

# Ukraine: Time to Step Back from the Brink

Western States Legal Foundation Commentary

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Over the past month, the Ukraine conflict has exploded once again. Now the warring parties have agreed to a ceasefire, and to an approach to further negotiations towards a political solution. It is time for the countries that are providing support from outside Ukraine to halt and reverse all actions that contribute to this war, and that also are raising tensions in the region to levels not seen since the Cold War.

For most residents of the United States, the war in Ukraine seems to have emerged out of nowhere, intensifying with a startling pace. There is much debate about its causes, but there can be little about either the devastation it is causing or the greater dangers to which it may lead. Thousands have been killed in the fighting and hundreds of thousands displaced from their homes. The Ukraine's economy, fragile even before the war began, has been disrupted by war and the country's division. Much of Ukraine's population already suffers economic hardship, and their future is bleak unless the war is ended and resources found for rebuilding and recovery.

The Ukraine war began with the overthrow of an elected government—a rebellion in which various factions had received material assistance and public political backing from the United States, and Western European governments as well. In a country that since its inception has been governed by alternating coalitions of oligarchs associated with regional and economic sectors oriented towards Russia on the one hand and Europe on the other, the potential for a broader conflict was present from the outset. This danger was both manifested and intensified by the event that sparked the protests and insurrection, the rejection by the government of an agreement that would have strengthened Ukraine's economic ties with the European Union, and set the country on a course towards increased integration with European military structures and organizations.

Russia's government and military see NATO expansion into Eastern Europe and the former Soviet republics as a betrayal of commitments made by the U.S. and its allies in the early 1990's following the disintegration of the Soviet Union. Ukraine was the most populous and economically productive of the former Soviet republics outside Russia, and still provided a key warm water port to the Russian Navy in Crimea under a basing agreement. The possibility that Ukraine might become more tightly tied to NATO and might even someday host NATO forces is seen by Russia's national security establishment as a critical strategic threat.

Early actions of the new Kiev authorities that appeared hostile to Eastern Ukraine's large Russian speaking population, together with the presence in the new government of Ukrainian ultra-nationalist, overtly anti-Russian elements, quickly sparked a counter-rebellion against the Kiev government—while at the same time providing the opportunity to intensify the nationalist character of the conflict on both sides. Plebiscites were conducted in Ukraine, in the separatist regions, and in Crimea, but all took place under the barrel of a gun, with armed ultra-nationalist formations in the streets.

Russia's decision to reincorporate Crimea should have surprised no one. Nonetheless, it did constitute a breach of the 1994 Budapest memorandum and related commitments made by the original nuclear weapons states (Russia, the United Kingdom, the U.S., China, and France) to assure Ukraine's territorial integrity. More generally, Russia's action violated fundamental international norms against the use of force against the territorial integrity of any state. The frequent violation of these same norms by the United States and its allies are manifestations of the collapse of the Post World War II settlement and the legal institutions that it engendered. They should be understood as an indicator of the rising danger of great power war rather than as a rationale for similarly lawless behavior by other great power elites.

The questionable legitimacy of all those claiming authority over various portions of Ukraine might have provided grounds for serious negotiations towards a peaceful political settlement, particularly if the countries backing Ukraine's contending factions had pressed their respective clients in that direction. Instead, the United States and its NATO allies quickly recognized the Kiev government as the only legitimate authority despite the existence of obvious regional discontent and challenges to its rule. Confident that it had the backing of the Western powers, the Kiev government then labeled those opposed to its rule as "terrorists" and unleashed the full power of a modern military—tanks, artillery, and strike aircraft--on the dissident authorities and urban centers of Ukraine's East. The Kiev government armed and deployed ultranationalist militias as front line troops, its lack of certainty regarding the reliability of its regular forces a sign of the government's shaky legitimacy. The Kiev government started with a clear military advantage, controlling most of Ukraine's military forces, and also has received some measure of material support from the U.S. and other NATO countries. The armed opposition in the East managed to fight Kiev's forces, superior in numbers and materiel, to a standstill with the aid of some quantity of arms and fighters from Russia.

The Ukraine conflict has become a complex proxy war, one that involves four of the world's five original nuclear armed countries: the United States, Russia, France, and the United Kingdom. The extent of support provided by outside powers remains unclear, obscured by furious nonstop propaganda campaigns promulgated by all sides. The Ukraine war has also become both a cause and an excuse for the ratcheting up of tensions between the United States and its NATO allies and Russia. NATO has taken decisions to increase its quick strike capabilities, and to build infrastructure to support those capacities in NATO's new frontline member states bordering Russia. Both Russia and NATO are increasing the tempo of their military exercises, including exercises involving nuclear-capable forces. The United States is rebuilding its prepositioned military stocks in Europe and its capacity to deploy forces in the region, and is considering direct, lethal military aid to Ukraine. Preparations for U.S. ballistic missile defense deployments in Eastern Europe proceed apace. In addition to the immediate dangers posed by such actions, the climate of confrontation has put further progress towards nuclear disarmament on hold. It also has given the military-industrial complexes on both sides a rationale for the resumption of conventional arms racing and nuclear weapons modernization.

The decisions on all of this are made by insular, unaccountable national security elites who have grown accustomed in the post-Cold War period to being able to posture without risk for domestic audiences. It is disturbingly clear in the case of the United States that its decision-makers are ill-prepared to respond intelligently to any fast-developing nuclear crisis, having discounted the

dangers posed by actually existing nuclear arsenals, including their own, for the past two decades. The dangers of the moment are intensified by a rising tide of authoritarian nationalisms in all countries affected by the depression that began with the crash of 2008 and by the austerity policies that have prolonged and exacerbated it. Ruling elites always are tempted to harness these nationalisms to their own agendas, not least of which is displacing discontent generated by economic policies that harm the majority of their citizens. The creep of extreme nationalist elements in from the political margins, however, also narrows the range of foreign policy options, pushing governments into positions from which it is hard to climb down.

The leaders of Germany and France in recent weeks seem finally to have woken up to the dangers presented by this cascade of events. Merkel and Hollande have shuttled frantically back and forth between Moscow and Washington in an attempt to buy time with a cease fire while forestalling U.S. moves that might intensify the conflict, such as providing more direct military aid to Ukraine's government. U.S. national security elites seem to have no strong appetite for a military confrontation with Russia, but appear quite capable of backing into one. They have crafted a propaganda box for themselves in which everything that has gone wrong in Ukraine must be blamed on Russian aggression, a box likely to grow even more rigid as the rising cacophony of the Presidential election season overwhelms nuance and rationality for the duration.

The people of the Ukraine are the victims, their country a battleground of competing plutocracies. From the Western side of things, there is little being offered that might actually help those in Ukraine work out their problems. The economic aid on offer is limited to the kind that can be used to buy more weapons or mainly for servicing existing debt, while imposing conditions likely to shrink an already devastated economy and to shred what few public services and social protections remain. Ukraine's oligarchs, whether pro-Russian or pro-European, have shown little interest in building an economy that benefits much of the population—giving rise to the conditions that provided fertile ground for the Maidan uprising. Systematic dispossession of populations, whether via the faceless austerity of the Western financiers or the more personal klepto-capitalism of the Eastern oligarchs, breeds large-scale discontent. With real democracy and economic justice off the table, the world's "leaders" divert the resulting rage and despair into more nationalism and more war.

The deep injustices of the global economy will not be addressed until some genuinely different social and economic alternative emerges from the stagnation and decay of the neoliberal order. In the meantime, it is essential that we understand that the wars our ruling elites provoke and seek to enlist us to fight are not our wars. In a crowded, fragile, and globally interconnected society bristling with high-tech armaments and nuclear weapons, war is a disaster for ordinary people, and the potential for a civilizational catastrophe a real risk. If humanity is to survive for long, there can be no more support for the warmakers.

It's time to step back from the brink. We must press all the governments involved to take steps to reduce tensions and to lessen the danger of an expanded war, and to provide space and build confidence for negotiations to resolve the Ukraine conflict and the growing confrontation between Russia and the United States and its NATO allies. These steps should include:

- No military assistance to Ukraine, whether arms, advisors, or “nonlethal” aid;
- Unconditional humanitarian assistance directed to ordinary people in all of Ukraine’s regions, sustaining social benefits and public services and aiding in reconstruction of housing and public infrastructure;
- No additional deployments of U.S. forces, equipment, or supplies to Europe;
- Reversal of NATO decisions to expand rapid reaction forces and supporting infrastructure in Eastern Europe, and particularly in states on Russia’s borders;
- Termination of U.S. programs to deploy U.S. ballistic missile defenses in Europe;
- A moratorium on military exercises by all parties in and around Ukraine and European states bordering Russia;
- A moratorium on exercises and tests of nuclear-armed forces world-wide;
- Immediate removal of U.S. nuclear weapons from Europe;
- In this 70<sup>th</sup> year since the U.S. atomic bombings of Hiroshima and Nagasaki and 45 years after the United States, Russia, and the United Kingdom committed in the Nuclear Nonproliferation Treaty to negotiate in good faith for an end of the nuclear arms race and the elimination of nuclear arsenals, immediate commencement of negotiations encompassing all nuclear-armed states for the elimination of nuclear weapons.

*by Andrew Lichterman, Senior Research Analyst*

**Western States Legal Foundation • Working for Peace & Justice in a Nuclear Free World**  
 655 13<sup>th</sup> Street, Suite 201 • Oakland, CA 94612 • (510) 839-5877  
[www.wslfweb.org](http://www.wslfweb.org) • [www.facebook.com/WesternStatesLegalFoundation](https://www.facebook.com/WesternStatesLegalFoundation)