

# CONSEQUENCES

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*Nicholas Rostow*

*There is only one argument for doing something; the rest are arguments for doing nothing. . . . [I]t is a mere theorist's paradox that doing nothing has just as many consequences as doing something. It is obvious that inaction can have no consequences at all.*

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**T**his article examines possible consequences of U.S. and NATO withdrawal from Afghanistan, Russian annexation of Crimea and claims to territory inhabited by ethnic Russian citizens of other countries, and Chinese claims to control large adjacent areas of the Pacific Ocean. Fundamental principles of world public order are at risk or directly challenged in Afghanistan, Ukraine, and the western Pacific. They are not unique locations in this respect, but this article is not a review of all aspects of U.S. diplomacy and policy or of international relations since the end of the Cold War.<sup>2</sup> The purpose here is to examine assumptions, highlight American national interests in these regions, and suggest options for defending or advancing those interests. Events in Afghanistan, Ukraine, and the western Pacific affect U.S. vital interests because, since World War II, the American people have been united in support of the following propositions: first, a repetition of general war among the great powers is to be avoided; second, the United States and other great powers bear responsibility for preventing such a conflict; third, rules of minimum world order support the effort to prevent world war; and fourth, isolationism and indifference to international crises are not appropriate means for achieving the goal.

Whether as a new country or as a mature great power, the United States has participated in international politics and pursued a grand strategy. Since World War II the central theme has been to avoid nuclear war. Deterring and defeating aggression was at the core of U.S. grand strategy as applied from Harry Truman through Ronald Reagan, with some variations along the way, because the disastrous consequences of accepting aggression prior to World War II were vivid for

postwar governments.<sup>3</sup> Though determined to avoid nuclear war, paradoxically perhaps, administrations in the immediate aftermath of World War II professed a willingness to use nuclear weapons in certain circumstances, thus hoping to deter aggression.<sup>4</sup> As the Cold War evolved and knowledge and understanding of crisis management in a nuclear age matured, American administrations and Americans more generally thought of nuclear weapons only as a weapon of last resort in the most extreme circumstances of national defense, if usable even then.<sup>5</sup> As the leading great power during most of the postwar period, the United States has viewed its strategy as a responsibility it must shoulder. As a result, Washington has expended blood and treasure to maintain non-nuclear-weapons options and to shore up an international order based above all on three principles set out in the United Nations Charter: the sovereign equality of states, the prohibition on the threat or use of force against the territorial integrity or political independence of any state, and the inherent right to use force only in individual or collective self-defense or pursuant to UN Security Council authorization.<sup>6</sup> Since World War II the international system has rested on these principles.<sup>7</sup> It has been able to contain unpreventable conflicts, thus creating a regime of minimum order.

Of course, during the Cold War the United States recognized the reality of a divided Europe because successive American administrations and the American people themselves almost intuitively understood that it might require world war to undo it and that such a war likely would involve the widespread use of nuclear weapons. The United States therefore adopted a policy and strategy of containment, preventing Soviet expansion in Europe and communist expansion elsewhere so as to preserve as wide a space as possible for democracy and economic activity.<sup>8</sup> The mix of means by which the United States and its allies implemented containment included robust deterrence and willingness to fight to maintain this regime on a global basis. The cost was high. Ultimately, the effort was successful.

Since the Cold War, the belief that the world now embraces the three principles at the core of the UN Charter has dominated the American approach to international affairs and formed the basis for coalitions responding to crises in the Balkans, the Middle East, and North Africa. Doubt about whether Russia and China, for example, share the American view of the UN Charter has persisted—sometimes in the foreground, sometimes in the background, but never absent.<sup>9</sup> This article examines the consequences of American, Russian, and Chinese actions in this context.

Afghanistan's significance for Americans primarily flows from the facts that Afghanistan was the command platform from which the 9/11 attacks were launched and is now a source of the opium used to finance terror and, more generally, to fuel the global narcotics trade. Russia and China, in contrast, are great powers

and have been rivals of the United States for most of the past seventy years. The thematic continuity among these three cases concerns the kind of world in which we live and may want to live and the impact on that world of U.S. action. The process of deciding among policy options needs to include analysis of American national interests—important and vital—and the nation's role in the world. It should be almost unnecessary to say that the requisite analysis and probably action may not be avoided.

U.S. interest in Afghanistan has been transactional, depending on others to bring the country to Washington's attention. After the Soviet Union invaded in 1979, the United States saw a need to ensure that the Soviet campaign did not move into Pakistan and an opportunity to create a quagmire for Moscow by providing the Afghan resistance with weapons and other assistance. When the Soviets withdrew in 1989, the job was done. The conventional wisdom sees this limited U.S. view of American responsibilities as at least partly responsible for Afghanistan's becoming a terrorist base. If we now withdraw all our forces from Afghanistan and again turn our back on the country, will Afghanistan once more become a haven for terrorists and others whose activities pose a direct threat to the United States? What will other countries make of such American behavior? Will they see it the way the U.S. government does, as of no strategic moment? Will they regard this action as significant and somehow affecting their national interests? Will Afghanistan become the place where India, Pakistan, China, Iran, and Russia compete for influence? And what will happen to Afghans, like Afghan women, whose lives improved because of the Western intervention?

And if Russia is in the midst of a campaign to reestablish, by hook or by crook, the old borders of the Soviet Union, does that mean we are back exclusively in the world of Thucydides' Melian Dialogue?<sup>10</sup> Certainly President Vladimir Putin's language suggests that that in fact is the case and that he has no discomfort in following Hitler's example in 1938 of fabricating complaints by ethnic German citizens of Czechoslovakia to excuse seizure of the Sudetenland region.<sup>11</sup> Will the United States acquiesce or even agree that larger powers have the right to control, as contrasted with influence, their smaller or weaker neighbors and that concern for international law and order constitutes a lesser interest? Are we prepared to equate Russian or Chinese aspirations to their own versions of our Monroe Doctrine, even though the original Monroe Doctrine was much narrower than the Russian or Chinese iterations appear to be?<sup>12</sup> Will we agree, for example, that Russia has a bigger stake than others do in Ukraine and the former republics of the Soviet Union and that China has title to the South China Sea? If so, should we defer to Russia's and China's wishes, especially because Russia and China possess nuclear weapons? And if we do, where does that kind of behavior end? Are the stakes high enough that we, with or without partners, need to enforce

international norms that are part of the bedrock of order? If so, how do we do it? What is the impact on our friendships and alliances, and does that impact matter to us? And, if we do not want to give Russia and China free hands, what are our options?

The international system consists of independent states that have delegated certain powers to multilateral institutions like the United Nations without thereby creating a world government. The system does not manage itself. Left alone, its tendency is to coalesce against the strongest member or members, which is why attempts to achieve hegemony historically have failed. But the historical price of preventing hegemony has been general war, which in a nuclear age is excessive. Medium- and small-sized states watch what the United States does because the United States has been the principal guardian of an international balance of power and order within which they could go about their business without excessive fear. Therefore, the actions of the United States and other great powers matter; they affect, for example, calculations about whether to obtain nuclear weapons. For this reason, the 1968 British-Russian-U.S. guarantee of non-nuclear-weapons states against the threat or use of nuclear weapons was so important to the willingness of states to forswear nuclear weapons in the Nuclear Non-Proliferation Treaty.<sup>13</sup> Will governments take from Russia's annexation of Crimea in Ukraine and takeover of South Ossetia and Abkhazia in Georgia the lesson that they need their own nuclear arsenals, in particular because of the failure so far (as of writing, May 2014) to make good on the 1994 pledge (similar to that of 1968) by Britain, Russia, and the United States?<sup>14</sup> Or will they take the lesson that nuclear weapons provide an effective shield if one is contemplating aggression? Or some other lesson? The world has avoided nuclear war since 1945 with a handful of nuclear-weapons states. Despite some theorists' optimism that nuclear proliferation is stabilizing, no one really knows what the impact of a large number of nuclear-weapons states will be, especially given that proliferation is outside the protocols and systems for preventing the use of nuclear weapons developed through years of intense effort by the United States and the Soviet Union.<sup>15</sup> A mistake in this area will ruin everyone's day.

All of these questions require analysis if we are to arrive at an answer to the fundamental question of (with a bow to Lenin) what is to be done.<sup>16</sup> In proposing answers, one should be mindful of costs and benefits. Too often in recent years the United States has acted without regard to short-, medium-, and long-term costs and has provoked international reactions as negative as if it sought hegemonic control in the same vein as Napoleon or Hitler. As a result, a number of American officials have found those actions to be excessive in terms of results achieved. The costs have taken political as well as monetary forms, as Putin reminded his Duma audience in a bitter speech on 18 March 2014:

Our Western partners, led by the United States of America, prefer not to be guided by international law in their practical policies, but by the rule of the gun. They have come to believe in their exclusivity and exceptionalism, that they can decide the destinies of the world, that only they can ever be right. They act as they please: here and there, they use force against sovereign states, building coalitions based on the principle, “If you are not with us, you are against us.” To make this aggression look legitimate, they force the necessary resolutions from international organizations, and if for some reason this does not work, they simply ignore the UN Security Council and the UN overall.

This happened in Yugoslavia; we remember 1999 very well. It was hard to believe, even seeing it with my own eyes, that at the end of the twentieth century, one of Europe’s capitals, Belgrade, was under missile attack for several weeks, and then came the real intervention. Was there a UN Security Council resolution on this matter allowing for these actions? Nothing of the sort. And then, they hit Afghanistan, Iraq, and frankly violated the Security Council resolution on Libya, when instead of imposing the so-called no-fly zone over it they started bombing it too.<sup>17</sup>

Truth was not the issue: feelings, nationalism, and desire to recover power and territory lost (in Putin’s view) when the Soviet Union disappeared dictated the move on Crimea, to be described in words as far from “aggression” as possible. U.S. policy was to blame for Russia’s predicament, and Ukraine’s actions—real, imagined, or invented—against Ukraine’s ethnic Russian and pro-Russian citizens.

Putin’s criticism of American actions and conceptions was not entirely without merit, although not in terms he would use. Whether in Afghanistan or Iraq, whatever the legalities, the United States did not articulate to itself, much less the world, focused goals. Rather, American and allied policy in Afghanistan and Iraq suffered from diffusion of purpose, sometimes appearing to be without a basis in the international law underlying the initial use of force in self-defense and/or pursuant to UN Security Council authorization.<sup>18</sup> The tone and tint of U.S. speeches and diplomacy sometimes were as abrasive as Putin’s own.

## AFGHANISTAN

In Afghanistan, the variety of U.S. goals makes forecasting the consequences of ending American involvement at the end of 2014 or 2016 more complicated than it might otherwise be. More issues and variables are in play than would have been the case had the coalition’s mission been simpler.<sup>19</sup> The accretion of goals brought an increase in responsibilities. Prioritization became correspondingly difficult. Yet, as former Secretary of State Henry Kissinger recently wrote, “foreign policy is the art of establishing priorities.”<sup>20</sup>

After the attacks of 11 September 2001, the United States determined that the perpetrators had trained in and operated from Afghanistan, where their

leaders lived. No other government dissented from this analysis and conclusion. President Bush demanded that Afghanistan turn over Osama bin Laden for trial. Afghanistan prevaricated, which the United States found unacceptable.<sup>21</sup> The United States took military steps in exercise of its inherent right of self-defense against Afghanistan to capture Osama bin Laden and bring an end to the use of Afghanistan as a base for such terrorist operations.<sup>22</sup> Again, no government protested.

This U.S. action was consistent with the long-standing view of the international-law right of self-defense that victims have the right to use force against both the attackers and, in certain circumstances, the places whence the attacks emanate, even if not the same. Thus, when Article 51 of the UN Charter affirms the “inherent right of individual or collective self-defence,” the affirmation includes the right to use force against the perpetrators of a military act from a country about which the country should have known and taken steps to prevent or remedy. When the offending country is unable or unwilling to do so, the victim has a right to use proportional and necessary force to bring the threat or use of force against it to an end.<sup>23</sup> In condemning the terrorist attacks of September 11th as a threat to international peace and security, the UN Security Council “recognize[d] the inherent right of individual or collective self-defence in accordance with the Charter.”<sup>24</sup> This UN language meant that the Security Council recognized the applicability of the right of self-defense in the circumstances of September 11th. The United States intended its military action to contribute to the suppression of terrorism. The international community, including Russia, led by Vladimir Putin in his first term as Russia’s president, agreed.

A state will fight to defend a “vital interest.” The suppression of terrorism has been a vital U.S. interest for decades. To advance this interest, the United States has used force repeatedly, although it has not engaged in protracted armed conflict solely because of terrorism except in Afghanistan and Iraq.<sup>25</sup> For example, the 1986 Libya attacks were retaliation for Libyan terrorism in Berlin.<sup>26</sup> The United States attacked Iraq with cruise missiles in 1993 in response to an attempt to assassinate President George H. W. Bush.<sup>27</sup>

U.S. military operations in Afghanistan commenced on 7 October 2001, quickly chasing Osama bin Laden and the Taliban leader Mullah Omar into hiding. The fall of the Taliban government provided the context for political change in Kabul. Policy makers then began to add to the narrow military goals in Afghanistan, on the ground that they were necessary if terrorists were not to resume the use of the country as a base of operations. They therefore did not focus exclusively on training an Afghan army so that the national government might hope eventually to obtain something like a monopoly on force and the ability to secure the country against those who would use it as a terrorist base.

Right after the 11 September attacks, NATO invoked Article 5 of the Atlantic Alliance to support the United States. This action ultimately led to the creation of the International Security Assistance Force (ISAF), blessed by the UN Security Council, as the international military coalition in support of the Afghan government in its struggle against Taliban and other fighters at odds with the Kabul government.<sup>28</sup> The United States and its partners helped create and protect an interim government and engaged in bringing cultural as well as political and security change to Afghanistan. Nearly a decade after the terrorist attacks on New York and Washington, UN Security Council resolutions reauthorizing ISAF and the UN Assistance Mission in Afghanistan routinely contained the following language, which spoke to the magnitude and multiplicity of the missions: “*Recognizing* once again the interconnected nature of the challenges in Afghanistan, *reaffirming* that sustainable progress on security, governance, human rights, rule of law and development as well as the cross-cutting issues of counter-narcotics, anti-corruption and accountability are mutually reinforcing and *welcoming* the continuing efforts of the Afghan Government and the international community to address these challenges through a comprehensive approach . . .”<sup>29</sup> In October 2001, the UN secretary-general, Kofi Annan, had specifically rejected a “UN trusteeship in Afghanistan.”<sup>30</sup> Yet the efforts needed to achieve these Security Council goals would involve long-term commitments of troops, civilians engaged in reconstruction of a state and society, and money. In this context, a decade is short-term. Afghan history, culture, and character militated against success. While a trustee might have looked forward to the long-term attempt to implement this agenda whatever the obstacles, the odds were stacked against success for a coalition partner of the Afghan government because of, among other things, different views of governance and lack of time.<sup>31</sup>

The NATO mandate, announced at Lisbon in 2010, for wrapping up military operations in Afghanistan by the end of 2014 emphasized the complexity and importance of the task:<sup>32</sup>

Our [NATO's] ISAF mission in Afghanistan remains the Alliance's key priority, and we welcome the important progress that has been made. *Afghanistan's security and stability are directly linked with our own security.* . . . We are entering a new phase in our mission. The process of transition to full Afghan security responsibility and leadership in some provinces and districts is on track to begin in early 2011, following a joint Afghan and NATO/ISAF assessment and decision. Transition will be conditions-based, not calendar-driven, and will not equate to withdrawal of ISAF-troops. Looking to the end of 2014, Afghan forces will be assuming full responsibility for security across the whole of Afghanistan. Through our enduring partnership with the Government of the Islamic Republic of Afghanistan, we reaffirm our long-term commitment to a better future for the Afghan people.<sup>33</sup>

NATO's Lisbon Declaration reflects two different but not competing realities. First, the United States and its allies wanted to assure the Afghan government and people that the relationship would endure. Officials in Washington and Kabul remembered well that that had not been the case after the Soviets withdrew from Afghanistan in 1989. Second, the Lisbon Declaration makes clear that the international coalition work of building Afghanistan necessarily would continue beyond the termination of NATO military operations at the end of 2014 and that international assistance equally would have to continue. Unstated is the view that Afghanistan will not be able to secure its future without such assistance.

NATO's declared aspiration for Afghanistan includes far more than a central army capable of controlling the country. It involves no less than the creation of a state of Afghanistan as developed countries understand the concept of "state": a government with a monopoly on the use of force, capable of delivering fundamental services, including justice, throughout the country consistent with the rule of law. NATO adopted this goal and more in its May 2012 summit, and a month later several dozen countries committed themselves to high development goals at the Tokyo Donors Conference.<sup>34</sup>

The possibility that political, social, and economic developments in Afghanistan may not meet the NATO timetable has been no secret. In international meetings, Afghan officials have expressed their concerns about the durability of national institutions without ISAF protection and support. Some have even remarked that increased corruption reflected concern to provide for escape to foreign countries in the event the elected Afghan government was not strong enough to survive in a struggle with the Taliban. At the same time, NATO government officials seem to ignore the affirmation that "Afghanistan's security and stability are directly linked with our own security." Such language suggests that, above all, NATO and other forces are in Afghanistan to defend their respective national interests. Do they really believe it?

Against this background, what are the foreseeable consequences of a withdrawal of all U.S. and NATO armed forces from Afghanistan at the end of 2014 or even 2016? First, there will be no international force to continue to train and support the Afghan National Army. Whether that army will be able to perform its mission of maintaining the security and stability of Afghanistan against Taliban and Al Qaeda fighters is a question for professional assessment and for testing in battle. Some recent veterans of American military efforts in Afghanistan are optimistic, in contrast to the conventional wisdom that one should not expect the Afghan National Army, unassisted with materiel or advisers, to hold its own for long against Taliban and Al Qaeda, especially if joined by regional leaders seeking their own advantage vis-à-vis Kabul. Those veterans favor a modest ongoing U.S. military presence coupled with robust support to the Afghan government. If the



conventional wisdom is wrong, the United States and NATO will be able to point with some pride to the hard-won achievement such an outcome would represent.

If, on the other hand, the conventional wisdom is correct, then ongoing conflicts among Afghan regions and warlords (sometimes allied with, and sometimes aligned against, various Taliban factions), incursions by Afghanistan's neighbors, unbridled poppy cultivation, Al Qaeda terrorist training camps, and Islamist social mores likely again will dominate Afghan life. We can anticipate that external powers—India, Pakistan, Iran, and China (and perhaps a newly reenergized Russia)—will vie for influence with which they could acquire what they think would be a strategic edge in this regional game. Pakistan, India, and Iran may exert influence through proxies, destabilizing a fragile Afghanistan. After withdrawal from Afghanistan, American influence and prestige there will be minimal. U.S. ability to play a constructive role to diminish the chances of nuclear proliferation or conflict and maintain and improve relations with Pakistan, India, and China will be problematic and beset by obstacles. Those countries will pursue their own interests without regard to Washington. Despite the “rebalance” to Asia, the U.S. disappearance from the Afghan scene will have a negative impact on American interests in the rest of Asia, stretching from Singapore to South Korea. Having seen the public alignment in 2010 of U.S. and NATO interests with Afghanistan's, Asian states may well draw the conclusions, not only that they may not count on the United States in their estimates of future events and threats, but also that, going forward, they should ignore U.S. interests and protestations of interests. For the United States, which has long-standing commitments to friends and allies in Asia and which has fought four wars in Asia since 1941, this outcome would represent a serious challenge to vital interests and ability to fulfill commitments.

Quite apart from having an impact on the American position in Asia, a U.S. and NATO and possibly UN departure from Afghanistan foreseeably will have a most deleterious effect on those who have benefited from the coalition and UN efforts. Among them are a substantial number of women who again have been able to attend schools and participate in the political life of post-9/11 Afghanistan. It would be a human tragedy—and one with strategic implications, given the way Americans, NATO, and the United Nations think of themselves and portray themselves to the world, and given also the challenge to “the West” represented by Russia, among others—if the end of the U.S. and NATO military presence in Afghanistan restored a society that has values so at odds with those the coalition and United Nations brought there.<sup>35</sup>

Why does this situation matter to the United States? Governments and non-state actors have always paid attention to credibility and reliability—in short, to reputation. They base calculations of risk, cost, and benefit on them. Since World War II, the United States has played a decisive and continuous, if sometimes

controversial, role in the creation and development of an international community. It has done so because of how it understood its own national interests. The United States also has felt a general sense of global responsibility to use its power to avoid or prevent a general conflict that could involve nuclear weapons. The United States has seen this role as necessary to the regime of minimum world order essential to strengthen peace. U.S. efforts in Afghanistan since 2001 are part of this strategic tradition. Were the United States to wash its hands of Afghanistan, other countries likely would conclude that the United States had formed a narrow role for itself in international affairs, a role inconsistent with its position during and immediately after the Cold War and with the responsibility it bears for helping the world avoid nuclear confrontations.

Ukraine and maritime issues in Asia raise questions about how to understand the U.S. international posture, questions that total withdrawal from Afghanistan would highlight. Would such a withdrawal mean only that the job is finished? Or should it be understood that the U.S. posture really is what, for example, the columnist Charles Krauthammer says it is: a rejection of the American role since 1945 in preventing international “chaos or dominance by the likes of China, Russia and Iran.”<sup>36</sup> If this summary accurately describes U.S. policy, does it mean in those regions the same as it does in Afghanistan, namely, that they have to get along without the United States?

Afghanistan is not about to disappear as a source of issues and problems, no matter what Washington may wish. The narcotics dimension of Afghan reality escaped control by NATO and U.S. forces, and it will be an abiding aspect of Afghanistan in international affairs in the future. The Afghan economy largely depends on supplying opium to, principally, Europe’s heroin consumers. Other states necessarily will concern themselves with Afghanistan in light of this industry. Some will try to profit from opium. Some will seek to use it as an insidious weapon against their enemies. Others will seek to limit the corrosive social impact of narcotics. Even more than Afghanistan’s potential as a terrorist base, Afghanistan’s continuing to produce high-quality opium likely will provide the locus of Afghan interaction with the rest of the world in the twenty-first century, as it was in the latter part of the twentieth century.<sup>37</sup> It justifies treating Afghanistan as a strategically significant place, where law meets reality. For the United States and Europe, therefore, containing the Afghan opium trade will be an ongoing necessity. Opium means that it will not be possible to forget or ignore Afghanistan.

## UKRAINE

Despite the history lesson from Henry Kissinger in the *Washington Post* on 5 March 2014 and his persuasive advocacy of seeking and finding a way, given

geographical and historical realities, to accommodate both Russia's long, historical connection with Ukraine and Ukraine's aspirations to chart its own course, the Russian posture on Ukraine puts the post-Cold War international regime under a lens.<sup>38</sup> Indeed, it may presage Cold War II, as Dmitri Trenin, director of the Carnegie Moscow Center, has suggested: "This new conflict is unlikely to be as intense as the first Cold War; it may not last nearly as long; and—crucially—it will not be the defining conflict of our times. Yet, it will be for real."<sup>39</sup>

On 27 February 2014, Russia seized Crimea by force and purported to annex it on 21 March. The seizure took place four days after the Sochi Olympic Games, which Russia had used to show off its modernity, prowess, and class. Now, Russia occupies Crimea, a province of Ukraine, just as it does South Ossetia and Abkhazia, regions of the independent state of Georgia.

Russia's action has political, strategic, and legal consequences and ideological aspects. Politically, at the least it raises a question about the safety of Russian neighbors that are independent states yet not part of NATO. Are they fair game for Russian coercion or expansionism? Will Russia test NATO by moving against a NATO country with a significant population of ethnic Russians and able to invoke Article 5 of the Atlantic Alliance?

Strategically, not much has changed, because Russia already controlled Crimea as a naval base through agreement with the government of Ukraine.<sup>40</sup> Legally, Russia has violated the bedrock international-law prohibition on the use of force, becoming a belligerent occupant in Crimea in the process: "All Members [of the United Nations] shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes [set forth in Article 1 of the UN Charter] of the United Nations."<sup>41</sup> Russia is unable to claim that it is acting pursuant to the one exception to this rule, self-defense under Article 51 of the Charter.<sup>42</sup> Ukraine has not threatened or used force against Russia. Russian nationals are not threatened. The fact that ethnic Russians who are Ukrainian citizens may want to become Russian citizens and take Crimea with them does not enable Russia to meet the test of self-defense, however expansively interpreted to include anticipatory self-defense, as in the case of Israel's war against Egypt, Syria, and Jordan in June 1967.<sup>43</sup>

The ideological aspects of Putin's ambition ought not to be ignored; the world has too much experience trying to understand ideologues who, ultimately, have had to be taken seriously in their own terms.<sup>44</sup> It bears watching to see whether Putin's Eurasian Union indeed proves to be the antidemocratic, anti-rule-of-law collectivity observers like Timothy Snyder fear.<sup>45</sup> If so, the likelihood of a new version of ideological struggle, with elements akin to aspects of the Cold War, should not be discounted.

As of this writing, Russia has not invoked the right of self-defense as justification for its actions and has brushed aside other obligations, notably the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, signed on 5 December 1994 by the presidents of Russia and the United States and the prime minister of Great Britain.<sup>46</sup> The document is of singular importance, although it is not a "treaty" as defined in either the U.S. Constitution or international law.<sup>47</sup> Yet heads of state and government do not often sign documents of this kind. It recalls—indeed, it refers to—the 1968 declaration at the UN Security Council made by the Soviet Union, the United Kingdom, and the United States in connection with the conclusion of the Nuclear Non-Proliferation Treaty that they would unite to ensure that the Security Council could take immediate steps to protect any non-nuclear-weapons state from attack or threat of attack with nuclear weapons.<sup>48</sup> In the 1994 memorandum, the United States, Britain, and Russia committed themselves to, among other things, respect the territorial integrity and political independence of Ukraine, not to use or threaten the use of force, not to engage in economic coercion, and to consult in the event of a question arising about these commitments.<sup>49</sup>

Russia has violated each of these commitments, while saying that the 1994 memorandum is no longer binding, because Ukraine is no longer the same as it was in 1994.<sup>50</sup> This position represents bad faith and poor legal reasoning as well as doubtful strategy: commitments do not change with governments unless explicitly renounced. For example, Russia's obligations under the UN Charter have not changed because it was the Soviet Union that originally made those commitments. The ongoing character of international obligations is even more important where nuclear weapons are concerned, as any alternative destabilizes the Non-Proliferation and arms-control treaty regimes for the whole world. In addition, as a legal matter, Russia's actions make Russia a belligerent occupant, whose behavior is governed by the Fourth Geneva Convention of 1949.<sup>51</sup> The Convention recognizes that a belligerent occupant has rights; it also imposes duties. Above all, occupation does not affect legal status.<sup>52</sup>

History is full of examples of states, including the United States, exploiting their superior strength at the expense of weaker neighbors. The run-up to World War II in Europe is much in people's minds because Hitler used tactics similar to Putin's with respect to the Sudetenland.<sup>53</sup> The question for the rest of the world is what to do about it. Some share the view of Britain's ambassador in Berlin in the 1930s:

What is defeatism? Is it to say that war sooner or later between Great Britain and Germany is inevitable? Or is [it] to say that peace can only be preserved if Germany is allowed to become one of the satisfied angels? I believe the latter, she may never

be satisfied but that is the risk we have got to face. I do not mean, when one talks of satisfying Germany, giving her a free hand, but I do mean basing one's policy towards her on moral grounds and not allowing oneself to be influenced by considerations of the balance of power or even the Versailles Treaty. We cannot win the battle for the rule of right versus might unless and until our moral position is unassailable. I feel this very strongly about the Sudeten question.<sup>54</sup>

An alternative approach is represented by President Truman's response to the Berlin blockade in 1948 and French president Charles de Gaulle's to crises over Berlin in the late 1950s—a firm affirmation and defense of rights and insistence that the United States and its allies were not to be bullied or successfully threatened with world war.<sup>55</sup> Similarly, President George H. W. Bush and his allies would not let Iraq's 1990 attempt to annex Kuwait—Iraq's so-called Thirteenth Province—stand.<sup>56</sup> Why did they care? They cared because they understood that the most important foundation of minimum world order after World War II was at stake and that to give in would not buy peace.<sup>57</sup> The logic today is the same. Putin's Russia has used force to take control of two Georgian provinces and now a Ukrainian one. The character of the Ukrainian government and its politicians is irrelevant in this analysis.<sup>58</sup> As President Obama said on 26 March 2014 Russia is “testing . . . the international order that we have worked for generations to build up.”<sup>59</sup> The stakes could not be put more starkly, even though the president also said Russia will not “be dislodged from Crimea or deterred from further escalation by military force.”<sup>60</sup> He did say, however, that Russian isolation would deepen and sanctions would expand should Russia stay on its present course.

To impose high cost on Russia would not be difficult, although for some it might be expensive. Economically, Russia depends on the sale of its natural resources, principally oil and gas, and access to international financial markets to fund its budget and meet its payroll. The United States and its friends are in a position, because they control enough of the world oil and gas supply, to drive the prices of these commodities down. They could reduce or bar Russian access to international finance and conduct NATO military maneuvers to reinforce the impression of alliance unity in defense of the treaty area. The United States also could start Russian-language broadcasts to the region providing alternatives to Russian sources of news. Do the United States, its NATO allies, and closest international partners care enough to do so?<sup>61</sup> They should. A third such Russian territorial gambit will cost far more to undo or block, to say nothing of the costs to law and order in the Far East if Putin's Crimea policy is followed by copycats.

A deeply cynical alternative approach on Russia's part would seek to exploit Ukraine's political and social culture. As in so many former parts of the Soviet Union, including Russia itself, corruption, kleptocracy, and near bankruptcy rather than real democracy, rule of law, and open markets have characterized

Ukraine's government since 1989. Russia may be content to see the United States and its partners take responsibility for Ukraine's economic performance, recognizing that for the foreseeable short term the costs, including the cost of Russian oil and gas, will be enormous. This reality does not undermine the world public-order impact of Russian action.

### ASIAN MARITIME DISPUTES

The western Pacific washes the shores of Brunei Darussalam, China, Indonesia, Japan, Korea, Malaysia, the Philippines, Taiwan, and Vietnam. Each of these countries asserts claims to islands, rocks, and surrounding water, together with the land under the water. These waters see some of the world's highest volumes of commercial shipping and fishing and hold promise of great mineral wealth in the seabed. In a rational world, these states would submit their competing claims to a court for authoritative decision according to the international law of the sea, codified in the UN Convention on the Law of the Sea, to which all the claimant states are parties.<sup>62</sup> The world is not so rational. It operates according to power as well as law, and perhaps power more than law.<sup>63</sup> The disputes in the western Pacific are political, geopolitical, and economic-political. There is no obligation that the claimants submit to judicial or other third-party dispute resolution, although they are obliged to settle their disputes peacefully. The situation raises profound strategic issues and questions, not unlike those raised by events in Afghanistan and Ukraine.

China, which has the most sweeping claims, including to most of the South China Sea as if it were a Chinese lake, is unwilling to engage in third-party dispute resolution, insists on discussing issues bilaterally, uses the military instrument to intimidate and coerce its neighbors into capitulating to Chinese claims, and seeks to avoid inclusion of the United States in any discussions.<sup>64</sup> The South China Sea is the region's principal shipping route and source of fish, as well as a potential source of natural resources, such as oil and gas. The United States recently clarified its interest in the region and its position on the various claims and disputes. On 5 February 2014, Assistant Secretary of State Daniel R. Russel testified before the House Foreign Affairs Committee Subcommittee on Asia and the Pacific on all the issues involved in the western Pacific maritime disputes. The statement is of such relevance as to deserve extensive quotation:

I think it is imperative that we be clear about what we mean when the United States says that we take no position on competing claims to sovereignty over disputed land features in the East China and South China Seas. First of all, we do take a strong position with regard to behavior in connection with any claims: we firmly oppose the use of intimidation, coercion or force to assert a territorial claim. Second, we do

take a strong position that maritime claims must accord with customary international law. This means that all maritime claims must be derived from land features and otherwise comport with the international law of the sea. So while we are not siding with one claimant against another, we certainly believe that claims in the South China Sea that are not derived from land features are fundamentally flawed. In support of these principles and in keeping with the longstanding U.S. Freedom of Navigation Program, the United States continues to oppose claims that impinge on the rights, freedoms, and lawful uses of the sea that belong to all nations. . . .

We are also candid with all the claimants when we have concerns regarding their claims or the ways that they pursue them. . . . [O]ur concerns . . . include continued restrictions on access to Scarborough Reef; pressure on the long-standing Philippine presence at the Second Thomas Shoal; putting hydrocarbon blocks up for bid in an area close to another country's mainland and far away even from the islands that China is claiming; announcing administrative and even military districts in contested areas in the South China Sea; an unprecedented spike in risky activity by China's maritime agencies near the Senkaku Islands; the sudden, uncoordinated and unilateral imposition of regulations over contested airspace in the case of the East China Sea Air Defense Identification Zone; and the recent updating of fishing regulations covering disputed areas in the South China Sea. These actions have raised tensions in the region and concerns about China's objectives in both the South China and the East China Seas.

There is a growing concern that this pattern of behavior in the South China Sea reflects an incremental effort by China to assert control over the area contained in the so-called nine-dash line, despite the objections of its neighbors and despite the lack of any explanation or apparent basis under international law regarding the scope of the claim itself. China's lack of clarity with regard to its South China Sea claims has created uncertainty, insecurity and instability in the region. It limits the prospect for achieving a mutually agreeable resolution or equitable joint development arrangements among the claimants. I want to reinforce the point that under international law, maritime claims in the South China Sea must be derived from land features. Any use of the "nine dash line" by China to claim maritime rights not based on claimed land features would be inconsistent with international law. The international community would welcome China to clarify or adjust its nine-dash line claim to bring it in accordance with the international law of the sea.

We support serious and sustained diplomacy between the claimants to address overlapping claims in a peaceful, non-coercive way. This can and should include bilateral as well as multilateral diplomatic dialogue among the claimants. But at the same time we fully support the right of claimants to exercise rights they may have to avail themselves of peaceful dispute settlement mechanisms. The Philippines chose to exercise such a right last year with the filing of an arbitration case under the Law of the Sea Convention.

... [A]ll claimants—not only China—should clarify their claims in terms of international law, including the law of the sea.

In the meantime, a strong diplomatic and military presence by the United States, including by strengthening and modernizing our alliances and continuing to build robust strategic partnerships, remains essential to maintain regional stability. This includes our efforts to promote best practices and good cooperation on all aspects of maritime security and bolster maritime domain awareness and our capacity building programs in Southeast Asia. The Administration has also consistently made clear our desire to build a strong and cooperative relationship with China to advance peace and prosperity in the Asia-Pacific, just as we consistently have encouraged all countries in the region to pursue positive relations with China. And this includes working with all countries in the region to strengthen regional institutions like ASEAN and the East Asia Summit as venues where countries can engage in clear dialogue with all involved about principles, values and interests at stake, while developing cooperative activities—like the Expanded ASEAN Seafarers Training initiative we recently launched—to build trust and mechanisms to reduce the chances of incidents.

To conclude, this is an issue of immense importance to the United States, the Asia-Pacific, and the world.<sup>65</sup>

This full and important statement of U.S. policy contains a number of points worth stressing. First, the American interest in the western Pacific is “of immense importance.”<sup>66</sup> Second, the U.S. strategic interest lies in the maintenance and strengthening of traditional alliances and partnerships, freedom of the seas, the international law basis for maritime claims, mechanisms for managing confrontation and crisis, and peaceful settlement of disputes. Third, the United States sees itself as a great Pacific power, with a vital national interest in peace in the region. Inevitably, U.S. allies and friends are asking, can they rely as they have on American security guarantees in an Asia in which China is the most powerful state and is flexing its military muscle? A second question, which is beyond the capacity of any state apart from China to answer, concerns China’s relationship with the world. Is it along the lines Henry Kissinger described in the first part of his book on China, seeking recognition of its centrality in traditional Chinese terms of insisting on external forms of respect rather than domination or even an active leadership role in the global system?<sup>67</sup> Or is it more in line with the UN Charter system to which China is committed, not only as a treaty party, but also as a permanent member of the UN Security Council, willing to take on global responsibilities and obligations?<sup>68</sup>

The South China Sea may provide an opportunity for constructive engagement with China with respect to piracy and other rule-of-law issues. The South China Sea and its environs have a high volume of piracy. While some littoral states, including China, may have citizens who engage in piracy or profit from it,



Beijing probably sees it as a problem to be addressed. It may find solutions that comport with international law more attractive in this area than with regard to title to the sea itself. American diplomacy should explore this subject with China. If China is attracted by a rule-of-law partnership against piracy, there might be a diplomatic foundation on which to build with respect to sovereignty.<sup>69</sup>

### A SHARED UNDERSTANDING OF FUNDAMENTAL RULES

U.S., Chinese, and Russian actions and inactions with respect to Afghanistan, Crimea, and the South China Sea have consequences in the short, medium, and long terms. It is imperative to analyze their significance. At least on the surface, they raise questions about the degree both of consensus behind the post-Cold War international order and to which defenders of that order immediately (and will for the foreseeable future) understand that it needs defending, including diplomatically and militarily. Contrary to those who believe that force is irrelevant or useless or unnecessary, successful diplomacy among the great powers has always depended on the understanding that real military capacity and a willingness to use it must back up words.<sup>70</sup>

In the case of Afghanistan, U.S. intervention and then more than a decade of activity across a broad spectrum of governmental and societal functions have profoundly altered the Afghan landscape in the name of a coincidence of American, NATO, and Afghan interests. Withdrawal in these circumstances inevitably will raise questions about that coincidence of interests, unless it is accomplished in such a way as not to jeopardize them. In this context, Afghanistan touches issues of world order.

Similarly, Russia's seizure of Crimea challenges the norms of international peace and security to which all states supposedly subscribe. Because of Russia's importance as a great nuclear power, Moscow's actions have a much greater impact than a lesser power's would on global order. The same is true in the case of China.

China's willingness to use its growing power to assert and defend maritime claims having no basis in law challenges all states that depend on seaborne trade. As one such maritime state, the United States inevitably sees its interests challenged. The challenge ought to be manageable, because every state knows where uncontrolled naval competition can lead. How to manage the challenge is the issue, one to be explored diplomatically in a range of capitals, not just Beijing.

The United States, Russia, and China ought to want a shared understanding of fundamental rules of international order. Those rules are set out in the UN Charter, although the Charter did not invent them. Actions implement those rules and give them day-to-day meaning. It behooves the United States and China to discuss how they understand Russia's actions, how they would like to see the

South and East China Seas operate, and how they would like to see the future of Afghanistan unfold. The stakes are high. One interest the United States and the Soviet Union shared during much of the Cold War was based on agreement that the proliferation of nuclear weapons was dangerous. The taboo of the Nuclear Non-Proliferation Treaty of 1968 remains stronger than many analysts believed it would. But it has weakened since Pakistan, India, and North Korea became nuclear-weapons states and may weaken further if Iran joins that club. This fact should draw the United States, Russia, and China closer together. As long as disagreements about world public order persist, such coming together is unlikely or at least extremely difficult to bring about. A breakdown in minimum public order may make such a dream become reality. A French antiwar question in 1939 was, “Why die for Danzig?”<sup>71</sup> One hears the same question asked in connection with Crimea or Moldova or any of Putin’s other targets or potential targets. World War II was never about Danzig. The crisis Putin has provoked is not about Crimea or Ukraine, any more than the fate of Afghanistan is exclusively about Afghanistan or the crisscrossing claims in the western Pacific concern the rights of fish—the issues involve world public order.

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#### NOTES

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1. The epigraph is from F. M. Cornford, *Micro-cosmographia Academica* (Cambridge, U.K.: Bowes & Bowes, 1908), pp. 14–15.
  2. Thus, the Syrian civil war, whose significance may not be underestimated, and other convulsions to which the United States has paid attention from time to time are absent from the article.
  3. Richard E. Neustadt and Ernest R. May, *Thinking in Time: The Uses of History for Decision Makers* (New York: Free Press, 1986). Also, for example, J. R. Tournoux, *La Tragédie du Général* (Paris: Plon, 1967).
  4. France’s President Charles de Gaulle made France a nuclear-weapons state because—among other things, including his view of France and France’s place in the international order—he thought it possible an American president might hesitate to use nuclear weapons in fulfillment of the commitments in the Atlantic Alliance if it meant possibly seeing major American cities like New York destroyed in response. See, for example, Jonathan Fenby, *The General: Charles de Gaulle and the France He Saved* (London: Simon & Schuster, 2011); Tournoux, *La Tragédie du Général*; and Jean Lacouture, *De Gaulle: The Ruler: 1945–1970*, trans. Alan Sheridan (New York: W. W. Norton, 1993).
  5. T. C. Schelling, *Controlled Response and Strategic Warfare*, Adelphi Papers No. 19 (London: Institute for Strategic Studies, June 1965).
  6. President Truman summed up the theme of his first volume of memoirs as follows: “I believe as I said on January 15, 1953, in my last address to the American people before leaving the White House: ‘We have averted

World War III up to now, and we may have already succeeded in establishing conditions which can keep that war from happening as far ahead as man can see.” Harry S. Truman, *Memoirs*, vol. 1, *Year of Decisions* (New York: Doubleday, 1955), p. xi.

7. Disagreements on interpretation and application do not detract from the centrality of these principles.
8. George Kennan, who conceived the containment policy, thought it would buy time for the weaknesses of the Soviet system to force fundamental change in Russia. See X [George F. Kennan], “The Sources of Soviet Conduct,” *Foreign Affairs* 25, no. 4 (July 1947), pp. 566–82.
9. For a penetrating critique, see Adam Garfinkel, “The Silent Death of American Grand Strategy,” *American Review* (February 2014). See also Henry A. Kissinger, *On China* (New York: Penguin, 2011); Edward Lucas, *The New Cold War: Putin’s Russia and the Threat to the West* (New York: Palgrave Macmillan, 2008); and Edward N. Luttwak, *The Rise of China vs. the Logic of Strategy* (Cambridge, Mass.: Harvard Univ. Press, 2012). Recent Russian arms-control behavior reinforces those doubts. They include reported violation and circumvention of the Intermediate-Range Nuclear Forces Treaty, suspension of the Conventional Forces in Europe Treaty, and summary rejection of President Obama’s proposals for new strategic nuclear reductions. See, for example, Michael R. Gordon, “U.S. Says Russia Tested Missile, Despite Treaty,” *New York Times*, 29 January 2014.
10. Thucydides, *The History of the Peloponnesian War* (New York: Penguin Classics, 1954), p. 402: “The strong do what they have the power to do and the weak accept what they have to accept.”
11. See note 53 below. Timothy Snyder suggests that there is an ideological component, consisting of elements of National Socialism and communism of the Stalin variety, in Putin’s thinking; Snyder, “Fascism, Russia, and Ukraine,” *New York Review of Books*, 20 March 2014, pp. 16–17. The obvious danger of historical analogies is that they use or misuse history for current purposes; see, for example, Bernard Fook Weng Loo, *Historical Analogies in Policy-Making: Crimea, World War I and East Asia*, RSIS Commentaries 63/2014 (Singapore: S. Rajaratnam School of International Studies, 2014). But see C. J. Chivers and Noah Sneider, “Behind the Masks in Ukraine, Many Faces of Rebellion,” *New York Times*, 4 May 2014, p. 1.
12. The original Monroe Doctrine declared that the United States would not tolerate any effort by a European power to reimpose colonial control on an American country that had become independent. John M. Blum et al., *The National Experience: A History of the United States*, 5th ed. (New York: Harcourt Jovanovich, 1981), pp. 200–201.
13. See notes 46, 48 below.
14. See text at notes 46, 48.
15. On why American decision makers favor nuclear nonproliferation, see W. Seth Carus, *Nuclear Optimists as Proliferation Pessimists: Why U.S. Policy-Makers Who Love the Bomb Don’t Think “More Is Better,”* (Washington, D.C.: National Defense Univ., Center for the Study of Weapons of Mass Destruction, in press).
16. V. I. Lenin, “What Is to Be Done?” (1902), in *Selected Works* (Moscow: Progress, 1970), vol. 1.
17. “Crimea Crisis: Russian President Putin’s Speech [of March 18, 2014] Annotated,” *BBC News*, 19 March 2014, available at [www.bbc.com/](http://www.bbc.com/). My Russian-speaking summer research assistant, Daria Slepenskina, class of 2014, University of California–Irvine, finds that the English and Russian versions of President Putin’s speech differ in interesting and important ways. Both appear on the Kremlin website. The English translation uses the phrase “rule of the gun” instead of “the law of the strong” or “the right of strength,” which are closer to the Russian original. Putin’s Russian-language speech uses the passive voice when referring to U.S. actions. The English translation uses the active voice, with statements such as, “They hit Afghanistan, Iraq, and frankly violated the UN Security Council resolution on Libya,” whereas the Russian version translates most accurately to, “And then there were the instances in Afghanistan, Iraq, and outright violations of the UN Security Council resolution on Libya.” In another example, the English translation refers to the no-fly zone over Libya and states

- that “they started bombing it, too.” The Russian version uses the passive voice: “bombings began there, also.” The discrepancies between the versions result in a more hostile, militant tone in English than in Russian. The English translation quoted here is at <http://eng.kremlin.ru/news/6889>; the Russian text is at <http://kremlin.ru/news/20603>.
18. See Nicholas Rostow, “International Law and the 2003 Campaign against Iraq,” in *Issues in International Law and Military Operations*, ed. Richard B. Jaques, International Law Studies, vol. 80 (Newport, R.I.: Naval War College, 2006); William H. Taft IV and Todd F. Buchwald, “Preemption, Iraq, and International Law,” *American Journal of International Law* 97 (2003).
  19. Mark Landler, “U.S. Troops to Leave Afghanistan by End of ’16,” *New York Times*, 28 May 2014, p. A1.
  20. Henry A. Kissinger, “How the Ukraine Crisis Ends,” *Washington Post*, 5 March 2014.
  21. George W. Bush, “Speech to Congress,” 20 September 2001, available at [www.georgewbush-whitehouse.archives.gov/](http://www.georgewbush-whitehouse.archives.gov/).
  22. Ibid. On 14 October 2001, Bush reiterated this position, saying, “If they want us to stop our military operations, they’ve just got to meet my conditions.” George W. Bush, “Exchange with Reporters on Returning from Camp David, Maryland,” 14 October 2001, available at [www.gpo.gov/](http://www.gpo.gov/).
  23. United Nations, *Charter of the United Nations*, Art. 51. For a discussion of the international law of self-defense and differing interpretations of Article 51, see Nicholas Rostow, “International Law and the Use of Force: A Plea for Realism,” *Yale Journal of International Law* 34 (2009).
  24. United Nations Security Council [hereafter UNSC], “Threats to International Peace and Security Caused by Terrorist Acts,” Resolution 1368, UN Doc. S/RES/1368, 12 September 2001, available at [www.un.org/](http://www.un.org/).
  25. See Rostow, “International Law and the 2003 Campaign against Iraq.” Without the terrorist attacks of 11 September 2001, it is extremely unlikely that the United States and others would have invaded Iraq in 2003.
  26. Ronald W. Reagan, “Address to the Nation on the United States Air Strike against Libya, Apr. 14, 1986,” *Public Papers of the Presidents of the United States, Ronald W. Reagan 1986*, [www.reagan.utexas.edu/](http://www.reagan.utexas.edu/).
  27. David Von Drehle and R. Jeffrey Smith, “U.S. Strikes Iraq for Plot to Kill Bush,” *Washington Post*, 27 June 1993, p. A1.
  28. On 12 September 2001, NATO, for the first time in history, invoked Article 5, the provision of the Atlantic Alliance providing that an attack on a member constitutes an attack on all members. Pursuant to this decision, NATO allies flew AWACS radar aircraft (large, sophisticated surveillance and air-control platforms) over the United States to help secure U.S. airspace; see “Collective Defence,” NATO, last updated 14 January 2014, [www.nato.int/](http://www.nato.int/). ISAF operates in Afghanistan pursuant to an agreement with the Afghan government implementing UN Security Council Resolution 1386 (2001), which authorized the creation of ISAF as contemplated in the Bonn Agreement of 5 December 2001, on the future government of Afghanistan; Resolution 1386, UN Doc. S/RES/1386, 20 December 2001. U.S. armed forces not assigned to ISAF operate in Afghanistan pursuant to the inherent right of self-defense, set forth in Article 51 of the UN Charter.
  29. UNSC, “Extension of the Authorization of the International Security Assistance Force in Afghanistan (ISAF),” Resolution 1943, UN Doc. S/RES/1943, 13 October 2010, preamble, para. 7 [emphasis original].
  30. In informal UN Security Council “consultations” (not an official meeting), attended by the author.
  31. A knowledgeable official once said at the National Defense University that the United States had created a government in Kabul that Afghanistan could not afford.
  32. In 2010, at meetings on the future of NATO, observers spoke of the future, if any, of NATO as tied to “success” in Afghanistan.
  33. “Lisbon Summit Declaration,” NATO: *North Atlantic Treaty Organization*, 20 November 2010, para. 4 [emphasis added].
  34. The Tokyo conference pledged \$16 billion for civilian needs. Arshad Mohammed and Kiyoshi Takenaka, “Donors Offer \$16bln Afghan Aid at Tokyo Conference,” Reuters.com.
  35. But see “Afghanistan in 2013: A Survey of the Afghan People,” *Asia Foundation*, 2013, [asiafoundation.org/](http://asiafoundation.org/). On the ideological

- dimension of Putin, see Masha Gessen, "Saving the World from the West," *Washington Post*, 31 March 2014, p. A17.
36. Charles Krauthammer, "Obama vs. Putin: The Mismatch," *Washington Post*, 28 March 2014, p. A17.
  37. United Nations, *Afghanistan Opium Survey* (New York: Office of Drug and Crime, November 2013), available at [www.unodc.org/](http://www.unodc.org/).
  38. Kissinger, "How the Ukraine Crisis Ends."
  39. Dmitri Trenin, "Foreign Policy: Welcome to Cold War II," *Waco (Tex.) Tribune*, 7 March 2014. See also Snyder, "Fascism, Russia, and Ukraine."
  40. But see William S. Broad, "In Taking Crimea, Putin Gains a Sea of Fuel Reserves," *New York Times*, 18 May 2014, p. 1.
  41. United Nations, *Charter of the United Nations*, Art. 2, para. 4.
  42. *Ibid.*, Art. 51, reads: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any times such action as it deems necessary in order to maintain or restore international peace and security."
  43. Dennis Ross in 2004 summarized the run-up to, and the unfolding of, the Six-Day War as follows: "Nasser [president of Egypt], after being taunted by the Syrians and Jordanians for not doing enough to protect Syria in the face of escalating tensions and military engagements with Israel, demanded that U.N. Secretary-General U Thant pull the UNEF [United Nations Emergency Force, established in 1956 to separate Egypt and Israel] out of the Sinai. U Thant complied. Nasser moved Egyptian forces back into the Sinai. While probably not originally intending to do so, he acted to reimpose the blockade on the Israeli port of Eilat when he declared on May [22] that the Straits of Tiran were mined. In addition, he moved six Egyptian divisions to the Israeli border, threatening to inflict a final defeat on Israel once and for all.
  - "Israel, with no strategic depth and facing six divisions on its borders, mobilized its forces. It also asked the United States to fulfill the Eisenhower commitments of 1957 [to prevent any reimposition of a blockade of Eilat]. Being bogged down in Vietnam, the Johnson administration offered only to try to put together an international flotilla to open the Straits of Tiran to Israeli shipping from Eilat. The United States did not address the Egyptian threat in the Sinai, and in any case showed little capability or will to break the blockade of Eilat. After nearly two weeks of uncertainty—with bloodcurdling threats about the destruction of Israel coming from Egypt and ineffectual efforts still under way—Israel launched a pre-emptive attack against the Egyptian air force, destroying it in the first three hours of the war. In six days Israel went on to defeat Egypt, Jordan, and Syria, seizing considerable territory from all three: the Sinai Desert and the Gaza Strip from Egypt; the West Bank from Jordan; and the Golan Heights from Syria."
  - Dennis Ross, *The Missing Peace: The Inside Story of the Fight for Middle East Peace* (New York: Farrar, Straus, Giroux, 2004), pp. 21–22.
  44. For example, Lenin, Trotsky, Stalin, Hitler, Mao.
  45. Timothy Snyder states that "any democracy within the Eurasian Union would pose a threat to Putin's Russia. Putin wants Ukraine in his Eurasian Union, which means that Ukraine must be authoritarian, which means that the Maidan must be crushed." Snyder, "Fascism, Russia, and Ukraine," p. 16. See also Michael Rühle, *NATO Enlargement and Russia: Die-Hard Myths and Real Dilemmas*, NDC Research Report (Rome: NATO Defense College, Research Division, 15 May 2014). Moscow's arms control actions over several years add to concerns over Russia's regional ambitions. In addition to testing at least one new weapon system in violation of, and another circumventing, the 1987 Intermediate-Range Nuclear Forces Treaty (see above note 9) in 2007, Russia suspended implementation of the 1990 Conventional Forces in Europe Treaty, citing among other things the "illegitimate" agreement requiring it to withdraw troops from Georgia and Moldova. One year later came the military conflict with Georgia and the resulting expanded area of Russian occupation. "Russia Should

- Uphold Its INF Treaty Commitments,” *Arms Control Association*, 23 May 2014, [www.armscontrol.org/](http://www.armscontrol.org/).
46. “Memorandum on Security Assurances in Connection with Ukraine’s Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, December 5, 1994,” UN Doc. A/49/765, S/1994/1399, 13 December 1994.
  47. A treaty is a written agreement between or among states; Sir Robert Jennings and Sir Arthur Watts, eds., *Oppenheim’s International Law*, vol. 1, *Peace*, 9th ed. (London: Longman, 1992), pp. 1197–1203. Under the U.S. Constitution, a treaty is made by the president with the advice and consent of two-thirds of the Senate. While executive agreements and other international undertakings made pursuant to the president’s constitutional authority set forth in Article II of the Constitution are treaties for purposes of international law, they are not constitutionally defined treaties. See Robert Dalton, “Treaties and Other International Agreements,” in *National Security Law*, ed. John Norton Moore and Robert F. Turner, 2nd ed. (Durham, N.C.: Carolina Academic, 2005).
  48. Ambassador Arthur J. Goldberg, “Security Assurances Resolution Adopted by U.N. Security Council June 17 and 19, 1968,” *Department of State Bulletin* 76, no. 1 (1968). See also UNSC, “Question Relating to Measures to Safeguard Non-Nuclear Weapon States Parties to the Treaty on Non-Proliferation,” Resolution 255, UN Doc. S/RES/255, 19 June 1968, available at [daccess-dds-ny.un.org/](http://daccess-dds-ny.un.org/). Interestingly, Algeria, Brazil, France, Hungary, India, Pakistan, and the Soviet Union abstained, even though the Soviet Union made an identical declaration to the one made by the United States and United Kingdom committing themselves to expeditious Security Council action in the event of a threat or use of nuclear weapons against non-nuclear-weapons states.
  49. “Memorandum on Security Assurances in Connection with Ukraine’s Accession to the Treaty on the Non-Proliferation of Nuclear Weapons as a Non-Nuclear Weapon State.”
  50. “The End of the Beginning?,” *Economist*, 8 March 2014, p. 23. See also “Russia and the EU Exchange Threats over Ukraine,” *Stratfor: Global Intelligence*, 12 March 2013, which states, “Russia has threatened to use powerful economic, political and military levers to pressure the fledgling government in Kiev and its European supporters” in order to achieve a “long-term goal of ensuring a neutral Ukraine, which it considers part of its sphere of influence, as a buffer with the European Union.”
  51. See Nicholas Rostow, “Gaza, Iraq, Lebanon: Three Occupations under International Law,” *Israel Yearbook on Human Rights* 37 (2007), pp. 205, 208–12.
  52. *Ibid.*, p. 207.
  53. See, for example, Christopher Thorne, *The Approach of War 1938–1939* (London: Macmillan, 1967); and Williamson Murray, *The Change in the European Balance of Power 1938–1939: The Path to Ruin* (Princeton, N.J.: Princeton Univ. Press, 1984), pp. 170–263.
  54. Murray, *Change in the European Balance of Power 1938–1939*, p. 167.
  55. Tournoux, *La Tragédie du Général*, p. 315. (There would be no Munich—in response to Khrushchev’s threat to operate on the “cancer” of Berlin.)
  56. See John Norton Moore, *Crisis in the Gulf* (Oxford, U.K.: Oxford Univ. Press, 1992).
  57. See, for example, “Kidnapped by the Kremlin,” *Economist*, 8 March 2014, p. 11: “giving in to kidnappers is always dangerous: those who fail to take a stand to start with often face graver trials later on.”
  58. But see Stephen M. Walt, “Would You Die for That Country? Why the United States Needs to Think Twice before Calling Ukraine an Ally,” *Foreign Policy Voices*, 27 March 2014.
  59. Barack Obama, “Remarks by the President in Address to European Youth,” 26 March 2014, available at [www.whitehouse.gov/](http://www.whitehouse.gov/). See “Speech in Brussels,” *Washington Post*, 26 March 2014.
  60. Obama, “Remarks by the President.”
  61. On the crosscurrents and web of financial interests making action against Russia painful, see Gideon Rachman, “Ukraine Is a Test Case for American Power,” *Financial Times*, 10 March 2014.
  62. Convention on the Law of the Sea, 10 December 1982, *United Nations Treaty Series*, vol. 1833, no. 39, available at [www.un.org/](http://www.un.org/).

- For excellent overviews of the different claims in the South China Sea, see (all in *American Journal of International Law* 107, no. 95 [2013]): Lori Fisler Damrosch and Bernard Oxman, "Agora: The South China Sea—Introduction," pp. 95–97; Zhiguo Gao and Bing Jia, "The Nine-Dash Line in the South China Sea: History, Status, and Implications," pp. 98–124; Florian Dupuy and Pierre-Marie Dupuy, "A Legal Analysis of China's Historic Rights Claim in the South China Sea," pp. 124–41; and Robert Beckman, "The UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea," pp. 142–63. Of course, judicial decisions take place in a political context and are not immune to political pressures. On the political context of international law, see Morton A. Kaplan and Nicholas deB. Katzenbach, *The Political Foundations of International Law* (New York: Wiley, 1961). To the extent the Convention on the Law of the Sea codifies customary international law, *all* states are bound; Jennings and Watts, *Peace*, pp. 25–31.
63. International law is enforced in a multiplicity of ways. Some might be slowing the processing of commercial documents, like bills of lading, or identifying a sudden need to repair canals. Others can involve noncommercial mechanisms causing a state discomfort or otherwise forcing it to comply with legal obligations and raising the cost of noncompliance (which is what the United States presumably is trying to do with respect to Russia's seizure of Crimea).
64. Concerning the South China Sea as a Chinese lake: "The South China Sea is a semi-enclosed sea. . . . [Its width] is approximately 550–650 nautical miles (nm), and its length is 1200 nm." Beckman, "UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea," p. 143.
65. *Testimony before the House Committee on Foreign Affairs Subcommittee on Asia and the Pacific: Maritime Disputes in East Asia*, 5 February 2014 (testimony of Daniel Russel), available at [www.state.gov/](http://www.state.gov/).
66. *Ibid.*
67. Henry Kissinger, *On China* (New York: Penguin Books, 2012), pp. 1–12.
68. Brahma Chellaney sees China as entirely expansionist since the 1949 founding of the People's Republic, increasing its territorial extent through "a 'salami-slice' strategy—or what Maj. Gen. Zhang Zhaozhong of the People's Liberation Army (PLA) last May called a 'cabbage' strategy. This involves asserting a claim, launching furtive incursions into the coveted territory, and erecting—one at a time—cabbage-style multiple layers of security around a contested area so as [to] deny access to a rival. The establishment of an expansive air-defense zone in the East China Sea is its latest cabbage-style security layer move"; Brahma Chellaney, "Irredentist China Ups the Ante," *Forbes*, 2 December 2013, [www.forbes.com/](http://www.forbes.com/). Robert Kaplan sees—perhaps just because the Caribbean washes American shores and is not too dissimilar to the South China Sea in extent—an analogy between China's behavior and the dominant position of the United States in the Caribbean Sea and Gulf of Mexico; see Robert D. Kaplan, "Beijing's Caribbean Logic," *National Interest*, 25 March 2014. But the United States, even during the Cuban Missile Crisis, has never asserted more than its law-of-the-sea rights.
69. Patrick Warren, "The World Has a New Piracy Hotspot," *Global Post*, 27 March 2014. See also Patrick M. Cronin, *Cooperation from Strength: The United States, China, and the South China Sea* (Washington, D.C.: Center for a New American Security, 2012).
70. See, for example, Henry Kissinger, "Force and Diplomacy in the Nuclear Age," *Foreign Affairs* (April 1956). See also *idem*, *Diplomacy* (New York: Simon & Schuster, 1994), which discusses the role of military force in backing up diplomatic maneuvers (for example, p. 39, for Roosevelt's "muscular diplomacy"). For commentary on Putin's gamble for Crimea, see Robert Service, "Putin's Czarist Folly," *New York Times*, 6 April 2014; Stephen Sestanovich, "Putin's Reckless Gamble," *New York Times*, 29 March 2014; Adrian Karatnyky, "Putin's Interference Is Strengthening Ukraine," *Washington Post*, 13 March 2014; and Robert J. Samuelson, "Russia's Big Bet on Putinomics," *Washington Post*, 3 April 2014.
71. Kissinger, *Diplomacy*, p. 573.

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