NEW YORK – Russia’s actions in Ukraine constitute a serious and dangerous violation of international law. In 1994, Ukraine agreed to give up the nuclear weapons it had inherited from the Soviet Union, in return for a solemn commitment by the United States, the United Kingdom, and Russia to protect Ukraine’s territorial integrity and sovereignty. Russia has now violated that pledge, not only harming Ukraine but also undermining the international legal framework for preventing nuclear proliferation.

Unless Russia changes course – which seems unlikely anytime soon – the global consequences are apt to be grave. The US and the European Union will impose sanctions, weakening Russia’s economy and the world economy – and stoking even more tension and nationalism. Mistakes on one side or the other could lead to violent disaster. We need only to recall the spiral of hubris and miscalculation that led to the outbreak of World War I, a century ago this year.

As frightening as the Ukraine crisis is, the more general disregard of international law in
recent years must not be overlooked. Without diminishing the seriousness of Russia’s recent actions, we should note that they come in the context of repeated violations of international law by the US, the EU, and NATO. Every such violation undermines the fragile edifice of international law, and risks throwing the world into a lawless war of all against all.

The US and its allies have also launched a series of military interventions in recent years in contravention of the United Nations Charter and without the support of the UN Security Council. The US-led NATO bombing of Serbia in 1999 lacked the sanction of international law, and occurred despite the strong objections of Russia, a Serbian ally. Kosovo’s subsequent declaration of independence from Serbia, recognized by the US and most EU members, is a precedent that Russia eagerly cites for its actions in Crimea. The ironies are obvious.

The Kosovo War was followed by the US-led wars in Afghanistan and Iraq, both of which occurred without the support of the Security Council, and in the case of Iraq, despite vigorous objections within it. The results for both Afghanistan and Iraq have been utterly devastating.

NATO’s actions in Libya in 2011 to topple Muammar el-Qaddafi constituted another such violation of international law. After the Security Council approved a resolution to institute a no-fly zone and take other actions ostensibly to protect Libyan civilians, NATO used the resolution as a pretext to overthrow Qaddafi’s regime through aerial bombardment. Russia and China strenuously objected, stating then and now that NATO seriously exceeded its mandate. Libya remains unstable and violent, without an effective national government, to this day.

As Russia itself has repeatedly pointed out, US actions in Syria have been similarly illegal. When the Arab Spring protests began in early 2011, peaceful demonstrators in Syria demanded reforms. President Bashar al-Assad’s regime cracked down violently on the protesters, leading some military units to revolt. At that point, in the summer of 2011, the US began to back the military insurrection, with President Barack Obama declaring that Assad must “step aside.”
Since then, the US, Saudi Arabia, Turkey, and others have provided logistical, financial, and military support to the insurrection, in violation of Syria’s sovereignty and international law. There is no doubt that Assad has behaved cruelly, but there is also no doubt that the US-led support of the insurrection is a violation of Syria’s sovereignty, one that has contributed to an upward spiral of violence that by now has claimed more than 130,000 Syrian lives and destroyed much of the country’s cultural heritage and infrastructure.

One can add many other US actions, including drone strikes on the territory of sovereign states without their governments’ permission; covert military operations; renditions and torture of terror suspects; and massive spying by the US National Security Agency. When challenged by other countries or UN organizations, the US has brushed aside their objections.

International law itself is at a crossroads. The US, Russia, the EU, and NATO cite it when it is to their advantage and disregard it when they deem it a nuisance. Again, this is not to justify Russia’s unacceptable actions; rather, it is to add them to the sequence of actions contrary to international law.

The same problems may soon spill over into Asia. Until recently, China, Japan, and others in Asia have staunchly defended the requirement that the Security Council approve any outside military intervention in sovereign states. Recently, however, several countries in East Asia have become locked in a spiral of claims and counterclaims regarding borders, shipping lanes, and territorial rights. So far, these disputes have remained basically peaceful, but tensions are rising. We must hope that the countries of the region continue to see the great value of international law as a bulwark of sovereignty, and act accordingly.

There have long been skeptics of international law – those who believe that it can never prevail over the national interests of major powers, and that maintaining a balance of power among competitors is all that really can be done to keep the peace. From this perspective, Russia’s actions in the Crimea are simply the actions of a great power asserting its prerogatives.

Yet such a world is profoundly and unnecessarily dangerous. We have learned time and again that there is no such thing as a true “balance of power.” There are always imbalances
and destabilizing power shifts. Without some scaffolding of law, open conflict is all too likely.

This is especially true today, as countries jostle for oil and other vital resources. It is no coincidence that most of the deadly wars of recent years have taken place in regions rich in valuable and contested natural resources.

As we look back in this centennial year toward the outbreak of WWI, we see again and again that the only possible route to safety is international law, upheld by the United Nations and respected on all sides. Yes, it sounds naive, but no one has to look back to see the naiveté of the belief that great-power politics will preserve peace and ensure humanity’s survival.

In the Ukraine crisis, the Security Council should help to find a negotiated solution that preserves Ukraine’s sovereignty and territorial integrity. That will not happen soon, but the UN should persevere, looking for a breakthrough at a later date. And, just as the US turns to the Security Council in this case, so it should hold itself accountable to international law as well, helping to build a bulwark against dangerous global instability.

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