating than Pablo Picasso's 1937 oil painting on canvas known as *Guernica*, which has long been hailed by art critics around the world as the most moving and powerful antiwar painting in history. But *Guernica* was not merely a painting. It was an actual place, a city, assaulted by Nazi planes during the Spanish Civil War, which led 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 memorialise this destruction. It was meant to serve as a warning of the consequences of war, particularly wars on populated areas. For these reasons, *Guernica* was exhibited in the halls of international organisations and museums throughout the world as an expression of a universal sentiment.

The lesson of *Guernica* was not that it was forgotten during World War II but that it was concretised in horrifying fashion. The Nazis attacked London, Paris and St Petersburg without regard to life, life forms or their foundations. They also committed horrendous crimes on the outskirts of cities, which became crematoria, during their so-called final solution—the Holocaust. The Nazis were not alone in exacting appalling violence on real and supposed 'enemy cities'. One by one the Nazis, Fascists, Communists and Western allies not only bombed cities, they also took irreversible steps towards making total wars the only possible future wars. Specifically, Dresden, Hiroshima and Nagasaki, among others, did not just fall victim to the spirit of vengeance and expediency. They

were displays of the willingness to use the deadliest of weapons. The Soviet Union committed similar acts both during the war and after—for instance, in Hungary (1956) and Czechoslovakia (1968).

These tactics were also used against colonial entities that sought self-determination. In Algeria, Vietnam and elsewhere, the anti-decolonisation forces of the West went to extremes to impose their will upon others under different but no less illegitimate guises. France massacred thousands of Algerians in a single day, also VE Day, in the towns of Sétif and Guelma, to bring home the point that postwar freedom was an exclusive Western good. Similarly, the US used all manner of weapons on Vietnam, including napalm, to lay waste to an entire country. Other Western allied nations acted in like fashion elsewhere. For instance, Winston Churchill authorised brutal assaults on freedom-seeking, antifascist Greek partisans.

The Soviet Union and Western allies intermittently set up war crimes tribunals (in Nuremberg and Tokyo) that took stock of the horrors of urban warfare and crimes against populations by German and Japanese armies. The trials of Nuremberg (1945–46) and Tokyo (1946–48) provided a background to the 1949 Geneva Conventions. They resulted in four treaties and three additional protocols, each dedicated to establishing international legal standards to humanise war by prohibiting conduct 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 that was possible. The moral predicate of this disposition was that comba-

tants make the explicit wager of equal chance of killing and being killed. Civilians do not enter such an understanding, especially when they are inoffensive—the old, the 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 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, could be 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 mostly fell into the hands of the former colonial powers, and the metaphorical ‘darker people’ remained at the receiving end. Users and protagonists embraced 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 centres) 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. The technology often failed or the weapons were 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 for urban warfare that raised further ethical questions—among them, the pursuit of combatants, militias and other non-uniformed fighters who were embedded among civilian populations. As multiple interventions in Gaza and elsewhere have shown, aerial and ground actions to prepare for the control and policing of urban areas have added to the further destruction of dwellings, schools, hospitals and other edifices, commercial and otherwise.

The introduction of intelligent weapons eroded the moral and ethical underpinnings of the Geneva Conventions. The former has done the same for our sensibilities, leading to the latter. Few among the possessor-countries feared that these weapons would be used in those parts of the world inhabited by allies and symbolically marked as zones of peace in Western imaginaries. The weapons, their systems of deployment and mechanisms of use are intended to discipline potential rule-breakers and insubordinates. In practice, the identities of the latter are known in advance, by implication or anticipation. Until the Russian invasion of Ukraine, the allowable zones of intervention were invariably regions, races and subject populations in the former colonies. As a result, the debates about whether to allow, or not, these new weapons systems remained anchored in their utility for those using them: no draft, conscription, dead soldiers or political risks at home. These are not the only benefits. For battlefield commanders, these weapons have also lifted worries about placing soldiers where they could potentially commit war crimes. This is one of the lessons of the use of unmanned drones manipulated from afar by faceless soldiers in the comfort of air-conditioned bunkers,

seated 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 about intention and consequences. The norms of the Geneva Conventions and others were intended for soldiers in direct physical or visual contact with their victims. Soldiers were primed to be discerning when defining targets. Thus, international conventions provided clear guidance on legal and illegal targets. On the basis of the latter, soldiers and conscripts were also to discern legitimate from illegitimate commands given to them by their superiors on targeting. Today, few of the terms of the postwar conventions on war apply. 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 intelligence involved in the decision to fire? Are the Geneva Conventions applicable then? Is the defence 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 centres?

The immediate consequence of the present regime of warfare has been to dispense with the sensibilities, values, norms and potential jud-

gements prescribed by Guernica. The dissipation of prior concerns, of moral and ethical principles pertaining to total war, is disquieting enough in itself. The real casualty of the banalisation of Guernica as a symbol has been the ability of majorities in countries that possess intelligent weapons systems to 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 about 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: Europe and the West and their citizens, mostly white subjects imbued with the exclusive entitlement to their expected or anticipated 'way of life'. Guernica interferes with the underlying desire because its pursuit means privation and violence on others.

The road leading from Guernica to our present condition passed through the endorsement by citizens of militarised 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 militarisation and militarism bring all of us closer to the abyss.

The recklessness and brutality shown by Russia must be confronted and condemned. Russia's actions raise a number of issues. The first is the permissibility of one country to use coercive violence to compel another towards a desired choice. This act alone should not be permitted to stand, because it chooses militarism where diplomacy and other means of persuasion would have been preferable—and perhaps would

have worked. The transgression of Russia is its warfighting strategy. Reminiscent again of Guernica, the strategy includes urban warfare, which goes hand in hand with the deliberate targeting of civilians and their assets and livelihood: infrastructures and resources that sustain life and are unrelated to war.

Russia's 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 dupliciousness 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 conduct or the actual urgency of the war. Objectively, nothing that Ukraine did justified the urgency of 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 differences in democratic decision-making processes between liberal and republican cultures, which have significant implications in wartime, domestically and abroad. Yet, the contrast between the two systems of government does not erase their conjoined responsibility in promoting militarisation 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 judgement that one

must entertain in the face of a moral and international legal transgression such as Russia's invasion. Yet, they have become metaphors and tropes that guide both the reporting and judgement of the events. They do not just attempt to compel us to feel certain ways about the aggression, which are totally normal under any form of judgement. They are also intended to give form to faulty representations 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 idea of the contrast between goodness and righteousness, on the one side, and wickedness and evil on the other. 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 its derivative moral claims, either on behalf of or against any modern hegemonic power, does not hold: all of the present hegemons, no matter the 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 divested themselves of the remnants of empire and colonialism only to retain zones of influences under different guises. In the US, these guises extend 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 antiterrorism doctrines. NATO played a crucial role in the later developments in maintaining Western influence, including supporting

wars of aggression and occupation, around the world. This history belies the feigned innocence of Russia's accusation of attempted containment by extending NATO to the borders of Russia proper.

Secondly, the West's 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 matter that Ukraine's membership, 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 that the same powers that are correctly brandishing the right to sovereignty and self-determination with respect to any country's right to security also denied Cuba's right to choose its means of national security, 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-defence. Guided by a similar sensibility, Israel and its backers have come to the determination that any Palestinian state would be demilitarised. Etcetera. 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 the markers of difference. International

rights and morality are neither absolute nor binding on all.

In conclusion, the aesthetics of Guernica have fallen by the wayside in favour 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 of their own defence as sovereign acts and enter any alliances as an act of self-determination on the basis of region, culture, race and the political grace of the powerful. Others may not do so without permission or supervision regardless of their own contexts and needs, according to the new aesthetics and related truisms and commonsense. It does not matter so much that they have not committed any international legal infractions or transgressions. It matters that the hegemons proclaim their attempts at sovereignty and self-determination to be contrary to international order as defined by the hegemons. This is all happening outside of the strictures of international law and its universal norms of morality and ethics.

Putin's lies and Russia's invasion of Ukraine have only exposed the dangers of dispensing with the sensibility that moved Picasso to bequeath a painting to the world as a warning against the tendencies in modern warfare to attack population centres, civilian institutions and other infrastructures of life. The temptation against which Picasso warned was in full display during the attacks on the Ukrainian port city of Mariupol. Those attacks mirror others in other countries, by their states or those presumptively in charge of them: Jaffna, Gaza, Kabul, Bagdad, Sana'a, Aleppo, and countless more.

Inch By Inch Towards Perdition: Distrust and Misapprehension in International Relations

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 uses 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 in the context of Russia's war on Ukraine. So too has the meaning of what that might 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 extend NATO beyond Germany. In their ultimate inclination to be literal and textual, Western officialdom and historians have strenuously referred 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 that paved 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 that led to the treaty—by whom 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 the treaty, that the US and Europe would not move an inch beyond the former East Germany in extending membership to NATO. Putin personally goes further in asserting that there was a Western promise that ‘NATO would not move an inch to the East’, once the treaty was finalised. US officials counter today that ‘a ban’ on expansion was never fully obtained.⁵ 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?”’⁶ 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 categorical. Less categorical but no less significant is whether there is inherent good in stressing the letter of a treaty over what the signatories, on all sides, might have had in mind. Put another way, this is the difference between, on the one hand, the text of a treaty—any treaty—and, on the other, reservations that signatories may have as well as understandings and interpretations of contexts 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 language of treaties is stripped from its historical context 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 claim is to be rejected. But the assertions of historians and others about the legal or political signification of the ‘not-an-inch’ aphorism, however accurate, are normatively unsettling to the postcolonial sensibility. There are moral, ethical and historical questions at stake here, all of which have implications for 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-interest 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.

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 stand as a warning of the future dangers of the casualness

with which the militarily powerful and politically ill-willed break treaties and dispense with their ‘words or commitment’. Indeed, the former colonial provinces of Europe and the West are littered with broken treaties and unkept promises by imperial and colonial powers. Native Americans and Africans still bemoan the days when the newcomers, to whom the ‘natives’ initially extended hospitality and treaties of friendship, so wilfully reneged on the spirits of the related agreements as the ‘natives’ understood them. The expectations of the latter were simply dismissed when the said commitments stood in the way of proclaimed interests. Thus, trust and language became casualties of the encounters between Europeans and others.

In the former colonies, therefore, the idea that Gorbachev made the ‘not-an-inch’ supposition is not surprising. Russia was in the weaker position. But the idea that it does not matter that Gorbachev expected the West to honour it as a sign of peace reawakens memories of unfortunate times: when desiring powers discounted expectations underlying prior negotiations simply because they became inconvenient. The underlying fear has been magnified recently by the willingness of Western powers to also act in excess of authorisations contained in formal agreements when convenient—as happened with UN Resolution 1973 regarding Libya. This resolution instituted a no-fly zone that quickly served as cover for orchestrating the overthrow of Gaddafi. The result is that many Africans are now unsure whether treaties and formal agreements should be strictly enforced according to their languages, and nothing else, including the understandings and spirit that set agreements into motion in the first

place. It seems today that even that determination is a matter of convenience for hegemonic powers. This much has been implied by the African diplomats who abstained rather than supported the UN resolution condemning Russia.

The practices and sensibilities around international accords are not without consequences for international society, order and norms. Any consequences and their effects 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 otherwise, through small steps, or one event at a time—by inches, if you wish. It is by inches, thus, that communities, laws 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 repeating 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 weakens 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 on which depends the viability of an orderly international society and system. The solution or resolution of the problems arising from the applications of the norms sets the template for future applications, whether identical or approximate. Iterations thus amplify or weaken the norms and values embedded in the game. Derogations, on the other hand, even if through small or incremental steps, undermine the game, language and society.

In other words, the ability to articulate values and norms as well

as to communicate meanings depends on the significations that are attached to agreements at the moment of the application of these agreements. This is why repetition through utterances and actions retains pedagogic and didactic value in diplomacy. Norms as a language begin to fall apart when unbridgeable gaps appear between the language represented by treaties, norms and sensibilities and its application as a justification of action through interpretation. One should worry, therefore, that language, values and sensibilities are undercut. All norms and processes lose all meaning when this happens. The consequences, although not always immediately apparent, are nonetheless palpable over time. Each exception to expectation and/or each derogation of the procedures opens up the possibility for other derogations, some worse 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 towards a 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 inhered 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, shapers of a common language, begin unwittingly or not to undermine the language or the game itself, leading to its collapse or disappearance.

Russia has made a huge leap with regard to the above. The flagrant violation of the rights of Ukraine, both as a people and state, has jolted vast majorities into realisations long pushed into the farthest 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 a sovereign state elect how 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 currently held by so-called Western powers, officialdom, historians and others. This is the tendency of Western powers to press their advantage over Russia when the latter is at its weakest. Further, these powers are either unconcerned or uncaring that they are at this moment pressing all of us, inch by inch, small prevarication by small prevarication, into conscription towards another equally grave danger: the loss of language, trust and the ability to relate. Specifically, they profess adherence to legality while acting contrary to it in other contexts. In fact, they have adjusted the implication of self-determination and sovereignty for other countries—for instance, Iran and Libya—for conduct that is not limited to them: aggression and support for groups engaging in non-normative behaviour.

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 is an instrument of war with specific purposes and geopolitical predicates. Its history and trajectory, also matters of fact, suggest that Russia is not necessarily merely paranoid about the consequences of NATO enlargement to its borders. Again, Russia's reaction to NATO's 'provocations' cannot stand the test of legitimacy if this means destroying another country. But none of us should be swayed into thinking that NATO's expansion has no 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

The conduct of Russia in its war in Ukraine is the result of broader shifts within the international system towards militarism, or a reliance on military solutions, which is itself a consequence of militarisation: the harnessing of moral, material and symbolic capacities of state and society towards military priorities. This is the effect of shifting sensibilities away from the cautions and prohibitions against total war and to weapons that do greater harm beyond military objectives in the 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 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. But 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 deserves 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 chessgame of power politics that produces for those people 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, which is that, in our time, 'global players' would entice political entities into forms of peace that sealed their legal, civil or physical fate—or all of these at once.

I call the new kind of 'peace of the graveyard' Nakba. I call it Nakba not as provocation but as 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. Collectively, these acts were the Holocaust. Lemkin was inspired by this actual case, the particulars of which he described meticulously.⁷ 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 unliveable. He later grouped these actions together and called the associated ideologies, mechanisms and effects 'genocide'.⁸

Lemkin was correct that one of the means to prevent another event remotely close to the Holocaust from happening again was to give it a descriptive name. In this light, it is not enough to roundly condemn Russia, as vast majorities have done. In truth, the road leading to Russia's assault on Ukraine lies in a number of steps, all of which connect to the kind of peace of the graveyard that peacemakers have so frequently implemented lately. The first step on the road to this peace is to render vulnerable a political entity that was once secure in its social order, institutions, culture and norms and values. Ukraine, after the collapse of the Soviet Union, emerged 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 the 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 returned all Soviet nuclear warheads to Russia, with some assurances for its security.⁹ 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 community¹⁰ and were sanctioned by the Lisbon Protocol of 1992.

In the end, Ukraine was left with no nuclear weapons or 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 step two, Russia's claims of unbroken historical, cultural and religious ties to Ukraine as the 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 that the underlying claims of exclusive belonging are based on theological, ideological, cultural, linguistic and political predicates. This is why the demands of, say, Russian sovereignty over part of Ukraine are parochial in themselves. They are based on claims that can be verified and sustained only within a framework that is 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 Russia-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 a mass exodus by 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 organisations. There is a gene-

ral 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 the initiated 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 the political vulnerability of a people to the ambition of another more powerful people. The second element is international complicity in that vulnerability. The third element, located in time, is implementation. This element has many components, which extend 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 victimised.

Unlike wars, civil or otherwise, the central feature of Nakba is that most of its victims heard of the justifications and underlying claims only when the tragedy was underway. This is not to say that the victims were unaware of the aggressor party. Often, both sides to a 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 connection 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 was there that the Balfour Declaration gave 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 was given authorisation and the other an injunction to comply. Similarly, Ukraine was made to comply with the terms of legal and political arrangements that preceded its coming into existence. NATO and the USSR compelled Ukraine to meet 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. Today, we find that none of those actions taken by Ukraine, particularly denuclearisation, have 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 of the concessions they were asked to make. Quite the contrary. The more spectacular the compromises, the more tenuous their position and the more Israel exploited their vulnerabilities without any consequences. It is a matter of fact that not a single country that has enjoined Palestinians to enter into peace talks

or agreements has yet to find an offence 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 the one obtained at the Wye River meetings. Instead, Palestinians were conscripted to assist Israel in policing itself, ironically securing the very occupation that undermined the possibility of a Palestinian state. Again, the international origin of Nakba is not merely something that the Palestinians have experienced. 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 that lead to Nakba are nearly always predicated on 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 aggrandisement, 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 set of claims by the contending parties is privileged over another set. The underlying adjudication must

also be subjective. Consistently, the claims, counter-claims and contentions that led 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 Ukraine's fortune, therefore, that—except for Russian nationalists and irredentists—few in Russia itself and the world over have given in to the argument that the world should abide by Russia's accounts of its imperial ties to Ukraine, its own memories of such a past and the resulting affective attachments.

If there is a silver lining to 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 identification. Whether in Kosovo, Chagos, the Kachin state of Myanmar, East Jerusalem and the West Bank, or elsewhere, there persists the tendency to found sovereign claim on imperial, national, ethnic and religious identities and associated memories, which leads to self-justified schemes of rectification, restoration and reparation. Russia's conduct is proving that its underlying ambitions are outside the bounds of international law and our present modes of adjudication. For these reasons, we are compelled to stick to secular methods of conflict resolution and mediation. 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 the chosen ones may perpetually have exclusive possession of rights, immunities and privileges denied to others.

For The Love Of Humanity: Judgements, Predicates and their Authorisations

The post-World War II era has not had a shortage of moments when it needed to revisit the crucial question of the 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 it, universal values, norms and institutions and practices. The spectacle of Russia's aggression and the inability of Ukraine 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. In his address to the UN Security Council on 5 April 2022, Zelensky made a number of inescapably good points about the Council's rules of procedure, particularly the persistence of conflicts of interest presented by the permanent members who are the cause of conflict. By all accounts, the Ukrainian president rose 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 was 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?'¹¹ 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 Zelensky's prose, foresight and courage 'in the midst of unthinkable horror and evil. His words land with such force!'¹² 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 pretence 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 exceptional 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 variously stated what Zelensky did, some more eloquent than others in their lamentations. The fact that these voices were not heard is in itself a feature of the international system. It follows that the reality of wilful selective hearing is one of the reasons that many wonder today if we are once again being conscripted into the unknown. This is what happened, for instance, when the US decided to expel Saddam's troops from Kuwait in 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,¹³ an era in which the US and NATO would concretise their commitment to 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 instrument, 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.¹⁴ The end of this order remains to be seen.

The ultimate motivations and objectives of those wars are now a matter of historical record. 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 instrumentalising outrage without any clarity of the world into which they wish to conscript the rest, or the 'international community'. At the heart of this conscription is the expectation, overt or covert, that all observers—except 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 emanate from one side—Russia's, of course. By implication, a tenuous one at that, we must accept that all Western and NATO proclamations 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 Russian stooges, paranoids or naïve idealists with no grip on reality.

In the remaining sections of this essay, I wish to stress that questions pertaining to the nature, organisation and form of collective security are not new. They have been frequent topics since the official end of the Second World War, VE Day. I say 'official end' because it was on that Victory in Europe Day, on 8 May 1945, that France indicated that the new security order did not apply to the colonised in Algeria. Rather, France's murder of Muslim worshippers 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.¹⁵ 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 Organization on 26 July 1949.¹⁶ 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 Defence in 1947. It was in this capacity that

Coulibaly was called upon to comment on the entry of France into NATO. The gist of his speech was proclaimed in the magazine, *Nouvelle A.E.F.*, at the time an organ of the RDA, by the headline: 'The peoples of Africa will never feel bound by acts that are contrary to the interests of their evolution'.¹⁷

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 troubled that the government of France had taken the unilateral decision, without consultation with Parliament, to deploy these troops to Indochina. Coulibaly had related questions of democracy, consent and security when he took to the floor of the National Assembly to speak about the purpose of NATO.¹⁸ He had many questions, many of them simple. One salient one was, why did the world need a security organisation with global reach that was not subordinate to the UN Security Council? He also wondered why membership was not offered to all countries as the Bretton Woods institutions did, 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 remained within the stricture of article 1 of the treaty. This was the clause that NATO states 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 colonised 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'. Coulibaly was moved in his criticism by metropolitan legislators who implied that the coming alliance among colonial powers was meant to strengthen Western civilisation. In fact, they explicitly referred to the clause in Parliament as the 'strengthening of western civilisation' clause. For this reason, Coulibaly asked his metropolitan colleagues what he, as a colonial subject, was to make of the disposition in article 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 article 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's 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 maintain 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

anticolonial 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 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 Coulibaly raised were not as antiquated as they might have seemed. Argentina would find out later, in 1982, that the North Atlantic Treaty superseded any compact in the Western hemisphere that did not violate the expectation of the Monroe Doctrine in the eyes of US policymakers. That year, during the Guerra de Las Malvinas, or Falklands 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 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'.¹⁹ Yet, for his supposed impertinence, Coulibaly's parliamentary metropolitan colleagues asked that his parliamentary immunities be lifted so that they could 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 seemed 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

are 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 concern 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. We hope today that Russia fails in 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's aggression and attempted dismemberment of Ukraine. Would our critical faculties also lead us to think of the occupied Palestinian territories? We speak of the horrors of displacement. Is this the 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 categorisation of international offences without partiality to alliances, religions, regions and races? Are all forms of territorial aggrandisement, conquest, colonisation and discrimination now illegal? We are frustrated that Russia is able to use its veto to block international actions on its illegal activities in Ukraine. Are we now going to 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 militarisation once again up for serious discussion? Nuclear weapons?

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 and power of Zelensky's antiwar prose. It is to say that the same questions have been raised by countless others, mostly from the global South, for a more fundamental rethinking of international security. Their pleas have not been heard because of subjective regimes of empathy and sympathies; morality and derived affectations; law, legality and legitimacy; and, more broadly, privileges and immunities, as well as obligations and responsibilities attendant to power and circumstances. These subjective regimes are oriented unidirectionally towards the West, Europe and white Christians. They disfavour 'darker people', the formerly colonised and those with the misfortune of running foul of Western allies.

The absence of consensus on global security, together with the uneven application of international law, is 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 judgement is another dimension of the 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 occasion refused to align conduct with the universal values and norms that they profess. To counter the related base tendency to instrumentalise existing rules, norms and values, these must be revisited with respect to language,

the predicates of actions and international morality. The guardians of peace 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!

Notes

1. Voice of America, 24 February 2022, 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>
2. British Broadcasting Corporation, 25 February 2022, Ukraine: How should Africa respond? <https://www.bbc.co.uk/programmes/w172xwphfhs8rst>
3. Voice of America, Africa Opposes Border Aggression, op. cit.
4. 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&mt_dsg_no=XVII-10-b&chapter=18&clang=en
5. Becky Sullivan, Explaining NATO and Ukraine: How a 30-year-old debate still drives Putin today, *NPR*, 29 January 2022. <https://wamu.org/story/22/01/29/explaining-nato-and-ukraine-how-a-30-year-old-debate-still-drives-putin-today/>
6. See, for instance, Joshua Yaffa, The Historical Dispute Behind Russia's Threat to Invade Ukraine, *The New Yorker*, 25 January 2022. <https://www.newyorker.com/news/news-desk/the-historical-dispute-behind-russias-threat-to-invade-ukraine>
7. Raphaël Lemkin, Les actes constituant un danger general (interétatique) considérés comme délits des droit des gens, <http://>

- www.preventgenocide.org/fr/lemkin/madrid1933.htm
8. Ibid.
 9. Ukraine, Nuclear Weapons, and Security Assurances at a Glance, February 2022, <https://www.armscontrol.org/factsheets/Ukraine-Nuclear-Weapons>
 10. The United States and United Kingdom too signed the Budapest Memorandum on Security Assurances on 5 December 1994.
 11. David Smith, 'Where is the security?' Zelenskiy tells home truths to UN security council, *The Guardian*, 5 April 2022. <https://www.theguardian.com/us-news/2022/apr/05/volodymyr-zelenskiy-un-security-council-sketch>
 12. Ibid.
 13. Joseph S. Nye, Jr., What New World Order? *Foreign Affairs*, Spring 1992 <https://www.foreignaffairs.com/articles/1992-03-01/what-new-world-order>
 14. Remarks by President Biden Before Business Roundtable's CEO Quarterly Meeting, 21 March 2022. <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/03/21/remarks-by-president-biden-before-business-roundtables-ceo-quarterly-meeting/>
 15. 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>
 16. République Française, Débats Parlementaires, Assemblée Nationale, Journal Officiel, No.85, Année 1949, Mercredi 27 Juillet 1949, pp. 38–42.
 17. 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)
 18. Ibid.
 19. Michael Getler, U.S. Aid to Britain In Falklands War Is Detailed, *Washington Post*, 7 March 1984. <https://www.washingtonpost.com/archive/politics/1984/03/07/us-aid-to-britain-in-falklands-war-is-detailed/6e50e92e-3f4b-4768-97fb-57b5593994e6/>

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