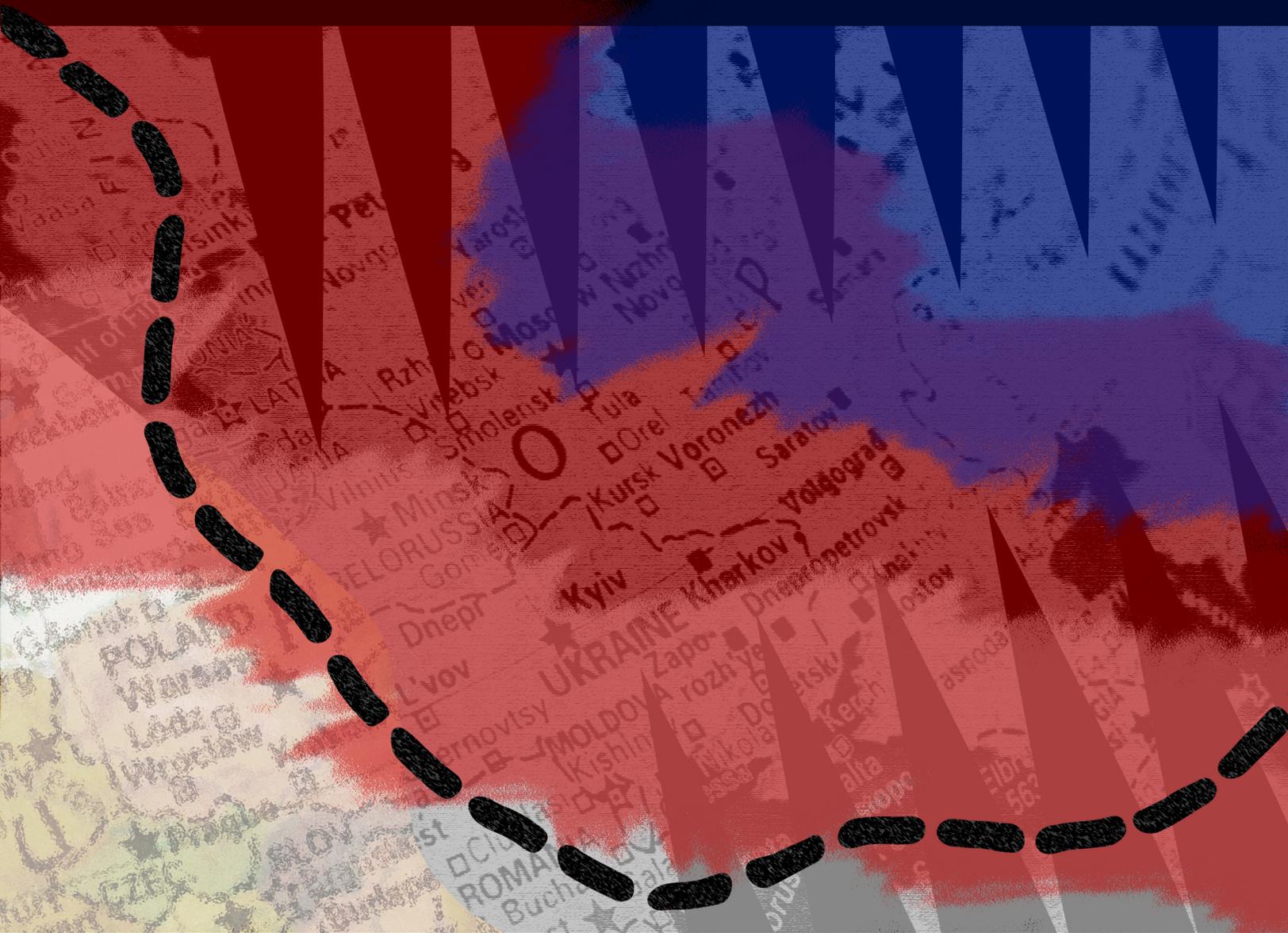


FEEDING THE RUSSIAN CROCODILE: A HISTORICAL ANALYSIS OF APPEASEMENT AS A MODERN THREAT TO INTERNATIONAL PEACE AND SECURITY



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The Global Accountability Network's Ukraine Task Force Presents:

**FEEDING THE RUSSIAN CROCODILE:
A HISTORICAL ANALYSIS OF APPEASEMENT
AS A MODERN THREAT TO INTERNATIONAL PEACE AND SECURITY**

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TABLE OF CONTENTS

I. INTRODUCTION	2
A. Background Information.....	3
B. Defining Appeasement Policy	3
II. HISTORICAL ANALYSIS OF EPISODES OF APPEASEMENT	6
A. Direct Appeasement.....	6
1. France and Britain Appeasing Germany in 1938	6
2. The United States Appeasing Iraq in 1989-1990	7
B. Tacit Appeasement.....	9
1. Italy invading Ethiopia in 1935	9
2. Japanese Conquests of Manchuria in 1931	11
III. PRESENT DAY APPLICATION TO RUSSIA	13
IV. CONCLUSION	16

I. INTRODUCTION

Appeasement against tyranny never works. Yet it is a life blood of a tyrant's geopolitical assertions. They understand history and how democracies use force only as a last and reluctant resort. The peaceful resolution of disputes under the United Nations paradigm tends to lean toward appeasement in the hopes of avoiding conflict. Tyrants know this and abuse the principle of peaceful resolution.

Aggression by a member State against another member State of the United Nations flies in the face of peaceful resolution of disputes. Appeasement is thought to help avoid aggression and further conflict. The record shows that it does not. Aggressive acts by tyrants push reluctant democracies towards the brink. In desperation democracies turn to appeasement in the hopes of having "peace in our time." The 1930's show how Europe appeased the aggressive foreign policies of Germany and Italy in the hope of avoiding a war. The result was another world conflict of horrific proportions.

Tyrants test democracies initially seeing how they react to various policies in and around their borders. The perfect example is the occupation of the Rhineland by Nazi Germany in 1936. It was a bold gamble by Hitler sending in three small infantry battalions of a newly refurbished Wehrmacht over the Rhine into the French occupied Rhineland. France had over a dozen army divisions to counter the move. They had an overwhelming ability to push the incursion back into Germany proper. Yet they did nothing. Hitler had gambled and won. He was emboldened for his next aggressive moves.

Putin, like Hitler, tested the world's democracies by taking Crimea in 2014. The result was a great deal of "chest beating", but no action. The United Nations did nothing. Russia began to nibble away at the Donbas region of Ukraine, just like Hitler did in 1938 in the Sudetenland and Austria. Putin was gauging the reaction of the international community towards his aggressive acts. Assured that nothing would happen, he launched an aggressive war into Ukraine in 2022. Hitler felt the same and launched an aggressive attack on Poland in 1939. A reluctant France and Britain honored their treaty with Poland and declared war on Germany. Appeasement had failed in the mid-20th century, and it also failed in the early 21st century. The dark shadows of conflict have descended on Europe once again.

This white paper gives one pause on all the challenges of settling one's disputes peacefully, laudable and necessary in the modern era, yet fraught with the bright red thread of appeasement in whatever fashion to avoid conflict. History tells a sordid tale of how democracies have bent over backwards to avoid conflict in the face of tyranny. It's time to change the paradigm. Aggressive acts by tyrants, who flaunt the United Nations paradigm of the rule of law, need to be faced directly with a clear mindset that to resort back to international peace and security we must at times use force. We are at a moment of history concerning the relevance of the United Nations itself tested by the Russian Federation's invasion into Ukraine led by a tyrant, Vladimir Putin. Winston Churchill, the Prime Minister of Great Britain, was heard to say that an appeaser is someone who feeds a crocodile in the hopes that it will eat him last. Let's not feed the crocodile but take it down using the rule of law in a forceful and direct manner. Accountability must be our goal, using force if necessary to achieve it.

A. Background Information

U.N. General Assembly Resolution XXIX defined aggression in 1974 as “the use of armed force by a State against the sovereignty, territorial integrity, or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations.”¹ For example, the U.N. described the invasion of another State’s sovereign territory as the quintessential example of aggression.² Likewise, for international criminal law purposes, the Rome Statute defines an “act of aggression” as “the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations.”³

After the horrors of World War I, the World lived in fear of ever facing such an extreme level of violence again. On August 27, 1928, fifteen States adopted the *Kellogg-Briand Pact*,⁴ outlawing war as an instrument of policy.⁵ The signatories included the United States, the United Kingdom, Australia, Canada, Czechoslovakia, Germany, Great Britain, the Irish Free State, Italy, New Zealand, South Africa, Poland, Belgium, France, and Japan.⁶ The treaty strongly encouraged diplomatic measures and concessions to avoid war.⁷ The high contracting parties agreed that solutions to disputes “shall never be sought except by pacific means.”⁸ Therefore, the treaty creates legal conditions that would contribute to appeasement policies. Alas, the treaty failed to account for expansionist tyrants such as Hitler, Mussolini, or Putin.

B. Defining Appeasement Policy

Appeasement policy is best understood as a Third-party State’s attempt to prevent an expansionist tyrant from perpetrating a future act of aggression by either (a) making a concession to the tyrant; or (b) by ignoring a request for help from a contemporary target of the tyrant’s threats.⁹ Appeasement is not a term of art in international law.¹⁰ From an historical perspective,

¹ U.N. GAOR 3314, 29th Sess., 2319th plen. mtg. art. 3(f), U.N. Doc. A/9619 and Corr. 1 (Dec. 14, 1974); Permanent Mission of the Principality of Liechtenstein et al., RATIFICATION AND IMPLEMENTATION OF THE KAMPALA AMENDMENTS ON THE CRIME OF AGGRESSION TO THE ROME STATUTE OF THE ICC HANDBOOK, at 7 (Nov. 2019), <https://crimeofaggression.info/documents/1/handbook.pdf> (the use of force must reach a threshold level of force to qualify as aggression).

² G.A. Res. 3314, *supra* note 1, at 2.

³ Rome Statute of the International Criminal Court art. 8bis(2), July 17, 1998, 2187 U.N.T.S. 90.

⁴ OONA A. HATHAWAY AND SCOTT J. SHAPIRO, *THE INTERNATIONALISTS* 160 (2017).

⁵ *See generally* General Treaty for Renunciation of War as an Instrument of National Policy, art. 2, Aug. 27, 1928, 46 Stat. 2343, 94 L.N.T.S. 57.

⁶ HATHAWAY AND SHAPIRO, *supra* note 4, at 160; *see also* General Treaty for Renunciation of War as an Instrument of National Policy, *supra* note 5, at 1.

⁷ *See generally* General Treaty for Renunciation of War as an Instrument of National Policy, *supra* note 5, at 1.

⁸ *Id.*

⁹ General legal and political scholarship does not provide a consistent definition of appeasement policy. One scholar defines appeasement policy as “the policy of settling international quarrels by admitting and satisfying grievances through rational negotiation and compromise, thereby avoiding the resort to an armed conflict which would be expensive, bloody, and possibly very dangerous.” *See* Paul Kennedy, *The Tradition of Appeasement in British Foreign Policy 1865-1939*, 2 BRIT. J. OF INT’L STUD. 195, 195 (1976). Another scholar says that “a State pursuing a policy of appeasement will usually take the initiative in offering inducements and will ultimately make greater sacrifices than its opponent.” STEPHEN R. ROCK, *APPEASEMENT IN INTERNATIONAL POLITICS* 12 (2000).

¹⁰ To “appease” is “to make concessions to (someone, such as an aggressor or a critic) often at the sacrifice of principles.” *Appease*, MERRIAM-WEBSTER DICTIONARY (11th ed. 2020).

appeasement typically involves three different States: the Aggressor State, the Target State, and the Third-party Appeasing State. The Aggressor State commits an aggression against the Target State. The Third-party Appeasing State either grants a concession to the Aggressor State that affects the interest of the Target State or ignores the Target State's request for help. These two modes of appeasement may be described as direct appeasement and tacit appeasement.

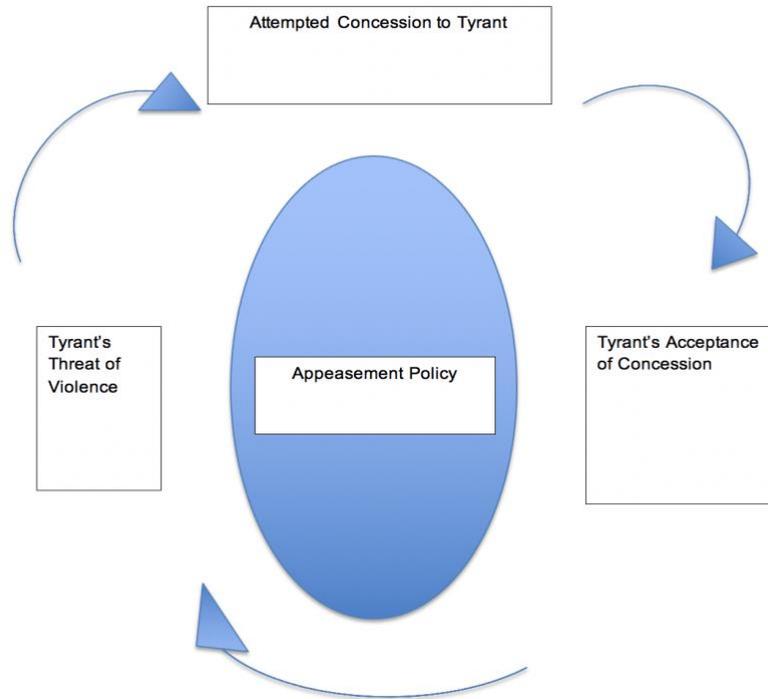
Direct appeasement refers to a threat or use of force against a Target State followed by a concession offered to stave off the Aggressor State's future threat or use of force. Tacit appeasement refers to a threat or use of force against a Target State, followed by the Target State's request for help from the international community, resulting in an omission from the Third-party Appeasing State. In direct appeasement, the Third-party Appeasing State makes concessions to the Aggressor State, whereas in tacit appeasement, the Third-party State ignores the Aggressor State's aggression in a hope that the Aggressor State will be satiated by its current holdings. In either case, the Aggressor State is unsatisfied by the appeasement and pursues its original aggression or subsequently expands the scope of its aggressive aims.

Appeasement policy is marked by the willingness of Third-party States to offer "one-sided concessions to adversaries in hope that simple gestures of goodwill themselves will bring peace."¹¹ Appeasement is "born of fear, helplessness, or a superficial desire for a deal at any cost. In contrast, sound diplomacy weighs costs and benefits, based on a hard-nosed evaluation of . . . interests and values. It makes concessions only in exchange for concrete gains."¹² Diplomacy requires two rational actors who are willing to negotiate. The expansionist character of the Aggressor State inhibits appeasement policy from functioning as effective diplomacy.

Appeasement policy is also defined by a cycle of aggression. Concession is only one element of the cycle. Because the expansionist Aggressor State can never be satisfied, it will accept the concession then ask for or often forcefully take more from the Target State(s).

¹¹ Christopher S. Chivvis, *The Difference Between Negotiation and Appeasement*, RAND CORP. (Jan. 22, 2015), <https://www.rand.org/blog/2015/01/the-difference-between-negotiation-and-appeasement.html>.

¹² *Id.*



Significantly, appeasement policy is distinguishable from the ordinary give-and-take of diplomacy based on an expansionist tyrant leading the Aggressor State. This paper does not seek to dismiss diplomacy as it is likely the most valuable tool foreign policymakers can employ.¹³ The presence of an expansionist tyrant causes appeasement policy to fail where diplomacy would otherwise succeed. *Black's Law Dictionary* defines a tyrant as “a despot; a sovereign or ruler, legitimate or otherwise, who uses his power unjustly and arbitrarily, to the oppression of his subjects.”¹⁴ This analysis refers to a specific type of tyrant, one who is both an irredentist and a tyrant. For example, Adolf Hitler, Saddam Hussein, Benito Mussolini, Hirohito, and Vladimir Putin could all be classified as expansionist tyrants. British policy makers in the 1930s referred to these types of people as “Mad Dogs.”¹⁵ These “wild men” were considered “irrational” and “unchecked by democratic institutions.”¹⁶ However, non-democratic tyrants are not all tyrants and there are a number of democratic leaders who have been ravenously expansionist.¹⁷ The qualifying elements that makes these tyrants immune to diplomacy are their insatiable desire for expansion and their arbitrary oppression of human rights. Hitler, for example, was a “maniacal and innately insatiable” expansionist tyrant.¹⁸ Let’s now turn to some historic examples of both direct and tacit appeasement. It is not an exhaustive list. The examples are used to assist in understanding the concepts of appeasement.

¹³ U.N. Chart., art 33(1) obliges States to engage in diplomacy to pacifically resolve their disputes: “the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”

¹⁴ *Tyrant*, BLACK’S LAW DICTIONARY (11th ed. 2019).

¹⁵ Gaines Post Jr., *Mad Dogs and Englishmen: British Rearmament, Deterrence, and Appeasement, 1934-1935*, 14 ARMED FORCES AND SOC’Y 329, 332 (1988).

¹⁶ *Id.*

¹⁷ Deborah M. Weissman, *Rethinking the Humanitarian Project*, 35 Colum. HUM. RTS. L. REV. 259, 264 (2004).

¹⁸ Chivvis, *supra* note 11.

II. HISTORICAL ANALYSIS OF EPISODES OF APPEASEMENT

A. Direct Appeasement

Direct appeasement occurs when (1) an Aggressor State threatens or uses force against a Target State (2) followed by a Third-party State offering a concession to stave off the threat or future use of force which (3) is itself followed by the Aggressor State using force against the Target State anyway. Direct appeasement, unlike tacit appeasement, has an obvious element of intent. Without question, the Third-party Appeasing State intentionally offers some concession in the hope that it will satiate the Aggressor State into not acting on its threatened aggression. This element of intent raises the question if the Rescue Doctrine exists in International Law. The tort law Rescue Doctrine holds that if one person attempts to rescue another, the rescuer has a duty to do so responsibly (i.e. not negligently).¹⁹ This same logic from tort law should require Third-party Appeasing States to act responsibly when making concessions. Unfortunately, as the following historical examples demonstrate, Third-party Appeasing States do not appear to adhere to an obligation to rescue reasonably.

1. France and Britain Appeasing Germany in 1938

The *Munich Agreement* is the quintessential example of direct appeasement and its ineffectiveness. In September of 1938, Hitler demanded that Czechoslovakia cede a portion of Czechoslovak territory, known as the Sudetenland, to Germany because it was populated with German speaking people who supported Hitler.²⁰ Hitler threatened war if Czechoslovakia would not cede the Sudetenland.²¹ In an effort to stave off another world war,²² while economically weakened by the Great Depression,²³ Great Britain²⁴ and France attempted to appease Hitler by signing the *Munich Agreement*,²⁵ which authorized Germany to annex the Sudetenland in 1938.²⁶

The appeasers agreed that Hitler was unpredictable, but they argued that his aims would eventually clarify themselves and that patience and kindness would bring him to reason. When Hitler occupied Austria, British reaction to the Anschluss was that Great Britain ought not to risk a war for Austria. The German Government interpreted the British attitude to mean that it did not object to Germany dominating the Balkans and the Danube which was equivalent to granting German supremacy in Europe.²⁷

¹⁹ See *Samolyk v. Berthe*, 251 N.J. 73, 80 (N.J. 2022).

²⁰ MARGARET McMILLAN, *PARIS 1919: THE SIX MONTHS THAT CHANGED THE WORLD* 430 (2003).

²¹ *Id.*

²² Alberto Sbacchi, *1938: An Appraisal of the Diplomacy of Appeasement*, 46 RIVISTA DI STUDI POLITICI INTERNAZIONALI 569, 570 (1979).

²³ *Id.*

²⁴ The United Kingdom was also sympathetic to German complaints that the Treaty of Versailles, which ended World War I, was overly harsh. *Id.*

²⁵ HATHAWAY AND SHAPIRO, *supra* note 4, at 157.

²⁶ *Id.* at 158.

²⁷ Sbacchi, *supra* note 22, at 569.

Thus, UK Prime Minister Neville Chamberlain infamously declared that, with the signing of the *Munich Agreement*, there would be “[p]eace in our time!”²⁸ Notably, Czechoslovakia was not a party to the *Munich Agreement*. However, Czechoslovakia was unable to resist Germany’s territorial designs without British and French support.²⁹

Prior to the *Munich Agreement*, Hitler claimed his territorial desires would be satiated if Britain and France would allow him to occupy the Sudetenland.³⁰ Nevertheless, less than a year later, Hitler annexed the Czech-speaking part of Czechoslovakia in March of 1939.³¹ Slovakia became an independent satellite State of Germany.³² Many historians and international relations scholars argue that, because Britain and France appeased Hitler by not acting when he took the Czech-speaking part of Czechoslovakia, Hitler felt emboldened enough to take aggressive actions towards Poland and plunge the world into World War II.³³ However, some historians concede that WWII was likely unavoidable because Hitler was undeterrable but that Chamberlain pushing back would have saved the Allies time, lives, and effort.³⁴

Hitler is the archetypal example of an expansionist tyrant. His biggest goal was to expand Germany through the Nazi concept of *Lebensraum*,³⁵ meaning “living space” and referring to the Nazi desire to dominate Eastern Europe through the German “Aryan race.”³⁶ The problem with appeasement policy is that, by definition, insatiable expansionism cannot be satisfied with concessions. Thus, Hitler’s expansionist nature caused Britain and France’s attempt at diplomacy to turn into a failed policy of appeasement.

2. The United States Appeasing Iraq in 1989-1990

In a less well-known example, the U.S. attempted to appease Iraq in advance of its invasion of Kuwait in August 1990. The U.S. identified Iraq’s “meddling” in Lebanon and Iran as aggressive in National Security Directive 26 in 1989.³⁷ In April 1990, Hussein threatened to use chemical weapons against Israel in a speech to the Iraqi military where he said “by God, we will make fire eat up half of Israel.”³⁸ This threat, Iraq’s aggression against Iran in 1980, and Iraq’s later support of the Pro-Aoun Lebanese Army in the War of Liberation constituted enough of a threat of force to trigger the U.S. offering a concession of economic and political incentives.³⁹ The

²⁸ Photograph of Neville Chamberlain Making his “Peace in Our Time” Speech after Meeting Hitler in 1938, *in Europe’s Past Offers Insights into Present Day Diplomacy*, USC NEWS, (Nov.7, 2014), <https://news.usc.edu/70805/europes-past-offers-insights-into-present-diplomacy/>.

²⁹ HATHAWAY AND SHAPIRO, *supra* note 4, at 159.

³⁰ Daryl G. Press, *The Credibility of Power: Assessing Threats during the “Appeasement” Crises of the 1930s*, 29 INT’L SEC. 136, 136 (Winter 2004).

³¹ MCMILLAN, *supra* note 20, at 432.

³² Sbacchi, *supra* note 22, at 569.

³³ *See, e.g.*, Press, *supra* note 30, at 136. Britain and France also created a separate tacit appeasement by ignoring Hitler taking the Czech speaking part of Czechoslovakia.

³⁴ Norrin M. Ripsman & Jack S. Levy, *Wishful Thinking or Buying Time? The Logic of British Appeasement in the 1930s*, 33 INT’L SEC. 148, 149 (2008).

³⁵ Holger H. Herwig, *Geopolitik: Haushofer, Hitler and Lebensraum*, 22 J. STRATEGIC STUD. 218, 220 (2008).

³⁶ *Id.* at 232.

³⁷ Off. of the President, National Security Directive 26 at 4 (Oct. 2, 1989) [hereinafter NSD 26]. NSD 26 is likely referring to the War of Liberation. *See* ROCK, *supra* note 9, at 107.

³⁸ ROCK, *supra* note 9, at 109.

³⁹ NSD 26, *supra* note 37, at 1; *see also* ROCK, *supra* note 10, at 107.

U.S. was also concerned about Iraq's use of chemical weapons against the Kurds and its active nuclear program.⁴⁰

Saddam Hussein, the President of Iraq at the time, can easily be classified as an expansionist tyrant. A member of the U.S. State Department's policy planning staff, Zalmay Khailzad, produced a memorandum arguing that Iraq represented the main threat to peace in the Persian Gulf region and that the U.S. should try to confront Iraq.⁴¹ However, the Bush administration ignored his recommendation entirely.⁴² Hussein's goal in invading Kuwait was to acquire oil and expand Iraqi power across the Middle East. He was an irredentist, as he claimed he wanted to recover a former Iraqi province he believed to be illegitimately severed from Iraq by colonial powers. The presence of an irredentist tyrant is the most important factor in the appeasement analysis. Scholars criticized Hussein for being a "man of immense and grandiose ambitions and profound and foolish mistakes, mistakes that led to his death by hanging."⁴³ The Lowly Institute even called Hussein a "murderous tyrant who defied several U.N. resolutions."⁴⁴ Hussein lived up to these tyrannical characterizations when Iraq became so belligerent that it invaded Kuwait in August of 1990.⁴⁵ These appeasement efforts not only failed to improve U.S. influence in Iraq, they actually turned Hussein against the U.S..⁴⁶ Assistant Secretary of State John Kelly referred to the situation as the "spring of bad behavior."⁴⁷ Just three days before Hussein began to mobilize against Kuwait, Hussein reacted to the U.S.'s appeasement in a speech where he said "the imperialists have chosen to wage an economic guerrilla war with the help of those agents of imperialism, the Gulf States...we will have no choice but to resort to effective action to put things right and ensure the restitution of our rights."⁴⁸

The U.S. attempted to appease Iraq by offering a concession of economic and political incentives. The U.S. objective in this appeasement was to disincentivize human rights violations in Iraq and otherwise increase U.S. influence in the Middle East.⁴⁹ President George H. W. Bush approved \$1 billion in Commodity Credit Corporation loan guarantees to Iraq.⁵⁰ The U.S. appeasement efforts specifically targeted Hussein as an individual.⁵¹ According to then-National Security Advisor Brent Scowcroft, the U.S. goal in appeasing Hussein was "to make this guy a reasonably responsible member of the international community."⁵² Therefore, Saddam Hussein's undeterrable desire to expand Iraqi influence inhibited the success of U.S. diplomacy, causing President Bush's incentives to fail.

⁴⁰ Note that the U.S. also supported Iraq during the Iraq-Iran War which could be a separate direct appeasement as well. See ROCK, *supra* note 9, at 108.

⁴¹ ROCK, *supra* note 9, at 107.

⁴² *Id.*

⁴³ Linda Wertheimer, *The Life and Death of a Tyrant*, NPR (Dec. 30, 2006, 8:00 AM), <https://www.npr.org/templates/story/story.php?storyId=6700138>.

⁴⁴ Tom Switzer, *Saddam was a tyrant, but war was wrong*, LOWLY INST. (Mar. 15, 2022), <https://www.lowlyinstitute.org/the-interpreter/saddam-tyrant-war-was-wrong>

⁴⁵ JOHNATHAN MERCER, REPUTATION AND INTERNATIONAL POLITICS 227 (2010).

⁴⁶ ROCK, *supra* note 9, at 103.

⁴⁷ MERCER, *supra* note 45, at 227.

⁴⁸ ROCK, *supra* note 9, at 110.

⁴⁹ *Id.* at 108.

⁵⁰ *Id.*

⁵¹ *Id.* at 103.

⁵² Brent Scowcroft, quoted in *Washington Post*, 16 July 1991.

B. Tacit Appeasement

Tacit appeasement occurs when (1) an Aggressor State threatens or uses force against a Target State; (2) the Target State requests help from the international community; (3) that request is ignored by a Third-party Appeasing State; (4) leaving the Aggressor State free to use additional force against the Target State and beyond.

To distinguish a tacit Appeasing State from one merely following the law, there must be a subjective element of the State choosing not to act out of fear or in order to accomplish some goal.⁵³ If the Third-party State has a security relationship with the Target State, ignoring aggression against the Target State would constitute that Third-party State's tacit appeasement. Furthermore, if the Third-party State has vowed to protect international human rights or any other commitment to certain principles, the subsequent failure to do so would be strong evidence of a tacit appeasement. The historical episodes discussed below involve a specific failure to respond to a Target State's request for assistance.

Tacit appeasement assumes a State's international duty to act based on some specific relationship because it occurs in the face of a Third-party State's failure to act. One of international law's core principles is non-intervention in another State's sovereignty.⁵⁴ This principle suggests that there is not a duty to act with respect to the interests of another State. However, specific obligations can create a duty to act such as treaty obligations, commitments to certain principles, or requests for assistance.

Additionally, the World Summit Outcome said, "the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means . . . to help protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity."⁵⁵ This responsibility is commonly known as the Responsibility to Protect ("R2P"). While R2P was aimed at protecting civilians instead of State sovereignty, its logic reflects a notion of international responsibility to combat tyrants.⁵⁶ R2P coupled with a Target State's request for help creates an international duty to aid a Target State when it is subject to the use of force by an expansionist tyrant.

1. Italy invading Ethiopia in 1935

Italy's invasion of Ethiopia in 1935 and its aftermath offers an example of tacit appeasement. Prior to the Italo-Ethiopian War, Italy and Ethiopia entered and reneged upon a series of treaties.⁵⁷ In 1923, Ethiopia asked to be admitted to the League of Nations "to safeguard its independence and sovereignty."⁵⁸ This was Ethiopia's cry for help to the international community, creating the necessary relationship that could trigger a tacit appeasement. After the League of

⁵³ If a State has a motivation or subjective goal in not acting when a State commits aggression against another State, the State is more likely to be a tacit appeaser. Prior to WWII, there was a strong international desire to avoid another World War. This could create an incentive for a State to ignore aggression because it fears the possible retaliation of war from the Aggressor State against it. Another possible incentive for tacit appeasement is concern for resources such as oil, natural gas, and other petroleum products.

⁵⁴ U.N. Charter, art. 2(7).

⁵⁵ G.A. Res. 3314, *supra* note 1, at 2.

⁵⁶ *Id.*

⁵⁷ W.B. Stern, *The Treaty Background of the Italo-Ethiopian Dispute*, 30 AM. J. INT'L. L. 189, 196 (Apr. 1936).

⁵⁸ *Id.* at 199.

Nations admitted Ethiopia, Great Britain and Italy still threatened Ethiopia's sovereignty.⁵⁹ Because the League of Nations was based on ideals of collective security, the League of Nations should have assisted Ethiopia when Italy invaded it in 1935. Italy's use of force against Ethiopia triggered the appeasement cycle. Ultimately, the League of Nations appeased Italy by failing to respond to Ethiopia's request for assistance.

In 1935, Italy invaded Ethiopia.⁶⁰ With Ethiopian Emperor Haile Selassie driven into exile, this invasion "tested the capacity and will of the League of Nations to check the aggression of expansionist States."⁶¹ The League of Nations, of which both Italy and Ethiopia were members, voted to condemn the war. However, the League of Nations appeased Italy because this vote constituted nothing more than a verbal assertion.⁶² Mussolini even joked about the League of Nations' lack of an impactful response by saying "the League is very well when sparrows shout, but no good at all when eagles fall out."⁶³ This comment shows Mussolini interpreted the League of Nations' failure to act as an appeasement because he knew the League of Nations did not have the means or desire to stop him.

Emperor Haile Selassie pleaded to the League of Nations for assistance, saying "It is us today, it will be you tomorrow."⁶⁴ Regardless, the League of Nations did nothing more out of the hope that colonial holdings would satiate Mussolini into not allying with Hitler.⁶⁵ The concession was the League of Nations' failure to protect Ethiopia from Italy. The League of Nations' goal in this concession was to prevent Italy from leaving the League of Nations and allying with Germany. However, Italy withdrew from the League of Nations in 1937.⁶⁶ On May 22, 1939, Germany and Italy signed the *Pact of Steel*.⁶⁷ Thus, the appeasement failed as Germany and Italy's new alliance enhanced the future threat of force against the international community. Italy and Germany committed the second use of force in the cycle by subsequently invading Greece.⁶⁸

The League of Nations' tacit appeasement of Italy failed to satisfy Mussolini because he was also an expansionist tyrant.⁶⁹ Like Hitler and Putin, Mussolini was an irredentist; "Mussolini stoked the seeds of discontent by promising to revive the great days of the Roman empire which he insisted could be replicated under his rule."⁷⁰

Mussolini could only achieve his dream through a hosts of 'ifs' - if France and Britain appeased him . . . if Nazi Germany threatened Mussolini's common

⁵⁹ *Id.* at 201.

⁶⁰ *Fascist Italy Invades Ethiopia*, FOREIGN AFF. (Aug. 21, 2022), <https://www.foreignaffairs.com/lists/fascist-italy-invades-ethiopia>.

⁶¹ *Id.*

⁶² *Id.*

⁶³ Tatah Mentan, THE UNITED NATIONS ORGANIZATION: (IN)SECURING GLOBAL PEACE AND SECURITY, 329 (2020).

⁶⁴ Haile Selassie I, Emperor of Ethiopia, *Speech by His Majesty Haile Selassie I, Emperor of Ethiopia, at the Assembly of the League of Nations, at the Session of June–July*, (June 6, 1930), https://www.loc.gov/resource/gdcwdl.wdl_11602/?sp=3&r=-0.538,-0.036,2.076,1.507,0.

⁶⁵ Ripsman & Levy, *supra* note 34, at 157.

⁶⁶ Maggie Clinton, *Ends of the Universal: The League of Nations and Chinese Fascism on the Eve of World War II*, 48 MOD. ASIAN STUD. 1740, 1741 (2014).

⁶⁷ *Id.*

⁶⁸ Lida Santarelli, *Muted Violence: Italian War Crimes in Occupied Greece*, 9 J. MOD. ITALIAN STUD. 280, 285 (2004).

⁶⁹ Stephen Gundle, *Mussolini between Hero Worship and Demystification: Exemplary Anecdotes, Petite Histoire, and the Problem of Humanization*, 64 COMPARATIVE STUD. SOC'Y & HIST. 122, 149 (2022).

⁷⁰ Elizabeth Gingerich, *The Return of Mussolini: The Rise of Modern Day Tyranny*, 15 J. VALUES BASED LEADERSHIP 1, 252 (2021).

enemies, if the so-called international community, like the League of Nations, failed to deter him, and if ultimately Germany won World War II.⁷¹

For a brief period, Mussolini's irredentist dream came true due to his insatiable expansionism and the League of Nations' tacit appeasement. The League of Nations' concession in failing to act did not prevent Italy from signing the *Pact of Steel* because Mussolini was not satisfied with taking Ethiopia; his "dream" would only have been satisfied with Italy's expansion to territorial breadth of the Roman Empire.⁷²

2. Japanese Conquests of Manchuria in 1931

Japan's invasion and conquest of Manchuria in 1931 offers another example of tacit appeasement. Before 1930, The Republic of China controlled Manchuria. However, at that time, China was suffering from political instability.⁷³ The Empire of Japan invaded Manchuria in September of 1931 to take Manchuria's raw materials.⁷⁴ Japan's invasion of Manchuria inaugurated an appeasement cycle. Japan established the puppet State of Manchukuo between Japanese occupied Korea and the Soviet Union.⁷⁵ Japan even installed Emperor Puyi as a pro-Japanese puppet leader.⁷⁶ China, like Ethiopia, was a member of the League of Nations.⁷⁷ China appealed to the League of Nations for assistance against Japan's invasion.⁷⁸ In its appeal, the Chinese government discussed every failed diplomatic measure it had taken towards Japan.⁷⁹ The appeal tells the League of Nations that "Japan has violated the fundamental principles of the Covenant of the League of Nations."⁸⁰ As a result, China had to rely on the League's collective security arrangement to stop Japan from "disturbing the peace of the Far East."⁸¹ While this relationship charged the League with a responsibility to protect its member, the League acted as tacit appeaser as one of its major members, Japan, was using force against China.

The League of Nations responded by creating the Lytton Commission "to investigate the situation."⁸² The commission ultimately decided that "Japan's Kwantung Army had acted belligerently, and that China had stronger historical claims to Manchuria than did Japan."⁸³ The League could not agree on whether to impose sanctions or even a ban on weapons sales to Japan.⁸⁴ While the U.S. adopted a policy of non-recognition of Japan's control over Manchuria, the U.S.

⁷¹ Victor Davis Hanson, *Vladimir Putin, the Latest of the Failed Irredentists*, THE INDEP. INST. (Mar. 7, 2022), <https://www.independent.org/news/article.asp?id=14059>.

⁷² *Id.*

⁷³ The Warlord Era took place in China from 1916-1928. The Warlord Era refers to a period when China was divided among former military cliques of the Beiyang Army and other regional factions. The era was characterized by constant civil war between these factions. See MAO MIN, *THE REVIVAL OF CHINA*, VOL. 1 126 (2017).

⁷⁴ Clinton, *supra* note 66, at 1741.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.* at 1742.

⁷⁹ Chinese Government, *Manchuria Appeal of the Chinese Government to the League of Nations*, (Aug. 30, 1937), https://www.johndclare.net/league_of_nations6_chinadoc.htm.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² Clinton, *supra* note 66, at 1748 (2014).

⁸³ *Id.*

⁸⁴ *Id.*

and Soviet Union otherwise ignored the invasion.⁸⁵ President Hoover approved moral sanctions against Japan but refused economic and military sanctions because of the *Kellogg-Briand Pact* and domestic concerns with the Great Depression.⁸⁶ The League of Nations, the U.S., and the Soviet Union all feared Japan joining forces with Germany and Italy.⁸⁷ Much like the previous example, the League of Nations faced a choice of protecting China or satisfying Japanese desires in the hope that Japan would not ally with Germany or Italy. Nevertheless, in response to the Lytton Commission, Japan withdrew from the League of Nations in March of 1933.⁸⁸ The Axis Powers were born when Germany, Italy, and Japan signed *the Tripartite Pact* in September of 1940.⁸⁹ The creation of the Axis Powers represents a new threat of force as well as the ultimate failure of the League of Nations' appeasement policies. Japan expanded its scope of force by simultaneously invading Indochina in 1940⁹⁰ and subsequently invading the Dutch East Indies⁹¹ and British Malaya in 1941.⁹² Japan's continued use of force completes the appeasement cycle.

While it was unclear who was really leading Japan, Emperor Hirohito or General Hideki Tojo, both men fit into the expansionist tyrant framework. A 1934 film depicts Emperor Hirohito as "an absolutist monarch and tyrant and his people as sheepish followers."⁹³ The video says, "to the people of Japan, Emperor Hirohito is a God."⁹⁴ Japanese people were expected and encouraged to die for the sake of the Japanese State. General Tojo was tried for his war crimes in 1946 at the International Military Tribunal for the Far East.⁹⁵ Under his command, millions of civilians and prisoners of war suffered or died from experiments, starvation and forced labor.⁹⁶ Both men were also guided by strong expansionist beliefs. Hirohito pioneered expansionism through a core doctrine called *hakkō ichiu*, which means "unifying every corner of the world under one roof."⁹⁷ The goal was to expand the "Yamato race worldwide."⁹⁸ Diplomatic efforts would not have worked because both Hirohito and Tojo were expansionist tyrants. Therefore, the international community's moral sanctions were not enough to inhibit Japan from joining the Axis Powers.

⁸⁵ HATHAWAY AND SHAPIRO, *supra* note 4, at 168.

⁸⁶ *Id.*

⁸⁷ Clinton, *supra* note 66, at 1748 (2014).

⁸⁸ *Id.*

⁸⁹ Jeremy A. Yellen, *Into the Tiger's Den: Japan and the Tripartite Pact*, 1940, 31 J. CONTEMP. HIST. 555, 555 (Jul. 2016).

⁹⁰ John E. Dreifort, *Japan's Advance into Indochina, 1940: The French Response*, 13 J. SE. ASIAN STUD. 279, 280 (1982).

⁹¹ H.J. VAN MOOK, *THE NETHERLANDS, INDIES, AND JAPAN: THEIR RELATIONS, 1940-1941* 2 (2010).

⁹² Cheah Boon Kheng, *The Japanese Occupation of Malaya, 1941-45: Ibrahim Yaacob and the Struggle for Indonesia Raya*, 28 CORNELL UNIV. PRESS 85, 95 (1979).

⁹³ *Propaganda Film*, DV ARCHIVE RETRO FOOTAGE BETA (1943), <https://www.dvarchive.com/930-4025-emperor-hirohito-is-depicted-as-an-absolutist-monarch-and-tyrant-and-his-people-as-sheepish-followers-in-this-1943-propaganda.html>.

⁹⁴ *Id.*

⁹⁵ David Nelson Sutton, *The Trial of Tojo: The Most Important Trial in All History?*, 36 AM. BAR ASS'N J. 93, 96 (1950).

⁹⁶ Livia Albeck-Ripka and Hikari Hida, *Where Did Hideki Tojo's Body Go After His Execution? A Mystery is Solved*, THE NEW YORK TIMES (June 16, 2021), <https://www.nytimes.com/2021/06/16/world/asia/japan-tojo-remains.html>.

⁹⁷ Eiichiro Azuma, *Pioneers of Overseas Japanese Development: Japanese American History and the Making of Expansionist Orthodoxy in Imperial Japan*, 67 J. ASIAN STUD. 1187, 1203 (2008).

⁹⁸ *Id.*

III. PRESENT DAY APPLICATION TO RUSSIA

A historical analysis of episodes of appeasement policy shows that appeasing an expansionist tyrant does not work. Putin is an expansionist tyrant. He believes any former Soviet Republics belong to the new Russian empire.⁹⁹ His irredentist goals drove him to invade Georgia, Crimea, and Eastern Ukraine.¹⁰⁰ However, policymakers do not have to turn to history to understand that appeasing Putin will not work. The international community has already failed to appease Putin twice before. Georgia and Ukraine both asked for help from the international community through the U.N., so the international community's failure to respond constitutes a tacit appeasement.¹⁰¹

First, the international community failed at appeasing Putin when Russia invaded Georgia in 2008. Russia invaded Georgia under the pretense of Georgian aggression in South Ossetia and Abkhazia.¹⁰² Russia's use of force against Georgia triggered the appeasement cycle. Russia accused Georgia of committing genocide against South Ossetians, consistently referring to it as a "peace enforcement."¹⁰³ The President of Georgia sent a letter to the U.N. Security Council asking for help against Russia's invasion "which threatened the independence, sovereignty and territorial integrity of Georgia."¹⁰⁴ Georgia's cry for help created the U.N. international duty to assist. Russia argued that the invasion was justified under R2P.¹⁰⁵ In reality, Russia likely invaded Georgia to establish military protectorates in South Ossetia, maintain Russia's sphere of influence in the Caucasus region, create a stronger barrier against NATO, and establish a claim towards resources in the region.¹⁰⁶ French President Nicolas Sarkozy brokered a peace agreement between Georgia and Russia.¹⁰⁷ Otherwise, the international community employed a tacit appeasement by ignoring Russia's actions in Georgia, likely due to resource concerns. As a result, Russia did not withdraw forces from Georgia until October of 2008 while continuing to displace people in Abkhazia and South Ossetia.¹⁰⁸ Russia's continuation of force in Georgia constituted the second use of force in the appeasement cycle. In June 2022, the International Criminal Court finally issued arrest warrants for three Russian nationals' alleged war crimes in Georgia.¹⁰⁹ These arrest warrants, issued fourteen years after Russia's use of force against Georgia, marked the first real action from the international community against Russia despite its blatant use of force against Georgia.

⁹⁹ Hanson, *supra* note 71.

¹⁰⁰ *Id.*

¹⁰¹ G.A. Res. 3314, *supra* note 1, at 2; Permanent Rep. of Georgia to the U.N., Letter dated August 8, 2008 from the Permanent Rep. of Georgia to the United Nations addressed to the President of the Security Council, U.N. Doc. S/2008/536 (Aug. 8, 2008) [hereinafter Georgia Letter]; United Nations Meeting Coverage Security Council, *Ukraine, in Emergency Meeting, Calls on Security Council to Stop Military Intervention by Russian Federation*, (Mar. 1, 2014), <https://press.un.org/en/2014/sc11302.doc.htm>.

¹⁰² Antony J. Blinken, *Anniversary of the Russian Invasion of Georgia*, Press Statement from U.S. DEP'T OF STATE (Aug. 7, 2022), <https://www.State.gov/anniversary-of-the-russian-invasion-of-georgia/>.

¹⁰³ Roy Allison, *Russia Resurgent? Moscow's Campaign to 'Coerce Georgia to Peace'*, 84 INT'L AFF. 1145, 1155 (2008).

¹⁰⁴ Georgia Letter, *supra* note 101.

¹⁰⁵ Allison, *supra* note 103, at 1152; see G.A. Res. 3314, *supra* note 1, at 2.

¹⁰⁶ Allison, *supra* note 103, at 1152.

¹⁰⁷ Protocol on Agreement (The Medvedev-Sarkozy-Saakashvili Plan), Dec. 8, 2008, <https://www.peaceagreements.org/view/724>.

¹⁰⁸ Blinken, *supra* note 102.

¹⁰⁹ International Criminal Court Press Release, *Situation in Georgia: ICC Pre-trial Chamber Delivers Three Arrest Warrant*, (June 30, 2022), <https://www.icc-cpi.int/news/situation-georgia-icc-pre-trial-chamber-delivers-three-arrest-warrants>.

The lack of a reaction from the international community likely emboldened Putin to invade Ukraine in 2014. In 2014, Russia annexed Crimea because Putin claimed a need to protect the rights of “Russian citizens” in Crimea and southeast Ukraine.¹¹⁰ Russia’s use of force against Ukraine began a new appeasement cycle. In 2014, Ukraine asked the Security Council for help against Russia, creating the necessary relationship for tacit appeasement.¹¹¹ Again, Putin cited R2P in order to further his irredentist goals of reuniting the Russian empire.¹¹² In reality, Putin feared NATO and further Western influence in Ukraine. When the former President of Ukraine, pro-Russian President Viktor Yanukovich, was removed from office, Russia and the West’s relationship plunged to its worst point since the Cold War.¹¹³

The international community mediated *the Minsk Accords*, a ceasefire, with the first agreement taking place in late 2014 and the second in February of 2015.¹¹⁴ However, the ceasefire was largely unsuccessful, as fighting continued to take place throughout the region.¹¹⁵ Since the ceasefire, Russia conducted numerous cyberattacks on Ukraine’s critical infrastructure. The international community did nothing.¹¹⁶ Russia’s cyberattacks constituted the second inevitable use of force before the cycle restarts. This represents the second failed appeasement of Russia.

On February 24, 2022, Russia invaded Ukraine, launching a full-scale war between the two States. The appeasement cycle continues. As evident from the failures of both historical episodes of appeasement and more recent attempts at appeasing Putin, neither direct nor tacit appeasement will satiate Putin. Tensions are rising with NATO neighbors, but the same fear of aggression pervades the international community that pervaded it prior to WWII. For example, NATO members are hesitant to act against Russia even when Russia likely struck Poland with missiles.¹¹⁷ Regardless, Ukraine has asked the U.N. Security Council for help against Russia twice since 2014.¹¹⁸ If the international community fails to respond to this request, it will constitute another tacit appeasement of Putin. Ukrainian President Zelensky warned the U.N. that if the international community fails to act in 2022 as it failed in 2014, “countries will rely not on international law or global institutions to ensure security, but rather, on the power of their own arms.”¹¹⁹

Even with knowledge of historical episodes of appeasement, scholars still differ on how to deal with Putin today. *The Cato Institute* says, “Putin is not Hitler and peace in Europe is worth making a deal with Russia.”¹²⁰ *The Cato Institute* recognizes:

¹¹⁰ The Center for Preventative Action, *Conflict in Ukraine*, (Sept. 12, 2022), <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine>.

¹¹¹ United Nations Meeting Coverage Security Council, *supra* note 101.

¹¹² The Center for Preventative Action, *supra* note 110; see G.A. Res. 3314, *supra* note 1, at 2.

¹¹³ John J. Mearsheimer, *Why the Ukraine Crisis is the West’s Fault*, 93 FOREIGN AFF., 77, 77 (2014). While the true extent of the U.S. involvement in removing President Yanukovich is unclear, Putin was convinced that the U.S. caused the protests leading to his flight.

¹¹⁴ The Center for Preventative Action, *supra* note 110.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ This hesitation is likely due to fear of further aggression and concern about the global energy and resource market. These motivations incentivize tacit appeasement. Andrew Higgins, *Missiles for Poland Raise Questions on NATO Stance in Ukraine War*, THE NEW YORK TIMES (Nov. 23, 2022), www.nytimes.com/2022/11/23/world/europe/ukraine-germany-poland-patriot-missiles.html.

¹¹⁸ United Nations News, *Ukraine’s President calls on Security Council to Act for Peace, or ‘Dissolve’ Itself*, (Apr. 5, 2022), <https://news.un.org/en/story/2022/04/1115632>.

¹¹⁹ *Id.*

¹²⁰ Doug Bandow, *Appeasement for a Good Cause*, THE CATO INST. (Feb. 3, 2022), <https://www.cato.org/commentary/appeasement-good-cause>.

“Putin still might not be appeasable, but the only way to know is to try. The lack of a deal risks an armed attack on Ukraine, broader frozen conflict with Moscow, disruptive sanctions on Russia, U.S. military buildup in Europe, and increased cooperation between Moscow and Beijing. Surely a little appeasement would be worth the effort.”

Similarly, Syracuse University Professor Allan Allport argues that policy makers should not act in fear of repeating Munich:

[The argument against appeasement] implies that the latest antagonist, whomsoever that might be — Saddam Hussein, Bashar al-Assad, Mahmoud Ahmadinejad, Vladimir Putin — is the new Hitler: a mad dog, insatiable in his murderous demands, representing an urgent existential threat to western life. It implies that anyone foolish and unworldly enough to try to meet such a monster half-way is the new Chamberlain, complete with grey hair, starched wing collars, and the look of a baffled, rather put-upon clerk. Perhaps most important of all, it implies that the speaker is the new Churchill – the indefatigable defender of liberal democracy who can see through the facile temptations of appeasement. The Munich analogy conveniently demonizes, tarnishes, and flatters.¹²¹

If there is a duty of international law to assist a State when the State asks for help, how should the international community deal with a tyrant that will not negotiate?¹²² Other scholars argue that advocates of appeasement are unaware of the historical underpinnings to the Russian invasion.¹²³ They “ignore the fact that imperial Russia ha[s] been oppressing Ukraine and other neighbors for centuries before NATO existed . . . the Kremlin’s current aggression fits a culturally well-embedded script that has little to do with the actions of the West.”¹²⁴ Taking into account Russian history, appeasement will fail because Putin does not recognize Ukraine’s agency. Putin sees Ukrainians as either “Little Russians” or “irredeemable fascists.”¹²⁵ He will not stop until his irredentist goals of reuniting the Soviet Union are fulfilled. Even if Putin could be appeased by taking Ukraine, it would still condemn millions of Ukrainians to both physical and cultural death.¹²⁶

History tells us that appeasing Putin will fail, so perhaps it can also tell us what will succeed. The Ogaden War provides an example of an alternative to appeasement. Somalia, the Aggressor State, invaded Ethiopia, the Target State, over the Ogaden region in 1977.¹²⁷ Somalia

¹²¹ Allan Allport, *What We Get Wrong About Appeasement*, UNHEARD (Mar. 30, 2022), <https://unherd.com/2022/03/what-we-get-wrong-about-appeasement/>.

¹²² See G.A. Res. 3314, *supra* note 1, at 2.

¹²³ Dennis Soltys, *Appeasement is the Worst Possible Policy for both Ukraine and Russia*, THE ATLANTIC COUNCIL (May 21, 2022), <https://www.atlanticcouncil.org/blogs/ukrainealert/appeasement-is-the-worst-possible-policy-for-both-ukraine-and-russia/>.

¹²⁴ *Id.*

¹²⁵ Alexey Kovalev, *Russia’s Brutal Honesty Has Destroyed the West’s Appeasers*, FOREIGN POL’Y (Aug. 12, 2022), <https://foreignpolicy.com/2022/08/12/russia-ukraine-war-crimes-genocide-appeasement-mearsheimer-putin/>.

¹²⁶ *Id.*

¹²⁷ Gebru Tareke, *The Ethiopia-Somalia War of 1977 Revisited*, 33 INT’L J. AFR. HIST’L STUD. 635, 635 (2000).

was also led by an expansionist tyrant, Siad Barre.¹²⁸ The Soviet Union, which previously supported Somalia, disapproved of Somalia invading Ethiopia.¹²⁹ These facts could have given rise to appeasement. While the Soviet Union could have acted as a Third-party Appeasing State, it chose the alternative: to withdraw its support of Somalia and provide aid to Ethiopia.¹³⁰ With the assistance of the Soviet Union, Ethiopia eventually won the Ogaden War.¹³¹ When a tyrant is undeterrable, perhaps the best action a Third-party intervening State can take is to support the Target State.

IV. CONCLUSION

When dealing with expansionist tyrants such as Putin, Hitler, or Hussein, among others, a policy of appeasement will most likely fail. However, this does not mean a State should forgo diplomacy entirely. Diplomatic means such as incentives and sanctions, both moral and economic, are important and viable means of global persuasion. The world has changed since 1945, current States can and have confronted Putin with global financial and commercial sanctions, asymmetrical weapons that can nullify tanks, planes, and helicopters, global cooperation, and “a new ability to inflict international psychological and cultural ostracism.”¹³² Diplomacy only fails when it becomes appeasement.

Ukraine has asked for help twice against Russia. The international community’s failure to respond to that request would constitute the third appeasement of Putin, but it likely would not be the last. Appeasement policy has failed historically, and it will fail if employed against Putin today. Therefore, western policymakers need to acknowledge Putin’s position as an expansionist tyrant and take that fact into consideration in preventing his future aggression against Ukraine and hold him accountable for his aggression and subsequent international crimes. If the international community fails in holding Putin and his henchmen accountable for his aggression in Ukraine, then the concept of appeasement wins and other tyrants around the world will act. Democracies should not shy away from appropriate use of lawful force to face down tyranny.¹³³

¹²⁸ Abdul Ahmed III, *Brothers in Arms Part I*, WARDHEER NEWS (Oct. 29, 2011), https://web.archive.org/web/20120503221634/http://www.wardheernews.com/Articles_2011/Oct/29_Brothers_in_Army_abdul.pdf.

¹²⁹ Gebru Tareke, *supra* note 127, at 655.

¹³⁰ *Id.* at 655.

¹³¹ *Id.* at 661.

¹³² Hanson, *supra* note 71.

¹³³ The ICJ in *Nicaragua* established the legality of collective self-defense when the victim state (Target State) declares an armed attack has occurred on its territory. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America). Merits, Judgment. I.C.J. Reports 1986, p. 14, ¶194-95. Armed attack is defined as “the sending by a State of armed bands to the territory of another State, if such an operation, because of its scale and effects, would have been classified as an armed attack rather than as a mere frontier incident had it been carried out by regular armed forces”. *Id.* Ukraine is undoubtedly a victim state of an armed attack, Russia’s full-fledged invasion and crime of aggression. Necessary and proportionate collective self-defense of Ukraine against Russia’s invasion, by the world’s democracies, is a lawful use of force.